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Unaccountable: Surreal Life in California's Mental Health Courts

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UNACCOUNTABLE: SURREAL LIFE IN CALIFORNIA'S MENTAL HEALTH COURTS

Jessica Cooper

A DISSERTATION

PRESENTED TO THE FACULTY

OF PRINCETON UNIVERSITY

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OF DOCTOR OF PHILOSOPHY

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Abstract

Set against the backdrop of an American era of mass incarceration and absent social services, this dissertation examines how judges, attorneys, clinicians, and clients come to care for one another and reimagine justice in California's mental health courts. I draw on two years of fieldwork in mental health courts in the San Francisco Bay Area – innovative criminal courtrooms that aspire to release their mentally-ill and homeless clients from jail and provide them mental health care through the court – to examine the ethical, affective, and political stakes of encounters between professionals and clients. While relationships between professionals and clients are imagined to be spaces in which clients can be held accountable, I suggest that the longstanding nature of these relationships entails affective engagements that exceed the terms of accountability that the law asks them to negotiate and pursue. Relationships of care inaugurated in mental health courts accommodate profound ambiguity and uncertainty and, in so doing, undermine the work of individuation on which the assignment of responsibility depends. I describe adjudication under these circumstances as surreal, in that incommensurable meanings are occasioned by care and are unaccountable to the ordering logic of reason.

My dissertation unfolds in three parts. In Part One, I situate mental health courts' turn to care as an attempt to redress the injustices of mass incarceration and deinstitutionalization. Engaging the experiences of clients and professionals who attempt to call upon accountability as a means to justice only to discover their calls unanswered, I suggest that an ethics of accountability presumes a degree of systematicity, control, and coherence that is not empirically warranted within mental health courts. Parts Two and Three trace the social circulation of psychic phenomena that are typically understood as centered on the subject – dissociation and trauma – to demonstrate the courts' destabilization of categories upon which ethics of accountability rely and reveal alternative ethics unaccountable to reason. I show how dissociated meanings overflow individuation and how trauma flows through and sustains social relations without demanding individuation as a precondition for ethics.

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At this moment, having just finished writing one, a dissertation strikes me as a funny sort of object. As I scour the pages for typos and other small corrections, this project, on which I have now spent six years, feels quite foreign – a familiar strange, in textual form. Lisa, in a meeting a few months back, read aloud a few sentences of my draft to show me where I was being tautological or vague and I had to stop her, just for a moment. "It is really very bizarre," I said to her, "to hear you reading aloud something that I've written." To me, at that time, and still now, to a large extent, those words felt to me more like thoughts than text, even though I had gone through the process of writing them, and editing them, and then sending the file to Lisa, and there we were – she could look down at the page and read my thoughts back to me. This continued to happen throughout the next months of meetings, and although I stopped interrupting, it felt uncanny to me each time around, to find my thoughts outside of myself, to hear words that were mine, but not mine alone. I find myself thinking of Deleuze's description of "a speech act with many heads." I know Deleuze to have written those words, but the phrase points me, instead, to Lisa's invocation of Stefania Pandolfo's invocation of the phrase, to describe their practice of writing remembered dialogue in italics so as to gesture plural authorship. This funny object of a dissertation: in some sense, it could be written in all italics.

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Attempts at Control and All That Escapes from an American Mental Health Court," published in *Cultural Anthropology* 33(1): 85-108.

And to Devon: you have been shaping what would become this project before I even had a hint of what it would be. You have applied your keen editorial skills, you have brainstormed, you have encouraged, you have pushed me into seeing something better when I could not on my own. This project could not have unfolded as it did without you. One day, at court, Harriet was beside herself, devastated that the court had suggested that she go to yet another homeless shelter that would not allow her to bring her mother or her cats, and so she was refusing to go, meaning that she had nowhere to go. I was struggling to understand, trying to get her to think of a way in which she could both stay at the shelter for a while and continue to see her mother and the cats, even if they were not living with her. She stopped me, through her tears, "Jessica, how would you feel if someone told you that you had to live apart from your little family?" At this moment of reflection and gratitude, I know that I could not have fathomed what my interlocutors were telling me about the necessity and fulfillment and frustrations of care without caring about someone myself, so very much.

Prologue: Fantasies of Intention

The judge had hung up his robe, having descended the courtroom bench in order to take a break for lunch, a lunch break during which he declined to eat and instead took a meeting with me in his chambers. We had been speaking for close to an hour already, the judge giving me background on the cases that I had seen during his morning's hearing, passing me drawings, poems, raps, notes that the people whose cases he processed had sent him and that he had amassed in piles around his desk. I had introduced myself, extended my hand for a shake, and had taken a seat on the couch across from the judge's desk, but I had yet to ask a question. This was at the beginning of things, before we had come to know each other very much at all. I sensed an opening, as the judge quieted while moving over to a second, heavy desk cluttered with papers in pursuit of a mix tape that someone had sent him after being released from jail. Mine was a question to which I thought that I already had an idea of an answer, but I wanted to hear what the judge would say.

"So, tell me, Judge Manley, how would you describe what it is that your court" – the Santa Clara County Mental Health Court – "does differently than other criminal courtrooms?"

The judge sauntered back to his leather chair, waving his arms at the other desk to indicate the end of his unsuccessful mission in search of the disc. "Well, Jessica, we've got a problem here. Thousands of people are going to jail here in Santa Clara County who shouldn't be. They've gotten in trouble for one reason or another. But the bigger problem is that they're struggling. They're mentally ill. They're homeless. They've got problems. In

getting caught up with the criminal justice system, their problems become our problems. Jail isn't fixing those problems – they come out, they're still psychotic, they're still poor – so you know what happens next, they get rearrested and the whole thing goes on and on and on. We're trying to solve those other problems here. So people come here, their cases get sent here, and they might have to stay in jail a spell while we work out a plan, but my team – you saw them out there, in the courtroom – my team of psychologists and attorneys puts together a plan to get people mental health care. We get people out of jail and give them this plan and then monitor them to make sure that they're following through on the plan we've put together. The idea is to get people out of jail and into treatment: that's what we do."

His eye had wandered, gazing off somewhere else, but he snapped his head back, to look at me spot on, "Didn't you say in your email that you had done some work in the San Francisco mental health court last summer? And Chicago or something?" I nodded – I had done some preliminary work in San Francisco's mental health court the summer before Judge Manley and I met and I had written a master's thesis, before that, about a mental health court in Chicago. "Then you know the drill. We've all got different particularities, but we're all basically trying to do the same thing. Mental health courts are popping up around the country with basically the same mission. Get mentally ill people out of jail. Provide them mental health services."

A petite woman with an official county employee lanyard around her neck appeared in the open doorframe and knocked softly on the jamb, "Judge? Sorry to interrupt….."

"Ah, Abby![1] You remember Jessica? She sent us that email about coming to visit us all the way from Princeton…"

I stood to shake Abby's hand, recalling seeing an email address that began with an "a" carbon copied on the reply email from the judge. Abby greeted me warmly and with familiarity, "Oh, yes, Jessica. It's so nice to meet you. I work as a program administrator with the judge." She turned her attention to him, "Well, never mind. I was just coming to tell you that it was about time to return to the bench, but no rush. I didn't know what meeting you were in."

The judge raised his wrist up to eye-level to look at his watch, "So I see. Thanks, Abby, I'll be in soon. We're wrapping up." He lowered his wrist to the desk and leaned over it, toward me, "So, Jessica, what can I do for you?"

I felt myself sit more upright. "I'd like to come back," I said. "I really enjoyed watching the hearing this morning and speaking with you – I'm working on my Ph.D. in anthropology, as you know, which means that I get a couple of years to spend time in a place and learn about how it works by observing things, participating if possible, interviewing people about their experiences. I'm heading back to Princeton at the end of the week to finish up coursework, but I'll be back next summer, and living in the Bay Area for a few years after that, and I'd really like to study your courtroom. To learn what it is that happens when you get people out of jail. How you and your team go about providing people mental health services. I hear you to be saying that you're trying to do something

[1] Abby is a pseudonym. Except where noted, I have used pseudonyms for all of my interlocutors; I will note here that I use the true names of both judges with whom I worked with their permission. I have also used pseudonyms for the names of the social service organizations who collaborated with the mental health courts and locations within counties in instances where I believed disclosing the place name would put my interlocutors' anonymity in jeopardy.

differently with the law and I'd like to learn more about what that is and how it works in practice and how people experience working here and having their cases judged here."

Judge Manley nodded, generally agreed with a sweeping enthusiasm that I found comforting, and said to be in touch when I was back in the Bay Area for the "longer term" to "work out the details." It would take me many more conversations to more fully explain myself and detail my research; it would take Manley many more to fully explain himself and detail his courtroom.

In that first conversation, though, Manley declared his intentions and I declared mine. In the years that would follow, he would try to animate his, as he had already been doing for twenty years by the time we met, and I mine. He presided over his courtroom. I conducted my fieldwork. Looking back on that first meeting, the one in which I could feel the beads of sweat on my forehead form while I tried to play it cool, miming the confidence to implement my intentions, I cannot help but see that messy, cherry desk as a mirror. Manley was more experienced; he had been declaring his intentions for two decades, to people more important than myself, and was more used to describing intent as practice. Manley was not wrong in describing his courtroom's procedures, as I was not wrong in describing my research protocol. But we both spoke in the tidy terms of aspiration. Everyday life would prove to be so much more.

Part One

An INVITATION

"Kind gentlemen," M'sieur Pierre finally said in a high voice, without raising his eyes, "first of all and before anything else, allow me to outline by means of a few deft strokes what has already been accomplished by me…You gentlemen are of course aware of the reasons for the amusing mystification that is required by the tradition of our craft. After all, how would it be if I had announced myself [as the executioner] right at the start and offered my friendship to [the condemned] Cincinnatus C.? This, gentlemen, would have certainly resulted in repelling him, frightening him, antagonizing him – in short, I would have committed a fatal blunder […] I need not explain how precious to the success of our common undertaking is that atmosphere of warm camaraderie which, with the help of patience and kindness, is gradually created between the sentenced and the executioner of the sentence. It is difficult or even impossible to recall without a shudder the barbarity of long-bygone days, when these two, not knowing each other at all, strangers to each other, but bound together by implacable law, met face to face only at the last instant before the sacrament itself. This has all been changed just as the ancient, barbaric wedding ceremony, more closely resembling a human sacrifice – when the submissive virgin was hurled by her parents into the tent of a stranger – has changed with the passing of time."

(Cincinnatus found in his pocket a piece of tinfoil chocolate wrapper and began kneading it.)

"And so, gentlemen, in order to establish the friendliest possible relations with the condemned, I moved into a gloomy cell like his, in the guise of a prisoner like him, if not more so. My innocent deception could not but succeed and therefore it would be strange for me to feel any remorse; but I do not want the cup of our friendship to be poisoned by the slightest drop of bitterness. In spite of the fact that there are witnesses present, and that I know myself to be absolutely in the right, I ask" (he stretched his hand out to Cincinnatus) "your forgiveness." […] "We passed" M'sieur Pierre went on in a hurt voice, "long evenings together in constant talks, games and various amusements. Like children, we engaged in contests of strength; I, poor, weak little M'sieur Pierre naturally, oh naturally was no match for my mighty coeval. We discussed everything – such as sex and other lofty subjects, and the hours flew by like minutes, the minutes like hours […] Sometimes, in a peaceful silence, we would sit side by side, almost with our arms about each other, each thinking his own twilight thoughts, and the thoughts of both of us would flow together like rivers when we opened our lips to speak. I shared with him my experience in romance, taught him the art of chess, entertained him with a timely anecdote. And so the days passed. The results are before you. We grew to love each other, and the structure of Cincinnatus's soul is as well known to me as the structure of his neck. Thus it will not be an unfamiliar, terrible somebody but a tender friend that will help him mount the crimson steps, and he will surrender himself to me without fear – forever, for all death. Let the will of the public be carried out!"

--- Vladimir Nabokov, *Invitation to a Beheading*

Waiting

1

The few blocks immediately surrounding the Santa Clara county criminal courthouse changed dramatically between 2014 and 2016, though, of course, there was no time in which change was not underway. Located in the heart of Silicon Valley, Santa Clara refracted the revolutions of tech boom and bust. Depending on your route to the courthouse, when approaching the squat, double-story building in 2014, you could be forgiven for not realizing that you were in an urban area at all. Yes, by car, you would take the highway to get to the courthouse, which sat just beside it, but you would drive past the few skyscrapers that populate downtown San Jose, the seat of Santa Clara County, and drive towards open fields— not the aerated kind, the kind used for agriculture, though those were surprisingly nearby, but the arid, blown-over kind, with dry topsoil and crisp, unplanned shrubbery, where development had yet to broach, filling space between the downtown and the airport. These open spaces were not actually empty; the minimarts at the gas stations on their corners would usually have men in them, loitering by the water fountains or bathrooms, with sunburnt, tawny skin and long, matted hair and the same dried-out twigs from the fields stuck to their clothes and the blankets they carried with them. People lived in these fields, but you might not know that if you were just driving by and you did not stop at a gas station or catch someone emerging from the few pockets of evergreens.

But, then again, driving to the courthouse from a different route, you would pass the recently-revitalized San Pedro Square, where a market with food stalls advertising espresso and crêpes and fresh fish tacos and pho and dollar oyster shooters and an organic

wine bar, all with hyperlocal ingredients and free wifi and communal tables, had quickly overtaken the hunched historical monument – the eighteenth-century Peralta Adobe, the oldest residential structure still standing in San Jose – that the space was supposed to mark. San Pedro Square, even in 2014, was always crowded, sustaining a steady stream of workers in business-casual attire and retractable fobs with magnetized ID cards from the Adobe software headquarters, the Price Waterhouse Cooper building, smaller tech startup outfits, all around the block, in the *other* direction than the courthouse. From the door to the courthouse, the fields and the creek that cut through them felt closer than the marketplace just across the street. If you drove in past the airport, past the fields, you might see people exiting their tents, crawling up the banks of the riverbed, on a commute that might match your own: to the county's mental health court.

And then the development tides turned decisively. At some point in 2015, the coffee shop housed within San Pedro Square jacked their prices up an additional dollar. Cranes arrived. A sleek residential building, with sides of glass and balconies, advertised million-dollar apartments. The massive open lot, with cracked pavement, that had been used for parking, was cordoned off, traffic rerouted, as loud machines broke ground on an undescribed project, but that everyone expected to become yet another million-dollar-condo building. St. James Park – where many homeless people, those who did not venture down to the creek or the fields, would stay overnight and usually during the day, surrounded by shopping carts, laying early claim to the wooden park benches, reserving them with sleeping bags for eventual nightfall – started holding public yoga classes. Katie Scopa, one of the public defenders who worked in the mental health court, had snorted when she saw the advertisement for the outdoor class, wryly adding, "I hope the yogis remember to watch for hypodermic needles when they're laying down their mats."

Eventually, come September 2016, the courtroom itself would move, closer to downtown, closer to development, to a brand-new courthouse with executive suites for the judges, slick sandstone walls, offices for the public health officials who worked with the mental health court, a two-story antechamber to let in sunlight. Gone were the days when the internet would not work in the courtroom, when larvae of some sort would fall from courtroom ceiling, when the file-filled basement would flood, when people who were disgruntled with the court's management of the criminal cases against them would shit in the trash barrel immediately outside of the sheriff's deputies' station, leaving a stench that would last for days. Judge Stephen Manley, the sole judge of the Santa Clara Mental Health Court, the man who had been in large part responsible for fundraising and lobbying to finance the new building, fundraising that had happened during the judge's "free time," had looked around the new space upon its opening with a satisfied nod, "People will behave themselves here."

But I was not thinking about any of this – how the early-spring heat must be affecting those out in the fields, how even more change would soon arrive – as I watched the clock in the old courtroom tick unevenly, lurching forward and then back, slowly, but still too quickly, toward noon. The courtroom gallery once filled with people waiting for Judge Manley to call their cases was almost empty; the judge had been moving through cases quickly that morning. I fidgeted, in my seat in the courtroom, attention trained to the lopsided hands of the clock: Harriet Sawser had yet to show.

As mental health court client, Harriet was supposed to rely on the courtroom for crucial social services; she was supposed to appear at her regularly-scheduled court hearings

on time.[1] Both of these things – providing services, showing up on time – were, in fact, difficult things to do. Harriet had been coming to court, working with the collaborative team of psychologists, social workers, defense attorneys, prosecutors, and Judge Manley who staffed the mental health court, for upwards of five years by the time that I first encountered her. And, although the court had spent hours reviewing her case, meeting with her, asking about her needs and attempting to meet them, little in her life had improved, by her own measure. Over the course of those five years, she had become homeless. She had not been able to navigate the bureaucracy to sign up for Social Security Disability Insurance, though she had signed up for California's General Assistance program to receive about $40 a week from the state. She had not received the individual psychotherapy that she desired. Though she owned a car, the insurance and registration had lapsed, and she lost her license, so she could not renew them, and, besides, she was afraid to show at the DMV to get a new ID because she had gotten a ticket, once, while driving out of county, while on probation, while a client of the mental health court, and she was concerned that, if she showed at the DMV, *someone* there would find her unpaid ticket that she would still be unable to pay and they would report her to her probation officer and then her probation officer would see that she had violated her probation by driving out of

[1] Mental health court professionals refer to those whose criminal cases they adjudicate as "clients," a flagrant reappropriation of terminology from the social services. Social workers and psychologists were used to calling those with whom they work "clients," and brought the term with them into the courtroom. An easy fit, then, for the social workers and psychologists and even the defense attorneys who work in mental health courts, but a more unusual adjustment for prosecutors (also known as district attorneys) who were unused to having a clientalist relationship with those individuals whom the state had charged with crimes. Sometimes, attorneys who appeared infrequently in these specialized courtrooms would flub, and, out of habit, refer to those people who had cases in the court as "defendants." The mistake was forgivable; the usually-indigent, frequently-homeless individuals whom the mental health court recognized as mentally ill was indeed the same population cropping up in other, "normal," criminal courtrooms. They were people whom attorneys were used to seeing in custodial jumpsuits. But, legally, "defendant" was an inaccurate title, legally as well as in paper. Those individuals whom the mental health court adjudicates have already been convicted of crimes by the state. "Legal cases" were no longer adjudicated, "people" and "mental health" were.

county and *then* there would be consequences, like going back to jail, where she had already lived for six months and where she did not want to return, *ever*. Getting to court was, legally-speaking, an essential part of court and service coordination; court appearances, every month or so, were the only way that the court could assess whether or not Harriet was *seeking* services and avoiding new arrests. The court hearing was a knotted nexus of intrusive oversight and service provision.

For her part, Harriet found getting to court difficult. She was living out of her car, she suffered from back pain, she was frequently nauseous, she regularly got migraines, she was depressed, she could not sleep at night because she was anxious, she did not have money for gas or the parking meter: all of these things made getting to court by nine on any given morning a trial. For their parts, court staff were frustrated that Harriet kept rejecting what few services they had to offer. County budget cuts had led to an extreme restriction of social services available for mental health and social services. Community mental health clinics had disappeared, seemingly overnight. Once-planned homeless shelters had never opened. Initiatives to subsidize rent for those who needed assistance had been slashed unceremoniously. And, the court psychologists told me, they worked really hard to offer Harriet what options they did have available. She would not go to a homeless shelter. She would not go to group therapy sessions. She sustained no engagement with the LGBTQ community shelter that Martha, one of the court psychologists, had contacted in advance to try to make Harriet feel welcome. Harriet just kept saying no. With her own reasons, of course, but those tended to ramble and go on for hours, and so it was easier just to hear the refusal which was, after all, the brunt of it.

These were the things that occupied my mind as that clock slammed and lurched, two minutes forward in a single sweep, with a lag a minute back. A metronome out of pace.

Had she forgotten her court date? Being late to court was not unusual for Harriet; I understood her to drag her heels because she was afraid. In the sea of ambiguity of what behaviors would elicit sanction from the court, the one action with clear consequence was not showing for court on the assigned day. A non-appearance meant that Judge Manley would sign a bench warrant for arrest. Harriet had already missed court the month prior; she had signed herself in for a psychiatric hold at a local hospital, concerned that she would try to kill herself. Upon her absence, the month before, the judge had been lenient, but he would not take kindly to second absence in as many months, putting Harriet at risk for rearrest.

My fingers itched as I considered whether or not to text Harriet. I usually declined to text clients whom I knew and who were running late, not wanting to position myself within the back and forth of surveillance and evasion. What was particularly unusual about this no-show was that Harriet and I had exchanged a series of text messages about her court date over the preceding few days. "Are you able to attend court this Friday at 9?" she had said, "I have not been to probation at all since getting out of the hospital. I didn't notify anyone. I've been unable to make appointments with a new primary care doctor because of my limitations. The combination of feeling like my life is over and ongoing poverty has been too much. I have a bill for a thousand dollars from the hospital for my psychiatric hold…I'm totally overwhelmed, afraid they'll solve my problems with further incarceration." Rebecca, Harriet's mother, who was also homeless and usually lived out of a different car parked next to her child's, had emailed me the day before court, "Hi, Harriet has court tomorrow. Are you going to be there? I'll be there if I can get Harriet there. Do me a favor and contact her today. She is terrified." I had done as Rebecca asked and texted Harriet the day before court, "Hey Harriet—just texting to say hi, hope that you'll get this

when you connect to wifi. Still planning on going to court tomorrow? I'll be there—looking forward to seeing you." Sometimes it took Harriet a while to get my messages; she had an old iPhone, but no data plan, and was only able to use it when she came upon free wifi hotspots. But she *had* replied, she had been in touch, with me, texting me later that night, the night before her court date, to say, "Yes, I'm going to have to show up really early to talk with Martha because I'm terrified that I've been written up for a violation.[2] I don't want to go back to that jail for being disabled. I'm too depressed." To which I had replied, "That sounds really shitty. I'll see you tomorrow. Try not to worry too much" – to which Harriet had replied, just that morning, the morning of her nonappearance, "Thank you! I'm having a cappuccino and a wrap for breakfast, trying not to let myself freak out. But I'm afraid that I'll be arrested for my disabilities because my probation officer doesn't know what the words mean."

Where was she?

I texted. Casually. "Hey hey—I'm here. Are you on your way?" To my dismay, as it meant that she was not driving at the time, she replied, quickly, "Yes, I'm stopped at a Starbucks. On my way." And then, when it looked to me that court was about to wrap up, when all of the clients waiting to have their cases heard by the judge had left and the judge was about to transition to calling out the names of those who had not shown, when he was about to start issuing bench warrants for arrest, I stepped outside and called. I called Rebecca's phone. Harriet answered. I wanted to convey urgency, but without alarming her. She was alarmed on her own; Rebecca was driving because Harriet was too shaky to do so. Her voice quivered, vibrato, not even saying hello, just launching into a description

[2] Martha Winowska was one of the psychotherapists employed by the courtroom to assess and assist mental health court clients, like Harriet, with their needs.

of where the car was, "I'm by Blossom High School. Do you know where that is?" I told her that I did not and she tried to explain, where she was, an explanation that took so long as to outlast the period of time in which the car was actually by the high school, which was beside the point anyway. I interrupted, "Hey, no, I was just calling to check. No need to panic. But get here. Quickly. They're finishing." She started to scream, "I just don't know if I can come! We're nearby, but I can't come. I can't come! I tried *so hard* to get there early, and I was stopped. Nothing works, nothing works, nothing works. I had to stop at Starbucks *four times*! Because of the stress! My IBS! I'm going to get arrested because of my diarrhea! It's not fair! It's not fair! It's not fair! It's not fair!"

I tried to take a breath, to give a moment of pause, of space, "I know it isn't fair." We had talked about this before; Harriet was frustrated because she believed that the stress from the court's requirements activated her Irritable Bowel Syndrome, which prevented her from doing the things that would alleviate the stress from court. I suspected that undernourishment had something to do with it, too. Harriet had been homeless for over a year. She had chosen to spend some of her few General Assistance dollars on a large breakfast, when she normally does not have breakfast at all, in order to give herself the strength to get through what was bound to be a stressful morning. Her attempts at self-care were making her adherence to the court's regime more difficult; her attempts to adhere to the court's regime exacerbated her poor health. Time was running out.

Waiting outside the courthouse, in the heat of an early summer sun, in front of the cranes that had begun to demolish the old lot, scanning the streets for signs of her Prius, her wails reverberated in my head long after we had hung up our phones.

It's not fair. It's not fair. It's not fair. It's not fair.

2

Sam Jones was also waiting. In custody. He had been in the San Francisco County Jail for three months by July of 2015. As a client of San Francisco's mental health court, just fifty miles north of the Santa Clara County courthouse, Sam had expected to be released more quickly.[3] His public defender had told him that participating in this program would be good for him, legally and personally. Sam had been homeless, living on the streets, before his arrest. Participating in the mental health court's program, she had said, could get him access to public mental health and social services. They could hook him up to a mental health clinic, provide resources to help him with housing, medication. And if he agreed to do his best in these programs, the attorney had said, he could avoid prison and spend fewer months incarcerated. The goal of the program, said the public defender, was not to keep court clients' in jail for any length of time; the whole point, she said, was release and treatment in the community. But to *get* to the community, clients had to first be released from jail.

[3] San Francisco calls the courtroom in which I worked the county's Behavioral Health Court (BHC). For ease of reading, I refer to both San Francisco and Santa Clara programs as "mental health courts." This is, in part, to connect San Francisco's behavioral health court to the national movement of problem-solving courtrooms addressing mental health problems, a landscape in which San Francisco BHC attorneys and judges very much situate themselves. When I asked why the courtroom is officially called the "behavioral health court," rather than a "mental health court," like programs that San Francisco courtroom professionals consider akin to theirs, I was told that the county already had a program called a mental health court at the time of the behavioral health court's founding. In San Francisco, the mental health court is the probate court, or the courtroom that handles civil commitment cases. San Francisco's BHC, like mental health courts elsewhere, is a criminal courtroom explicitly not tasked with adjudicating civil commitment, or the confinement and involuntary hospitalization of people whom a judge determines to be unable to care for themselves. Other research conducted with the BHC has referred to the organization as a mental health court (e.g., McNiel and Binder 2007, 2010), and I follow suit.

Sam had been released once before, the year prior, a few months after his public defender had encouraged him to join the mental health court program. He had lived in a treatment program for sixty days while going to court each week, for the mental health court to review his case. But then the funding for his bed at the treatment program ran out – the court could only guarantee a sixty-day stint and then they would have to make room for another poor person in need of treatment – and so Sam returned to the streets, sleeping in tents in parks, sleeping bags crunched up on the flat part of the cement underneath freeway overpasses. He was still showing up at the clinic for mental health treatment and still showing up at court for his weekly hearings, though it was harder to get there, now that he had nowhere to sleep and no bus pass and the residential program had stopped providing rides to court and drug treatment in their fleet of minivans. One week, Sam had not made it to court, missing a hearing at which he had been legally obligated to appear, such that his nonappearance was in violation of the terms of his probation. And then, the next week, per the report provided by the Adult Probation Department, Sam had not appeared for the weekly drug test that Judge Albers, the San Francisco mental health court judge, had asked him to complete. Enough, the judge had said, and he had issued a bench warrant for Sam's arrest. In San Francisco, as elsewhere, the police regularly stop to hassle people sleeping on the streets and, in so doing, they ask people living in tents on public sidewalks for their IDs, and when the police officer ran Sam's name, he saw that Judge Albers had issued a bench warrant for Sam's arrest, which was precisely what had happened, and Sam was taken back into the jail from which the mental health court had released him only a few short months before.

He was not supposed to be stuck in there for so long, this time around. Kelly Leary, the public defender who staffs the mental health court and the attorney who had taken over

Sam's case once he became a mental health court client, had been raising the issue of Sam's most recent arrest incarceration for weeks, past the point where it could really be considered, in good faith, recent at all. The idea, when Albers had issued the bench warrant to arrest Sam, had not been to lock him up for months on end. But there were long waitlists for new placements at residential treatment facilities, waitlists to even be interviewed by these facilities' staff members, when interviews were required before someone could be technically "accepted" to a program because there was always a risk that someone would not be accepted at all and then they would just be stuck in a jail cell with a promissory note for services from the state upon their release that the state could nevertheless not facilitate. Sam had been waiting for one of these interviews. Kelly had grown frustrated with the length of time that it was taking and she was trying to problem solve to find a workaround; what if Sam was released to the streets, she had suggested, and then they could send him to a residential treatment facility once a bed opened? That way, Kelly had explained, he could just wait in a homeless shelter or a tent, instead of waiting from custody.

But there were problems with this plan. For one, many of the residential treatment programs would *only* take clients who had ongoing court cases directly from jail; from the perspective of one of the handful of residential treatment programs in San Francisco, accepting an out-of-custody mental health court client for treatment is a risky bet. When it has been attempted in the past, too many of these clients just don't show for their beds, either because they couldn't get transportation to the program or they decided that they did not want treatment and would accept the legal consequences if they just fled. But then the bed would be open, see, while the court would try to track down the client, and therefore the bed would be wasted, unused by someone else on the waitlist who actually wanted or was willing to tolerate or was able to get to treatment. So the facilities have developed

blanket policies stating that they won't accept any "criminal-justice involved" clients unless the facility picks these clients up from jail to maintain the continuum of care, as public health folks say, or maintain institutional control, as others might.

Another problem: the court team – Judge Albers, Kelly, the prosecutor, and the clinicians who work together to adjudicate mental health court cases – was concerned that Sam would relapse if they released him to the streets rather than send him directly to a residential treatment program. Sam could hurt himself while high, worried Kelly. Sam could hurt someone else while high, worried Bianca Grayson, the court's prosecutor. All of this was made more likely because of Sam's schizophrenia diagnosis, warned Ruth, the court's lead clinician. And, as Judge Albers pointed out, were the team to release Sam to the streets, he'd likely be picked up by the cops for one reason or another – drug use, loitering, indecent exposure, sleeping a transit station, those things for which homeless people tend to get arrested – and then he'd be back in jail and the court team would find themselves back in this same position. These were ongoing issues, irresolvable from the perspective of the working group, and, while they tried, Sam waited in jail.

One day in July of 2015, though, there was yet another new problem: Jasmine, the probation officer who oversaw most of the court's clients and met with the working group each week, had received news that a nearby county had a "hold" on Sam. The other county's Sheriff's Department had a warrant to arrest Sam Jones on domestic violence charges that had been filed while he was incarcerated in San Francisco, alleging that the violence had been perpetrated before the start of Sam's new period of incarceration. The hold meant that should Judge Albers sign an order to release Sam, the jail would continue to detain Sam for up to five days to give deputies from the other Sheriff's Department time to get to San Francisco, pick Sam up, and take him to a different jail. In other words, the

release order wouldn't actually do anything to release Sam. To make things more complicated, Bianca suggested, she suspected that the charges that the other county had filed against "Sam Jones" were not actually meant for the Sam Jones that their working group had incarcerated in the San Francisco county jail. Bianca had looked at their Sam Jones's full rap sheet – no domestic violence charges and no contact with the police anywhere in the other county. The charges were probably meant for a different Sam Jones. The only way to get the hold against the San Francisco Sam Jones lifted was to get the other county to drop the charges against him. Jasmine rolled her eyes, to point out the obvious: that officers aren't exactly punctual or efficient, most of the time they don't get out to San Francisco to pick up people who have county holds, especially when the charges are rather banal and when the violence has not inspired public outcry.

The problem, then, was not *necessarily* that Sam would be wrongly incarcerated in the other county, but rather that, because of the hold, Judge Albers could not write a release order specifying that Sam was to be released to a treatment program. If he was going to be released to anyone, it would be to Marin sheriff's deputies. Given that the team had decided that there was no legal reason based in San Francisco to keep Sam in custody, the choice was whether it was more ethical to keep him in jail in San Francisco while the team worked on the issue with the other county or to release him that night, to the streets, an option that Ruth described as "setting Sam up to fail" given, as his attorney put it, his "inevitable" drug use and probable rearrest, a rearrest that would put Sam and the working group back in the exact same, undesirable positions in which they found themselves on this day. Albers was frustrated, waiting on the team to come to a resolution when there was not really a tenable resolution at which to arrive. "Look, this is stupid," he declared, "there are some things that you can fix and some things that you can't and we're just going to have to live

with this stupidity with [the other county] for a while yet. Sam stays in. Keep working on it." The rest of the team sighed, knowing that even as they waited for the situation with Marin to resolve itself, such resolution was unlikely to actually arrive, and so they would be waiting for something that would never arrive.

In seven months' time, at which point Sam will have been in custody for ten months, he would still be waiting.

3

There are some things about Harriet's and Sam's waits that we expect, anticipate, accept. We – those who work within the criminal justice system, those who have been incarcerated, those who validate the indignities of the criminal justice system with our votes, those who observe and critique from afar, erstwhile looking on – we *know* that policies of mass incarceration have shunted people into jail cells and other forms of state surveillance in a manner that perpetuates deep-seated American inequalities. We *know* of a system that preys upon people who deviate from American norms by way of the colors of their skin or their psychic experiences or their failures or refusals to achieve the American dream of a white, heteronormative, middle-class lifestyle. In a certain sense, it is utterly unsurprising to find Harriet, a homeless person, and Sam, a black man, surveilled and controlled by the state. Of course, we do not merely *find* them there; they are *put* there, by state ideologies and agents and the public that authorizes them. Police officers handcuffed Harriet and Sam and drove them to the intake units of their respective county jails. Deputies arrested Harriet and Sam because judges had signed warrants authorizing them to do so. Correctional officers in the Santa Clara county jail, where Harriet lived for six months, and in the San Francisco county jail, where Sam lived for many more, monitored the locks and the doors and the windows to prevent them from seeking escape; like the vast majority of other men and women behind bars, Harriet and Sam knew to not even bother to try. When three out of every four homeless people in San Francisco have had some sort of police contact over

the past year (Coalition on Homelessness n.d.) and when nearly one out of every three black, American men is incarcerated at some point in their lives (Bonczar 2003), to feign surprise that we encounter Harriet and Sam in California's criminal justice apparatus is degrading to their experiences and the ways in which they are structurally foretold. At the point where we know and expect these things, perhaps knowing is not enough.

How, then, to account for these systems and lives? How to account for Harriet's and Sam's feelings of dependence on and desire for the state at the very moments in which they also feel the state to be controlling them in ways with which they disagree? How to account for Judge Albers's and Bianca's concern for Sam's wellbeing while in custody? How to account for the criminal justice system's inability to implement its own desired ends? How to account for the daily evasions and escapes where the state attempts to control clients and clients refuse or decline or resist or retaliate? How to account for the moments where the state's hand is pushed by the will of clients? How to account for the years-long processes of mental health court adjudication that, yes, are practices that extend the carceral state, but that also generate longstanding and complex relationships between state professionals and clients because *care is something that happens* in the course of the imposition of power?

Perhaps *accounting for* is not the point. Perhaps engaging with these daily practices of care and control, practices that are part and parcel of law and of freedom and of justice, is not a project of knowledge at all. After all, is accountability per se not itself a project of the same *raison d'état* on which these systems turn? Perhaps knowledge is not enough for understanding, perhaps its pursuit leads us astray from other potentialities for politics and possibilities for justice.

Impatient Improvisations

1

Judge Stephen Manley, for one, was tired of waiting. He was tired of seeing the same people cycle through his courtroom, tired of seeing the same issues crop up again and again without resolution, tired of incarcerating people whom he did not believe deserved to be in custody. In the mid-1990s, Judge Manley decided to do something about it. He created one of the country's first treatment courts.[4]

By 2017, what was once a ragtag operation – with one rogue prosecutor and one rogue public defender, a psychiatrist who Judge Manley had highjacked from the Department of Public Health, an abduction that would be hotly contested among county officials, and the blinding singlemindedness of the judge – had grown and settled its weight into its own massive enterprise. With the new courthouse, the one down the street from the gentrifying St. James Park and the business center of downtown, the program looked respectable. In September of 2017, on a brief return trip to the Bay Area, Manley welcomed me into his new chambers. They were grand. The room in which we used to meet had had stacks of paper on every possible surface. There had been no windows. The couch in the old office had been tattered, stained, wedged into a corner next to Manley's desk. Papers from said desk would sometimes topple off and onto my lap. There had been little room.

[4] Mental health courts, like the one that Judge Manley founded, were preceded by drug courts, which first appeared in Florida in 1989. Drug courts sought to reduce rates of incarceration and recidivism associated with addiction by providing people who had been convicted of drug crimes opportunities to replace prison sentences with court-mandated and court-monitored addiction treatment. Mental health courts, like Judge Manley's, sought to leverage the model of exchanging treatment for prison to what practitioners identified as behavioral health problems that required treatment but may not have been associated with drug use. For more on drug courts, see Berman and Feinblatt 2005; Boldt 1998; Nolan 2001; and Tiger 2012.

The new chambers have two floors and a staircase. Manley corrected me when I commented on the luxuriousness of the new space, "No, no, these aren't just my chambers. This is a *judicial suite*."

A suite, indeed: there was a conference table, a kitchenette, newspapers by reading chairs, underneath the gaze of a bravely-marching Ruby Bridges from the wall on which Manley had hung his print of Norman Rockwell's "The Problem We All Live With." He had a suitemate, another judge, who had his personal office next door to Manley's; the two men shared the common space. They hopped in and out of each other's private chambers without knocking on doors, enthusiastically bouncing ideas off of each other and hatching plans. I glanced at the minifridge in the kitchenette and registered that the whole place had the optimistic and unbridled energy of a college dorm; the coat stand draped with dark judicial robes was coincidental. Manley's personal space was lined with bookshelves and decorated with sculptures, paintings, textiles from his travels; most appeared to be from Latin America. But the feature that caught my attention, in contrast to the stuffy staidness of the chambers in which I was used to meeting with Manley, was the wall made up entirely of pane glass windows. "Now, that's something," I said, walking towards it, and looking out over the courtyard and courthouse entrance down below. I turned to the side, to Manley, who had joined me to look out the window, and smiled, "Did you build yourself this office in particular?" Manley had fundraised for the construction of this new building. He had been intimately involved in plans for its architecture and its interior design. He had built *this* – the courthouse and halls for his clients, this room for himself.

"Of course," Manley returned the smile, but it was more of a grin, a look of being caught, beset with pride. "I've got the best seat in the house. Look down there, you can see all of the people" – Manley pointed down to the courthouse's landscaped entry, leaning

into the glass, getting closer, so as to accommodate his poor vision – "and then, past the plaza, there, you can see the edge of St. James Park. This building, up on the top floor, there's a glass room, a whole room with glass walls for fancy meetings with this fancy patio. Beautiful views of the skyline. Just beautiful. But it's too high up, you can't see people, you can only see little outlines of people, not who they are. That's why I wanted to be on the second floor, instead of up high. From here, *you can see*. Clients, they'll see me up here, they'll wave to me, you can see them wave. I get to watch everyone. Clients, attorneys, social workers – I see them all as they walk in in the mornings." There was only one door to the courthouse, with one metal detector and security station, through which all morning traffic was directed. Manley's window looked out on the entryway. This was his perch. But from the second floor and not the top of the building. The second floor availed a more intimate gaze. *You can see them wave*.

"Oh, my favorite thing though," Manley continued, "my favorite people to watch are the *skateboarders*. They show up during lunch or after hours, after the courthouse has closed. And these young guys, they do the most amazing things. None of them have helmets on, of course, terribly stupid, but they're *amazing*." He pointed, moving his finger along the skateboarders' paths, "They move along there, skating up on the flower beds, and gain steam along that ramp and then they leap out into the street and try to do some sort of trick while they have speed to them. They'll flip the skateboard or kick it or something. I don't know, who knows what they're trying to do. I mean, they usually crash, but it is just amazing to watch them try. The security guards are always heckling them because, of course, what they're doing is against the rules and ordinances but they keep at it – good for them."

Even as one of the longest-serving judges in Santa Clara county, even with all of the national recognition for the programs he started, even as someone who would

constantly remind those in his courtroom about the need to conform to the law: Judge Manley had a healthy respect for those who break the rules. Indeed, his career has been a story of doing so himself. When I first met Judge Manley, the judge who introduced us referred to Manley as a "pirate judge." On that day that when we met, in that conference room at one of the fanciest hotels in San Francisco where the American Bar Association was sponsoring a panel on criminality and homelessness on which Manley was speaking, he was wearing a striped shirt beneath his suit coat. He was a tall man who would walk with a certain swagger. He sported an eyepatch of thick fabric – nothing flimsy or disposable about this eyepatch for everyday wear – due to an accident years ago, to which the judge who had made our acquaintance had gestured and said – rudely, I thought – "See? Pirate." But, mainly, Manley stayed a pirate in my mind because of his tendencies toward the renegade and the swashbuckling. To follow the rules for the sake of the rules, in Manley's mind, was to stand for injustice. Imagine, he would say, a different way, a better way. Imagine he did.

2

"Imaginative" is not necessarily a word that Manley would use to describe himself. I asked him, once, what he would have chosen as a profession if he had not become a judge, and then immediately amended my question, knowing what the answer would have been: "Wait, scratch that," I had said, "what would you have done for a career if you *had not gone to law school.*" My corrective did not help. Manley answered quickly, "Oh, I would have stayed an attorney. I liked practicing law. I worked on a lot of big class action suits, helping people."

"No, Judge, that's too easy. What if you *had not gone to law school*? All legal professions are off the table in this hypothetical. What now?"

Manley put the iPhone that he had been thumbing in his pocket, using that thumb to scratch his forehead. "Oh, I don't know. It wasn't like that when I was growing up." The judge grew up in San Diego, in the 1950s. "I grew up in a household—we had famous, big, important attorneys over all the time. I looked at these men and they looked at me and they thought that I could do what they did and I thought that I wanted to do what they did, and that was that. There weren't so many questions about these things when I was a kid. I was exposed to important attorneys so I wanted to be an important attorney."

I nodded. This made sense to me. But I wanted the Judge to play along. "Okay, I get that. But just pretend. Law schools don't exist. What do you do with yourself?"

Manley smiled at my insistence; I got the impression that he thought I was being silly, and it was silliness that he was willing to indulge. "Law schools don't exist. Alright. I

suppose I would have become a teacher. I think that civic education is so important. Decrepit classrooms lead to decrepit democracies. Or maybe an actor, I did all sorts of school plays and stuff like that, I loved it. Oh, I know: a good friend of mine, she was an animal trainer in Hollywood. She would arrive on these sets and train these Rottweilers and German Shepherds. I'd go with her, travel around these sets and watch. It was really just amazing to look on." He chuckled, "You should have seen her, my friend, she'd wear these thick arm guards to protect her body because any scene you'd watch where the dog is trained to attack someone, they'd attack *her*. Not the actors, of course, liability reasons. But these Hollywood outfits would pay her *huge sums* of money to train dogs to attack and then to withstand the attack herself. And dogs like that, they don't just let go once you get them into an attack mode. You can't just call that whole process off. It was a combination for her—training the dogs, because those dogs were exceptionally well-trained, and then protecting herself for their instincts that she couldn't train. Just incredible." Judge Manley, the man who, as a boy, could not imagine for himself any career other than that of legal professional, would have been, in another life, a Hollywood animal trainer.

As it happens, Manley has devoted his professional life to training, wrangling, and being, in some sense, defeated by California's penal codes. His career has been a Pavlovian exercise in criminal justice policy reform, imposing simultaneous sanctions on people who violate the law in Santa Clara county and on people who write policies he believes to be unjust. He's a mover and a shaker, using various carrots and sticks to influence the county Board of Supervisors, the state legislature, and federal agencies to enact more just policies, by his own experienced measure. He does all of this with the knowledge that there exists a limit, a point where his influence runs out, situations in which the velocity of the system overtakes all of his training and damage is done. He has spent his career building himself

psychological arm-guards, to protect himself from the bite. Of course, for the most part, the beast bites others, those more vulnerable, who are not judges within the criminal justice system but detainees and defendants, people who lack forms of power valorized by the criminal justice system of which they are a part.

When Judge Manley was in law school – working on his juris doctorate at Stanford, after completing a bachelor's degree at the University of California, Berkeley, a California man, through and through – California was at a tipping point: along with the rest of the country, California would, over the next decades, incarcerate more and more and more and more people, until, by 2006, the state would have 249,950 people in confined in custodial cells (Vera Institute 2015), another 465,046 people under state surveillance through probation and parole (California Department of Corrections and Rehabilitation 2007; California Department of Justice 2006), and be staring in the face rate of incarceration more than 300% of what it had been in 1978 (Vera Institute 2015). In a way, there was nothing anomalous about this trajectory: from 1970 to 2000, rates of incarceration in the United States soared 500% such that, by the end of those three decades, the fifty united states and federal Departments of Corrections would lock 2 million people behind bars and surveille another 7 million out of their cells, on forms of penal supervision, like probation or parole (Ferguson 2014: 16). Nationally, one out of every thirty-two Americans in the year 2000 was either behind bars or being supervised by law enforcement with lower legal standards to put them back into the cells whence they came (ibid).

Legal scholarship, of the social science variety that Judge Manley was inclined to read first when studying for his degree, has internalized the terms of these conditions; in 1979, sociolegal scholar Malcolm Feeley analyzed data collected in New Haven,

Connecticut to declare that the injustices of the American criminal justice system derive from the fact that "the process is the punishment" (1992/1979). The claim – based on data that revealed the immensity of the backlog in New Haven lower criminal courts, and the consequently elongated waits in jail before court appearances for those people whom the state had charged with crimes – reflected the blindness of being caught behind a turning point. In not too many years, the process might be *a* punishment, but could hardly be thought of as *the* punishment. Not when, by 2009, in a national survey, 20.4% of incarcerated men were reporting being slapped, hit, kicked or bit by prison staff and 24.6% of incarcerated men were reporting being threatened or physically harmed with a knife wielded by prison staff (Wolff and Shi 2009). Not when, by 2000, many prisons were packing three people in each cell designed for two. And that does not even include the rededication of spaces not intended to house people living in jail at all – the basketball courts, the rec rooms, the dining halls – that had been refurbished with bunk beds to become storage spaces for people.

The process could only be considered part of the punishment as state budgets tightened throughout the same period as the rise of mass incarceration, with fewer dollars per inmate dedicated to their welfare, such that law enforcement could not offer the people for whom they were required to provide adequate medical or psychiatric or educational or social services. Not during the same period of time that state legislatures directed state Departments of Correction to issue policies to issue directives to their employees employees – correctional officers – to deploy tactics like "extraction" – a euphemistic term, even with its tinge of nefariousness, to refer to the business of spraying an uncooperative inmate with pepper spray until his body would become limp enough to drag out of its cell. In this system, the process could only be part of the punishment. Unless, of course, this type of widely-

criticized state violence inflicted upon those people whom the state incarcerates was precisely part of the system. The silent side. The part that wasn't supposed to be talked about, what with all of those concerns about cruel and unusual punishment and the Constitution's Eighth Amendment prohibitions, as so many of the grievances and lawsuits filed, usually unsuccessfully, by inmates would claim (Calavita and Jenness 2014). By the time that Judge Manley gave up his legal practice to run for a position as a judge in Santa Clara county, in the late 1970s, *this* – the systematicity of practices he believed to be unjust – was just one of his many concerns.

In California, mass incarceration indexed what late legal scholar William Stuntz (2011) has called "the collapse of the American criminal justice system." The criminal justice system, Stuntz claims, alongside other legal scholars like Michelle Alexander (2010), Robert Ferguson (2014), Jonathan Simon (2014), and Bryan Stevenson (2014), has become morally bankrupt, due to the cruelty of sentence length, the violence inflicted upon people housed within carceral institutions, and the racial disparities of arrest and punishment. These analyses, all published in the early 2010's, at the very same moment as rates of incarceration would dip – just a small dip, not much, but a dip nonetheless, the smallest reversal of a trajectory and a fate that had been gathering steam for years -- close the door on law and order rhetoric from before the turn of the millennium. The criminal justice system is not about rehabilitation or equality. Its practices are destructive and unconscionable. Judge Manley, as one of the cogs in the system that sentences people unequally and to violent conditions inside custodial institutions, agreed. Or he would agree, but his mulling over of these ideas, his wrestling with the system that he perpetuated, anticipated the critiques offered by Alexander, Ferguson, Simon, Stevenson, and Stuntz. By the early 1990s, twenty years in advance of the legal community's acceptance of moral

decrepitude, Manley had decided that something would have to change. At the very least, something would have to change in the courtroom over which he presided. The question was *what*.

Judge Manley would come to understand mass incarceration as a problem of capital and scale, if not in the Marx-inspired terms of Ruth Wilson Gilmore. As Gilmore argues, California's "convicts" could be equally and synonymously described as Californian "deindustrialized cities' working or workless poor" (2007: 7) – an assertion with which Manley would agree, though he might emphasize the manifold other ways in which the socially stigmatized are both excluded from a capitalist marketplace *and* stuffed into carceral institutions, highlighting human capacities and differences for which people are marginalized and which might lead to unemployment, but push back on the economy-as-cause. Though I never heard Judge Manley use the phrase "prison-industrial complex," so famously popularized by Angela Y. Davis (2012) in her writings extending from her own captivity in a case that was eventually sent to the Santa Clara criminal courts, I listened to him describe countless situations that Davis might employ as evidence for the machinations of the prison-industrial complex. Like the day that he told me, with bitterness on his tongue, of his county's practice of renting out psychiatric cells at a premium to other nearby counties; if Santa Clara did not have enough inmates to fill the ward, they could rent the beds at higher rates to Alameda or Contra Costa or Marin who would shuttle their surplus inmates over to Santa Clara. Such are the quirks and movements of the prison market in an age of mass incarceration.

Gilmore and Davis might more pointedly describe the prisoner reshuffling about which Judge Manley told me as a political economic rouse, a mechanism by which the state was propelled to build more prisons and jails, capitalism feeding on itself. In subcontracting

to other counties, the state ironically overcomes the bounds of demand imposed by a liberal theory of capitalism; counties are no longer taking out public bonds to build jails or raising local taxpayer dollars to punish people who commit crimes against that voter base, but rather are building institutions that they will stock with people from other counties if need be. There will be no such thing as an empty bed, no such thing as a limit to growth. Bernard Harcourt (2010, 2011), for one, might observe this situation to evince the fiction of laissez-faire within liberal economies. There is nothing "natural," he writes, about the free market; that purportedly free hand of the market is controlled by all sorts of political and social interests – and, in this case, not even interests of the political community that finances the construction of the prison wards. Marie Gottschalk (2010) and Hadar Aviram (2015) are more cynical, seeing the building and reshuffling and ceaseless demand in line with their broader analyses of Recession-era prison growth as not only a fiction of a free market, but as a device of the state to turn a quick buck. Judge Manley did not speak of any of this: he offered no critique of the economy, no denunciation of free markets or of capitalism. Instead, he groaned. Disgusted, but not surprised. He had been watching over policies with deleterious effect, policies like this, for decades. If the criminal justice system produced the sea of people with criminal charges for him to adjudicate, as he believed, it also subsumed *him*, catching him up in its tide (Cooper 2017). For even if Manley were to resist what he believed to be injustices of the system by releasing people from jail, by emptying those beds in the jail's psychiatric ward, inmates from Alameda or Contra Costa or Marin would be there to fill them. They would not stay empty.

To try to empty those beds, the answer, for Judge Manley, could not just build better rules. As he had seen over the course of his decades in the legal profession the rules could constantly change. Designing a system, even a *functional* system, even a *just* system,

was no guarantee against its reversal. In line with Foucault's (2015/2013) call to understand practices of punishment as reflective of broader systems of social power, scholars have turned to the cultural, political, and economic conditions that engender the various forms of punishment that they believe to be unjust. For example, Didier Fassin (2015: 34-37) insists on an understanding of carcerality that begins with criminal courts so as to foreground those systems of moral judgment that shape the entire moral enterprise of punishment. Jonathan Simon (1993) has shown how changes in the nature of community and social ties have impacted practices of parole; as community and familial ties weakened over the twentieth century, Simon argues, parole agents felt pressure to more tightly surveil their parolees. To accommodate the new task of tight surveillance over hordes of people who had just been released from prison, parole became increasingly impersonal, institutional, and actuarial, thereby further distancing people from their communities, thereby increasing recidivism, thereby becoming a shell of the community-based enforcement of moral norms on which the system is predicated. Also turning outside of the criminal justice system to understand its operations, Mona Lynch (2010) has suggested that the at-one-point uniquely severe practices of penality in Arizona – what with the state's rapid development of supermax facilities, rampant use of solitary confinement, and Sheriff Joe Arpaio's infamous inmate labor camps, with their practices of humiliation, subjection to the Arizona desert heat, inedible food, and guards' refusal to react to medical emergencies – are intimately tied to the political and demographic changes of the American sunbelt. Political control in Arizona, Lynch observes, alongside other areas of the sunbelt to which Arizona's practices have spread, is maintained by a largely white, aging population who helped to develop the region in the post-World War II era, a population influenced by racist fear-mongering. In California, journalist Joe Domanick (2004) has documented the

links between conservative fear-mongering following the murder of a young girl in Fresno in the early 1990s, lobbying from the correctional officers' union, and the passing of California's Three Strikes Law, allegedly to reduce recidivism, whereby people convicted of three separate crimes, no matter how small, are sentenced to prison for life.[5]

Manley would agree with Simon, Lynch, and Domanick that examining the "interconnections between late modern penal change and broader geopolitical and cultural changes" is necessary to begin to make sense of what is happening within the criminal justice system (Lynch 2010: 4). In his read, the situation that he considers to be a crisis – the hyperincarceration of people who Manley identifies as poor and mentally ill – does not begin with cruel criminal justice policies, but with the desire on the parts of people with political influence – meaning white people and people with money, remember, we're in the middle of Silicon Valley – to keep "the mentally-ill homeless," as this population has come to be known, out of public sight.

Perhaps even more concerning for Judge Manley would be the emerging critical mass of scholarship showing how legal changes designed by liberal lawmakers to remedy what they perceive to be social injustices amplify the systems of inequality they are designed to eradicate. William Stuntz, for one, dates the downfall of the criminal justice system to none other than the lionized, liberal U.S. Supreme Justice Earl Warren; Justice Warren's decision to prioritize procedural rights for defendants over the development a jurisprudence of substantive law – a strategy undertaken by Warren to resist what he understood to be the racial biases of the legal system – created an evacuated understanding of rights (2011: 216-243). Justice, on this account, is satisfied so long as law enforcement properly handles

[5] In the course of researching California's Three Strikes Law and its afterlives, Domanick (2004: 200-211) spent time with none other than Judge Manley.

and processes evidence, rather than securing material outcomes for the people on whom the criminal justice system comes down. The emphasis is on the propriety of the state, not the material wellbeing of defendants. Similarly, Naomi Murakawa (2014) counterintuitively shows how mass incarceration was "built" by changes in sentencing laws spearheaded by Democrats: federal sentencing guidelines, again, implemented to avoid racial bias in discretionary sentencing, managed to ramp up the total numbers of people behind bars, while doing little to achieve racial parity. And Elizabeth Hinton (2016) exposes the shared origins of the War on Poverty, as a component of President Lyndon B. Johnson's Great Society in the 1960s, and the War on Crime, such that crime reduction became the politically-tolerable vector for passing social welfare policies. The twinned emergence of social services and crime control created the conditions of possibility for, only ten years later, Presidents Nixon, Reagan, and Clinton to walk back on the social services and keep the crime control policies in place.

Judge Manley witnessed the rewriting and reorienting of progressive movements that Murakawa and Hinton describe on the national stage. He has watched as Santa Clara county and California state politicians have pulled similar moves that directly impact his courtroom, forcing him to respond on the fly, creating experimental and innovative and unplanned criminal justice policy from the bench – like his response to the documented overcrowding of California's state psychiatric hospitals wherein he *just stopped* sending some people in his courtroom to those institutions. A reclaiming of judicial discretion as a reclaiming of progressive ideals. A reversal of the progressive commitment to designing more just systems, in the name of justice itself.

But Manley is also a judge: writing rulings and enforcing rules is what judges do. So he wrote some for himself. His criminal courtroom, he decided in 1998, would no longer

be a normal criminal courtroom, it would be a mental health court. Enough with adversarialism, he decided, having the prosecutor and the public defender oppose one another was only sending more people to jail, and sending people to jail was only working to worsen the odds that they would be able to survive on the outside by decreasing their odds of securing a job – a period of incarceration would likely cause them to lose their jobs, if they had them, and a conviction would work against future employment. If people had health problems and treatment on the outside, incarceration would only disrupt their treatment programs; if they did not have treatment on the outside and managed to get some in jail, the services would be discontinued upon their release. To Judge Manley, none of this made any sense.

This is what he came up with: the prosecutor and the defense attorney, usually a public defender, would work together to solve problems. Manley would assemble a team to do this work – this work of "problem solving," as the movement came to be known – to collaborate and bring together the different institutions through which Judge Manley observed poor people to pass, and he would work to bring more robust social services and health care into the mix. He hired a psychologist, one, a woman named Andie, at first, and then grew a team of three. He recruited them from the county's public mental health clinics that were shuttering at the exact same time that Manley was growing his court. He enticed a psychiatrist from the Department of Public Health to join his team, giving him a closet in the old courthouse and putting a sign that said "Doctor's Office" on the door. He took an intern, a psychology student from San Jose State named Abby, without pay, at first, until he scrambled together some grant money to give her a salary and promote her to the

position of program manager. He told the prosecutor and the public defender to *quit it* and get along.[6]

This, he told the team, is how it would go: defendants or offenders – those people who have criminal charges, unproven or proven, against them, were to be considered clients of the courtroom. The goal of the team was to provide them social and psychological services and, in so doing, the thought was that clients would stop committing crimes. The district attorney could keep an eye out for public safety, but punishment was not to be an end unto itself. Everyone knew that many of the people who were facing criminal charges were poor or mentally ill and that the "normal system" was doing nothing to address what Judge Manley believed to be the social causes of crime, so now, when a public defender or another judge or a correctional officer inside of the jail facility saw a defendant whom they believed to be mentally ill or lacking in social services, they could send them over to Manley's court. The soon-to-be client would take a guilty plea in the original judge's courtroom, at which point the judge would send the case over to Manley. The judge sending the case to Manley would make their sentence "modifiable," meaning that Manley

[6] I will discuss the court's aspirations for collaboration later on in Part Two (pp. 215-224). For now, let me make two quick notes. First, stories of attorneys working together or fighting run the gamut. It is well known commensense that prosecutors and defense attorneys must have some form of working relationship, after encountering one another in multiple cases within a single jurisdiction; this is true in adversarial courtrooms. That being said, as Robert Kagan (2001) argues, adversarialism is part and parcel of American legal ideology. While Kagan documents empirical instances of attorneys duking it out in the name of "zealous advocacy" for their clients, I am more compelled by his arguments about legal norms than actual practice. Regardless of whether attorneys fight to the bitter end or actually get along quite well, American lawyers are taught in the course of their legal educations to oppose one another, to suspend preconceived ideas of morality, and be willing to construe even the most implausible arguments if there is a chance that doing so will be of benefit to their clients (see also, Mertz 2011 for a linguistic take on how the teaching of different language regimes achieves these ends in law schools). In other words, the American legal system embeds an ideology of confrontation against which mental health courts attempt to define themselves through proclamations of the need to collaborate. Second, I doubt the degree to which so-called "collaborative courtrooms," like Judge Manley's, are actually *more* collaborative than other criminal courts. Surely, attorneys elsewhere work together, and the law-on-the-books that creates the legal structure for collaboration within Santa Clara's mental health court only goes so far in terms of building particular types of relationships between attorneys. They still fight, disagree, disavow, reject, and silence one another. Collaboration takes many forms.

could effectively erase whatever sentence the judge had imposed on the person and decide what to do on his own.[7] People sent to Judge Manley would sign a form opting in to this unusual form of legal treatment – their consent was needed to be treated differently than the "normal" system, a signed notice that the rights associated with due process would not apply here, in mental health court, for which the consent was needed. There is an irony here, as Judge Manley would accept – *needed* even – the consent of a person whose psychological faculties had been placed under question by another judge as the very condition that would send them to Judge Manley and afford them the opportunity to call upon those suspect faculties to consent to a particular form of legal and clinical treatment. No one paid this irony much mind.[8] Upon signing on the dotted line, an offender would become a client of the mental health court.

Clients would not serve sentences, in jail or otherwise. Manley had the discretion, with input from the county's probation department and the team he had assembled, to keep clients legally within his program by extending their probation periods until he, along with his team, determined that they had achieved mental health, or were otherwise responsible enough to continue the treatment that was keeping their mental health problems in check on their own, at which point the client would "graduate" from Manley's program. The idea was that if clients could control their own mental health, they would also avoid committing crimes and avoid incarceration, thereby reducing the numbers of

[7] In a few cases, the judge sending the case to Manley would make the sentence "not modifiable." This would usually happen in cases involving violence on the part of the person whose case was sent to the mental health court. In these instances, the person would appear in Manley's court while in custody, Manley would have them sign an opt-in form, and then they would be taken back to custody to serve the rest of their "not modifiable" sentence. At the end of that sentence, they would be brought back to Judge Manley's court, from which point on their legal trajectory would resemble those people who had modifiable sentences, just starting on a delay, serving the additional time of the sentence before beginning mental health court treatment.

[8] For more on the requirement that clients take guilty pleas, see Part Two (pp. 196-202).

people held behind bars in the county – a logic of "problem solving" that sought to kill three birds with one stone. It was the court's job to teach clients responsibility, a trans-institutional process that would involve the jail, community psychiatric facilities, and the courtroom. The court offered clients social and mental health services *in place* of incarceration. But, from the outset, there were so few public resources for mental health care that mental health court clients would wait in jail until a bed became available at one of the public clinics; the longer the lists of people seeking social services, the longer the in-custody wait time. Some people might be released from jail immediately and directed toward outpatient clinics. Others would have to wait in custody until a bed was available at a public residential psychiatric facility. Sometimes, this meant that clients would wait in jail for services for longer than they would have had they served a jail sentence for the crimes with which the state had charged them.

The team of psychologists employed by the court would be tasked with diagnosing clients and determining what type of care was needed, whether in- or out-patient. Clients would be brought to court from custody every month or so or, if they were out of custody, they would have to get themselves to court once a month, where they would have their cases reviewed by Judge Manley and the clinical team. Manley would speak directly to each client, in contrast to criminal courtrooms in which most defense attorneys direct their clients to stay quiet and the attorney acts as their public intermediary. Manley believed these direct interactions to be of therapeutic effect. It was his opportunity to assess whether or not clients were following their court-developed treatment plans, which would involve some combination of mental health clinical work, usually medication, and oversight by probation officers. If clients were not following their treatment plan, or if they did not show to court on their assigned dates and times, as was the concern for Harriet on that spring

2016 day, the judge could send clients back to jail, at which point the whole process – the waiting in custody, the working one's way up multiple waitlists, the in-custody psychiatric assessments, the development of a court treatment plan – would begin anew.

Such is the design of the legal apparatus the Judge Manley built for himself. The basics stay the same, but there are always moving pieces. Clients, for one: with over 2,500 people currently enrolled as clients in Manley's courtroom, idiosyncrasies and quirks and kinks inevitably arise. The law, for another. In the twenty or so years since Judge Manley began pitching the idea for a treatment court to colleagues and politicians, California voters have passed a Three Strikes Law,[9] amended the Three Strikes Law,[10] passed a sentencing reduction proposition,[11] passed Proposition 63,[12] the United States Supreme Court has

[9] California's legislature passed the state's Three Strikes Law in 1994, as part of a nationwide tough-on-crime initiative that participated in the era of mass incarceration. The Three Strikes Law doubled the sentencing recommendation for a person who was convicted of a second felony. And then, should that person go on to be convicted of a third felony, he would be sentenced for a minimum of 25 years to life in state prison. Domanick (2004) documents the implementation of California's Three Strikes Law and its impact on convictions. The law ended up being widely panned for creating unjust outcomes, such as the case where Rene Landa was sent to prison for life for his third felony conviction brought about by stealing a spare tire or the case in which Johnny Quirino was sentenced to life for his third felony conviction brought about by shoplifting a razor blade (Domanick 2004: 4).

[10] In 2012, with stories like Rene Landa's and Johnny Quirino's dominating popular press coverage of the implementation of the Three Strikes Law, California voters finally amended the law through the passage of Proposition 36, a ballot initiative. Proposition 36 modified the Three Strikes Law so that the third strike sentencing someone to 25 years to life in prison would only apply if the person was convicted of a "serious or violent felony." Proposition 36 further allowed for "three-strikers," as those sentenced to 25 years to life are commonly known, currently serving their terms to petition the court if that final strike was not "serious or violent" (see also Romano 2015).

[11] Also by ballot initiative, in 2014 Californians passed Proposition 47, which reduces most non-violent offenses, meaning primarily drug and property crimes, from felonies to misdemeanors. In American criminal law, felonies carry heightened sentences compared to misdemeanors. Previously, many of these charges were called "wobblers," meaning that it was at the discretion of the District Attorney to determine whether charge the crime as a misdemeanor or a felony. As explained to me by several of the district attorneys with whom I worked, in practice, district attorneys would tend to initially charge "wobblers" as felonies, so as to increase leverage in plea bargaining, scare the defendant, and encourage the defendant to take a plea with a shorter sentence and possible reduction of the charge from a felony to a misdemeanor. Proposition 47 amends the law so that non-violent wobblers no longer wobble: they must be charged as misdemeanors.

[12] Mental Health Service Act, another ballot initiative, was passed by California voters as Proposition 63 in 2004. Proposition 63 levies an additional 1% tax on taxable individual income over $1 million, with the revenue flagged for community mental health services. It is this tax that funds many of the clinical programs on which California's mental health courts rely. While Proposition 63 provides some of the most secure funding for community mental health services, the actual dollar amount received by each clinical program

found California's prisons to be unconstitutionally overcrowded in violation of the Eighth Amendment's prohibition of cruel and unusual punishment,[13] the California legislature has responded by passing the Public Safety Act,[14] and none of this is even to mention changes in federal law, such as the Affordable Care Act,[15] whose provisions fund many of the programs on which Judge Manley relies, or the disappearance of social programs due to annual county-level budget fluctuations,[16] or the regular disappearance of particular *people* from this system – case managers, attorneys, clinicians – who leave after burning out. And all of these fluctuations, the ones since 2003, when the San Francisco mental health court

each year is still unstable, determined by revenue, competition among providers, and the success of various grant applications.

[13] After multiple decades of litigation, *Brown v. Plata* was decided by the United States Supreme Court in 2011. The court determined that the overcrowding of California's prisons violated inmates' Eighth Amendment protections against cruel and unusual punishment and ordered California to reduce its prison population. Jonathan Simon (2014) has written the authoritative account of the case's litigation history, though I note an important addendum to Simon's work offered by Mona Lynch (2015), who takes issue with Simon's optimistic assessment that the case revitalizes a critical commitment to the dignity of inmates. I address *Plata* in more detail in Part Three (pp. 333-341).

[14] The California legislature, in 2011, responded to the United States Supreme Court's holding in *Brown v. Plata* by passing A.B. 109, more popularly known as the "Public Safety Realignment Act," and shorthanded everywhere as "realignment." Realignment is the plan through which California intended to reduce prison populations. "Non-non-non's," or non-violent, non-serious, and non-sexual offenders, would be released from prisons (administered by the state) and transferred to jails (administered by counties). Through realignment, sentences are reduced, and inmates transferred from prison to jail will likely be released more quickly than their prison sentence indicates. Further, rather than sending all people convicted of felonies to prison, people convicted of "non-non-non" felonies would be sent to jails. And sentences for all crimes would be slashed, so that no inmate would serve "full time." I further take up realignment and its implementation, specifically with an eye toward the impact of the policy on jail populations, in Part Three (pp. 333-341).

[15] At the time of writing, the federal government has repealed the ACA's individual mandate, has threatened Medicaid payments, and is discussing the implementation of work requirements in order for individuals on Medicaid to receive their benefits. California has lobbied hard against these changes in federal policy and the legal existence of Medicaid (called Medi-Cal in California) is *not* under attack in the counties in which I worked. However, even if the legal infrastructure for Medi-Cal remains unchanged, it remains to be seen whether the federal government will actually transfer the hundreds of millions of dollars it promised to reimburse the state for public health care upon the original passage of the ACA in 2010. Without the receipt of promised federal funding, it remains an open question what can be achieved through programs that would suffer from even more pronounced underfunding than they currently experience.

[16] Clinicians with whom I worked in both counties cited the 2008 recession as the moment when local budgets were slashed and community mental health services cut. Many of the clinicians with whom I worked had been transferred to mental health courts precisely at that moment: their community clinics were shuttered and they found work with the court. Though budgets for mental health and social services have been on the rise since the early 2010's, many of the clinics that were closed in 2008 never reopened and funding is still less than pre-recession rates.

was created, that is to say, all of the legal changes other than that first passage of the three strikes law, impact San Francisco as well as Santa Clara. I spent the summer of 2013 attempting to map the constellation of social programs that surround the San Francisco and Santa Clara mental health courts, only to give up; at the point where the terrain was so unstable that the lead clinicians and judges could not keep various programming options clear in any coherent way, it seemed futile for me to try.

The point, here, for me, is the shifting terrain on which these programs are built; to describe the historical appearance and disappearance of various programs is to miss the forest for the trees. But the point, for others, such as Harriet or Sam, is more material; it takes the fecklessness of social services as its start to expose how the uncertainty of a public social safety net unravels the few strands that do exist. Harriet and Sam see it as impossible for themselves to keep pace. The experience of such shifts is one of frustration and distrust. The best that Manley can do, in his mind, is to adapt. His program is never stable, always innovative, always responsive. Following Manley's logic, how could it be otherwise? But in the course of constant innovation, the flux of everyday life, the rejection of structural stability, you have to wonder about who falls through the cracks. Those stable structures of law, in Manley's mind, produced mass incarceration; flexibility is needed. For Harriet or Sam, though, Manley's "flexibility" is frequently aesthetically indistinct from the ebb and flow of social service programming outside of the courtroom; inconsistency spans the breach. Even if flexibility offers the best chance of realizing what Manley understands to be justice, is it anything more than a chance? A vision of justice paralyzed as chance might be better described as a mirage.

Early on in our time getting to know one another, we were talking in Judge Manley's old chambers – this was years before he would move into that judicial suite with the wall of

windows. From his interior office, a room devoid of windows, Manley had had to find other ways to look outside, other ways to gaze upon those people who possessed criminal cases for which he was expected to cobble together a solution, other ways of *seeing them wave*. In this one memory that I have from our days in the old courthouse, I was sitting with Manley in his chambers, well, I was sitting on the couch while he stood at his desk, perusing papers stacked in wobbly towers. Some of the papers were contained in case files, others were unstapled jumbles of emails of interest that the judge had printed off of his computer with opinion polls, daily printouts of the demographic data on inmates provided by the jails, popular press coverage of social science research, physical newspapers: his windows on to the world, in print. The judge was sifting: not reading, exactly, not organizing, at all. Sifting. He opened the broadsheet of the *USA Today*, falling back into his chair and leaning into a section of the page that talked about the ongoing immigration crises. This was the summer of 2014. Tens of thousands of Central American children unaccompanied by adults were arriving at the border. He shook his head and began to speak, without looking at me, "All of the things that society doesn't want to deal with, they try to send those problems to jail. Which means that it comes before a judge. I try to be proactive." He glanced at me, extending his arm out, opening his elbow, as if to reach into the future. "What are the social problems going to be twenty years from now? Some people might call that judicial activism. But I believe that courts should be proactive because every problem in society ends up in prison. We need to think ahead."

He rapped on the newspaper with a knuckle, "These kids, these poor kids. Illegal immigration is going to be what we're dealing with in twenty years. We need to think *now* about what that will mean for the courts and prisons in two decades. These kids—they're what? Eight? Nine? That means we've got a decade to think before they land on our

doorstep facing felonies as adults. Law enforcement should be spending their time *thinking* about that rather than just commissioning gestapo forces to go nab the kids at the border." I don't recall, but imagine that I reacted in some small way Manley's use of the word "gestapo," maybe I made a face, maybe I shifted in my seat, because he responded to something, "It's okay, I can say that, gestapo. That's what they are. I grew up in San Diego. I saw what those people do. I went to a real good school, a good Catholic school. We would take kids from across the border. It was the right thing to do."

Looking ahead and trying to avoid the institutional pitfalls of injustice, attempting to design more just systems in anticipation of the processes of social stigma and marginalization to come: *that*, for Manley, was the process of an always-emergent, always-innovative, always-in-flux justice. Justice was not a destination at which to arrive, but an orientation, a mode of improvisation rather than a rigid system of rules. If he expected that, in two decades time, American criminal courts would be challenged by the effects of an unthinking state response to illegal immigration, he understood the deluge of people arriving on his "doorstep" to be the consequence of an unthinking state response to the deinstitutionalization of people who were held in state psychiatric asylums until Ronald Reagan, as California's governor in the late 1960s – early 1970s, unlocked the doors and opened the floodgates.

3

Judge Manley's courtroom was one model to which a group of criminal justice professional from San Francisco turned when exploring what they were going to do about rising rates of incarceration in the early 2000's. Kelly Leary, a public defender, was at the table. It was, at first, she told me, a table behind closed doors: they met covertly. "That's how radical all of this felt at the beginning," she explained to me, "so radical that we needed to keep it quiet. Now it all just seems common sense, you know, but then, then, it felt *exciting*, like we were on the verge of something." When Kelly began attending working group meetings, she did not tell her boss. She was invited "to the table" by a judge in whose courtroom she worked as a public defender: "She knew that I was interested in issues about mental health and incarceration, so she invited me on board. So there I am at this table, 'The Public Defender's Office this,' 'The Public Defender's Office that.'" Kelly laughed. "As if I could speak for the whole PD's office! I could have gotten in so much trouble, so much trouble. But it has worked out okay." For Kelly, the story of the "community need" for mental health courts began with the expansion of civil rights.

As a public defender, Kelly told me, she is surrounded by colleagues who understand their jobs as, essentially, the protection of civil liberties. Kelly is more dubious.[17] When I asked her to explain the historical trajectory that landed her, in 2003, at the table that would establish San Francisco's mental health court, she went back to the 1960s, a

[17] For more on Kelly's dubiousness and how it impacts her understanding of professional ethics, see Part Two (pp. 215-224).

return that did not surprise me. I had heard an origin story from the 1960s before, beginning with California's passage, in 1967, of the Lanterman-Petris-Short (LPS) Act, a law that is still on the books and a law to which many of the clients with whom I worked had been subject. The law began the process of closing California's public psychiatric hospitals. California was one of the first states to do so. In 1963, about 34,000 people were living in state psychiatric institutions. By 1990, fewer than 2,000 people remained.[18] The rest, so the story goes, took to the streets (Hopper 2003; Simon 2013).

Deinstitutionalization is part of a national narrative, one not specific to the political climate in California. Beginning in the years following the push for deinstitutionalization across the United States, in late 1960s, ethnographers have tried to grapple with what came next. In a few of the earliest studies of community psychiatry in the United States, Sue Estroff (1981) worked with a Midwestern community clinic to understand how "crazies" would adapt to living in a community context, presumably full of non-crazies, and how non-crazies would adapt to the arrival of the "crazies." Estroff focused the bulk of her attention on the distribution of resources through the community clinic: working with "crazies" in the community meant working with homeless people, as states declined to develop community social services to provide for the people whom they had just released

[18] There still *are* state psychiatric hospitals: eight of them, in California. They are locked facilities, used by the criminal justice system, to house people who have been deemed incompetent and are awaiting trial, or people who have been civilly committed under the terms of the LPS Act. The difference that I am describing then is not an absolute abolition of state psychiatric institutions, but their repurposing and the significant decline in residential population. Families used to be able to send members they believed to be ill to hospitals for treatment. They now serve primarily as detention facilities, where treatment is aspirational; they employ clinical staff, for example, who *do things,* but who also believe that therapeutics are largely ineffective for the population that gets sent to psychiatric hospitals. They were sent there precisely because treatment did not "work," whatever that means. Like jails and prisons, California's state hospitals suffer from overcrowding, which has led to multiple federal Department of Justice investigations and findings of "systemic deficiencies," such as the staff's systematic failure to discourage patient suicide and allegations that the director of the Napa State Hospital sexually abused children (U.S. Department of Justice 2005: 2; Wyman 2010).

from psychiatric institutions where, yes, people were frequently inhumanely locked away, but also, yes, provided housing.

In the forty years since Estroff's work, the themes of ethnographic scholarship oriented around community psychiatric care in the United States remain pretty much the same as it appears that the problems roiling the system remain pretty much the same. Because robust social services, including but not limited to public mental health care, never developed in the wake of deinstitutionalization, studying community psychiatry in the American context entails analyses of homelessness (Carr 2011; Desjarlais 1997; Lovell 1997, 2007; Luhrmann 2010) or what Robert Castel, Françoise Castel, and Anne Lovell call "transinstitutionalization" (1982/1979), by which they refer to the American failure to build community clinics and subsequent reliance on other, already-existing institutions to assume the role of controlling those people recently released from residential psychiatric facilities. These other institutions called upon to manage the people recently-released from psychiatric hospital were no less degrading, they suggest, ironically, when the inhumanity of public psychiatric institutions was one of the primary reasons for their closure. What other institutions were available to receive those who were formerly housed in psychiatric hospitals? In the short-term, psychiatric emergency rooms, though Lorna Rhodes (1991) offers troubling evidence of just how short-term these stays were and are, in her descriptions of daily life in one such acute psychiatric unit, where staff were given, in their terms, the "impossible mandate" of both providing adequate treatment and shuttling patients out of the psychiatric units as quickly as possible. And, in the long-term, carceral institutions (Harcourt 2006; Hejtmanek 2014; Rhodes 2004, 2005).

That day when Kelly first told me about deinstitutionalization as the origin of the need for a mental health court in San Francisco, we were sitting in a café across the street

from the courthouse. The sidewalk was crowded with attorneys, police officers, jail guards, and other people – people not in suits, people who were accompanied by shopping carts and bags full of belongings, people whom I suspected were homeless or otherwise without stable housing. This was the café to which I was usually invited by court professionals: it was usually stuffed with the suited segment of the population from the sidewalk, a regular meeting place because of its convenient proximity to the courthouse. Kelly and I had debated whether to go to this café – the same old same – or whether to get lattes at a new one that had just opened down the street, one that used Square and did not accept cash, one that was attached to a special mechanic for retro muscle cars, one that brought special kouign aman pastries in from a local patissier in an effort to be local, one that had stylized aesthetics with light birch counters, large windows, tastefully strewn pieces of driftwood freshly collected from Ocean Beach on the other side of the city: in short, a bougie place, filled with people not from court, but with handlebar moustaches and full sleeves of tattoos and fixie bicycles that they fretted about leaving unattended outside. The owner of that new place though, the place that most certainly had better espresso than the old café to which we returned, had been overheard complaining by some public defender colleagues of Kelly's about the opening of a new probation office down the street -- a potential deterrent for customers to venture into his shop. A distasteful opinion, even though she agreed that it might be accurate, and so we went back to the same old café. As much as the origin story that Kelly would go on to share with me over burnt coffee tied into a national narrative about the effects of deinstitutionalization, there were certain aspects to it that were particular to the San Francisco Bay Area. Namely, Kelly, her colleagues, and her clients were living in a place that, at once, fashioned itself as one of the most progressive pockets of the country, a place that believed in the ideology of public goods, even if people

were not particularly willing to devote tax dollars to their development, and was one of the areas in the country with the fastest growing rates of economic inequality.[19]

Kelly's timeline tracks deinstitutionalization, but she differently locates the impetus for the opening of the doors on state facilities. The original misstep was not undertaking the process of deinstitutionalization without funding the construction of public mental health clinics to compensate, though that was, for Kelly, the fatal combination. No: the problem began earlier in the 1960s, with a movement towards civil liberties, a movement that she believes to have dogged efforts to provide therapeutics for people whom others understand to be mentally ill in a way that transcends the closing of state hospitals.

It's a liberal problem, Kelly suggested, much in the same way that Murakawa (2014) has shown how liberal movements helped to "build" mass incarceration. And, in California, in the Bay Area, liberal movements matter. In reference to her dream of a public mental health system designed to intervene therapeutically before people find themselves in a courtroom, Kelly was dismissive, "It's never going to happen here. You need political support for those types of programs, and we don't have it….This whole thing about civil liberties, the political climate in San Francisco. It's important. It matters here." It mattered, at least, at the time of this conversation, in 2013; it mattered less in 2014 when the San Francisco Board of Supervisors passed a law that created precisely one of the preventative

[19] Indeed, the disparity between progressivism and socioeconomic inequality was one of the reasons I was initially interested in conducting field work in the San Francisco Bay Area, in an effort to understand how public servants and clients made sense of this potential contradiction. The gap between increasingly vocal calls for equality, from Occupy Oakland to Black Lives Matter, and increasingly obvious signs of extreme socioeconomic inequality has been of interest to other scholars. See, for example, Bourgois and Schonberg (2009) on homelessness and heroin use; Knight (2015) on addiction, pregnancy, and life in single-residency occupancy hotels; Portacolone et al. (2015) on economic inequality and the impossibility of establishing functional community clinics; and Sufrin (2017) on the San Francisco jail as a social safety net.

programs that Kelly described and selected a clinician who was working in the mental health court to run it. Shifting grounds.

Seated around that table to which Kelly was invited to establish the mental health court was a clinician named Ruth Clement. Ruth is a licensed clinical social worker; these days, she leads the Forensics Unit at Services for All, a case management agency. Services for All, today, is housed in an old warehouse structure in San Francisco's South of Market (SoMa) neighborhood, just off of the city's infamous Sixth Street, a street known for drug use and flop houses and crime and homelessness and sex work. It still *is* known for those things, but, like the area around the San Jose courthouse, the area is rapidly changing: there is now a Blue Bottle Coffee around the corner, a combination co-working space/West Elm showroom just across the street. But even gentrification is not "solving" or even successfully displacing homelessness: the Blue Bottle is located next to San Francisco's Old Mint, the building from which gold emanated until the mid-twentieth century, which has now become a sometimes-event space but its portico remains an all-the-time homeless encampment. On my way to Services for All, one day, I encountered the shrieks of some finely-dressed people exiting the Blue Bottle as a man, bedraggled, stood in the shrubbery that surrounded his tent on the Old Mint grounds and grabbed mice by their tails, dangling and depositing them into a Styrofoam to-go container. Wealth and destitution met on the steps of the now-empty former-engine of capital for the city.

Ruth now splits her time between working out of the Services for All building, where she manages and hires case managers for the population of people with whom the organization works who are "criminal justice involved," like mental health court clients. When she can, Ruth still comes to court for the case conferences, like the one in which Sam Jones's case was reviewed; they happen twice weekly. Like Kelly, when I asked Ruth about

those early meetings that eventually created the mental health court, Ruth answered immediately with deinstitutionalization: "The mental health system abdicated responsibility for people after the pendulum swung too far with deinstitutionalization." Deinstitutionalization was a failure, in Ruth's mind, because it did not *just* deinstitutionalize; it managed to simultaneously turn people to the streets, to deprive them of a clinically appropriate institution, and to turn people to jail, to provide a clinically inappropriate institution to mop up the social mess of deinstitutionalization. The forensics team at Services for All, a public clinic devoted to providing social services, Ruth told me, only came about because of the jail: "In 1992, the jail was fined for overcrowding so our forensics team became a way of trying to address that problem; the fines that the county took from the jail went to our program. That's how we got started. We were designed to stop jail overpopulation. And, from there, it was really just a natural progression to get to the mental health court." Over the next couple of years, Services for All collaborated with the Adult Probation Department and the Sheriff's Department to apply for state-sponsored grants to work on decarceration and the rerouting of people from the jails to other institutions; the working group was in place. With the addition of a committed judge, Kelly, and a representative from the District Attorney's Office, Ruth explained, it was time to develop an alternative institution, something to structurally formalize and concretize the collaborations that had been developing for years. Hence the mental health court.

San Francisco's mental health court shares the same aims as Santa Clara's. They use the same model whereby courtroom clients are treated in the community, with the court overseeing their cases, usually in collaboration with Services for All, though a few other social service agencies are in the mix as well. In a big picture way, then, Judge Manley's program was a model for San Francisco. In a more detailed way, it served as an

antimodel. Across the board, mental health court professionals in San Francisco expressed admiration for Manley's energy and national profile and lobbying efforts; across the board, they expressed annoyance at Manley's status as something like a cult figure, his centrality to his program's operations, which they saw as an anathema to the purported collaborative ethos of the institution, and at the size of Manley's program. At the time of my fieldwork, Santa Clara's courtroom had about 2,500 clients; San Francisco's had about 160.[20] With only 160 people, the court team provides more oversight – more support or more control, depending on your perspective.

[20] The San Francisco courtroom enrolled an average of about 160 clients during my time there, though participation is now on the decline. As of September 2017, the court had approximately 130 clients.

4

In California, that land of earthquakes, of tremoring grounds, people build structures that are supposed to react. Buildings are supposed to sway when the earth begins to shake; overdetermining their forms, insisting on fixity, causes buildings to collapse into rubble.

The Old Mint: a building that has amazingly, stubbornly survived many earthquakes – the 1906, the Loma Prieta of 1989, countless, smaller others. Now the building sometimes has art exhibits, though nothing permanent. The neighborhood business association likes it when the Old Mint hosts exhibitions: they pay to shine a spotlight on the portico at night, when a show is running. The light scatters the community of people who have made semi-permanent homes on the stoop. One show, in 2014, was a photography exhibit featuring the work of a local artist with scenes of San Francisco buildings. When I emailed the organization who sponsored the show, recently, to ask the name of the artist whose work I remember from three years ago, the administrator replied, "The name of artist is Kenneth Andreys. He was living here but has moved because of the expense of living in San Francisco." Being scuttled by the spotlight is not a fate reserved for the homeless alone.

Andreys's collection was called "Angle of Response." It featured images of the San Francisco's architectural response to the Loma Prieta; following the destruction of that quake, the city required retrofitting to structures that met certain conditions, to make them more earthquake-safe. Walking around the city today, windows that expose the interior of tall structures often reveal angled, steel beams crisscrossing one another. The massive

crosses are supposed to brace the building, to increase the structure's stability during the next quake. The brace is not designed to hold the building *still*. It holds the building *together* as it rides the moving ground. Retrofitting is an exercise in systematizing instability so as to maintain cohesion.

The people who worked so hard to turn the criminal justice system on its head, to provide for the people whom they believed other social institutions had abandoned, to slow the pace of mass incarceration, to design a more just system understand their efforts to be born of twinned systemic crises: failures of the criminal justice system and failures of the mental health system. Both systems failed. And so, they created a new system to address the failures of the other systems. A retrofitted system. One designed to adapt. To sway. To move. To better accommodate. A system that could withstand the inevitable injurious instabilities of other systems. Such were the intentions of those clinicians, attorneys, and judges who brought the mental health courts in which I worked into being.

The Mirage of a System

1

This is not a simple story of disillusionment. It is not a tale of a poor attempt, of misplaced aspirations, of unintended consequences, of an experimental system of justice that collapsed, of a system that failed to live up to high hopes. Disillusionment abounds, uniting mental health court professionals and their clients, all of whom are burnt out, struggling, exhausted, bereft in one way or another. But what is the illusion around which these disappointments swirl? What is the juncture, the space, the crux, the motivation of the disappointment, the navel of the dream? Kelly, Ruth, Martha: I suspect that they would all say that they are disillusioned by justice, by the structural weakness of a system that they hoped to be better. It is, they insist, more just, more just than any other alternative, even if it produces its own injustices. The elusiveness of justice, despite all of their hard work, they would say: that is what drags them down.

I understand their disappointments; I feel them too, those hollow thuds of justice dropped by the wayside. But I do not see justice as the illusion. A dream, perhaps, farther off than an illusion, something that is desperately desired state, but not something that anyone has successfully fooled themselves into believing actualized. I wonder if the illusion is not justice, but systematicity itself.

Mental health courts, the criminal justice system, the mental health system, the state: in what sense are these systems at all? And what are the stakes of recognizing them as systems or declining to do so?

2

They called her the Doomed Dialer because she kept calling and calling and calling. The alliteration was in reference to a more generalized moniker – "Frequent Flier" – a nickname bestowed to clients who somehow always managed to find their ways to emergency rooms and ambulance rides, always unable to pay, racking the state's bills up and up and up. Frequent Fliers abound, many of them in mental health court, but there weren't any bonus points or perks that accrued from being awarded this particular status, except for acrimony from those state services that were hailed, that is. The Doomed Dialer was a San Francisco client who had innovated within the Frequent Flier category to carve out her own special niche: she wielded the telephone as her weapon, sucking public resources out through the telephone line, even when she could not physically get herself to the institution. Someone in the mental health court working group had come up with the Doomed Dialer turn-of-phrase during a light moment in staffing and it stuck. To the Doomed Dialer's face, everyone – Judge Albers, Kelly, Ruth, Bianca, Jasmine—called her Gloria or Ms. Wright, her given names, names that she presumably preferred.

Gloria never called me, but she had called virtually everyone else in the staffing room. She would call Kelly, her attorney most days, leaving voicemails. She would call her probation officer. She would call the District Attorney's office, though Bianca never called her back, as she understood doing so to violate professional ethics for a prosecutor. One day, Judge Albers began staffing by asking the room, with a smile, "Did you all hear about the Doomed Dialer? She's at it again. Yesterday, before it was even ten in the morning,

she'd already called Wanda [the court clerk] five times in a row, like five times *right* in a row, rapid fire, to let her know that she'd had a beer." Everyone laughed. Having a beer was technically against the terms of Gloria's probation and the working group maintained that alcohol use interfered with the effectiveness of psychiatric medications. But the working group had also been trying to teach Gloria to "come clean," to confess when she had deviated from her treatment plan. The rationale behind this lesson, taught to clients across the board, was to teach clients to seek help when needed. But the team thought that Gloria knew how to seek help all too well: the calls were incessant. Amid the laughter, Kelly asked sardonically, always quick to quip, "Yeah, and did Wanda tell her that the problem isn't the beer, it's the crack?"

A few months later, Gloria's case manager was calling for Judge Albers to remand the Doomed Dialer. Gloria had called 911 too many times and – the facts were muddied, unclear, but somehow – she had ended up kicked out of her residential placement at a sober living home and was back on the streets. Compared to Santa Clara, the San Francisco working group was far less comfortable with clients sleeping on street corners; getting kicked out of a court placement usually meant remand. Out in the courtroom, Gloria was sitting in the front row, and as we entered the courtroom from the hallway that lead to the Law Library where staffing meetings were held, Gloria waved her hands rapidly in the air. One of them held an inhaler and its contents made a dull clinking noise as Gloria's arms flapped. Kelly noticed Gloria waving in her direction and snapped at her, "Not *now*, Gloria. Just give me a break today, okay?" She had other clients gathered in the gallery with whom she needed to check in before Judge Albers called court to order. In person, as in over the phone, Gloria was calling too much.

Gloria joined Kelly at the podium to face the judge when Albers called her case, and then, gruffly, called her out, "Ms. Wright, what's with all of these calls?" Gloria's lips moved over themselves, a movement to which she was particularly prone when she was at the podium. When I had first encountered Gloria, when she was already a client in the mental health court years prior when I was just beginning my preliminary field work, I had thought that it was a manifestation of anxiety. It took a few court appearances for me to realize that Gloria always moved her lips in that way -- though the speed of the movement changed, slower in the gallery, faster and harder when before the judge – because she was missing almost all of her teeth. Her lips would pass over her gums smoothly, with no teeth to stop them. Her speech was labored. Her words were always difficult to understand, even in person, and I frequently found myself wondering how all of these phone calls actually proceeded, comprehension, I imagined, being even more difficult without Gloria's facial expressions and gesticulations to aid in communication. Albers tried to speed things up, "So?"

"I called the police because I was getting hurt!" Gloria went back to gumming her lips.

"You need to say more than that, Ms. Wright."

"You see, your honor, I bought a whole hundred dollars' worth of food, diabetic food, and they stole it at the house [the sober living home at which the court had placed her]! I had bought juice, eggs, juice, good stuff, and then, when I went into the kitchen, they stole it! At the house! They stole it! So I called the cops. And then, I was waiting for the cops to come, but I didn't feel safe because my roommate threatened to kill me. So I called the cops again! But then I couldn't stay put because I had no food and I had this roommate who was threatening to kill me so I left."

"You left." The judges' words were filled with judgment: leaving was against the rules.

"But I went straight to detox! And I even called ahead of time! I called on my way! But they wouldn't take me. So I called Safety for All [the main clinic that collaborated with the court]! And I said that I was in a diabetic crisis and that I needed money for food! But they didn't call me back!"

"So what did you do?"

"Well, it was late at night. So I slept."

"Where?"

"Out on the corner. In front of Safety for All."

"On the street?"

"Yeah, on the street."

"Ms. Wright, you know we can't have you sleeping on the street." Gloria's eyes darted around the room, with increasing speed apace with the gumming of her lips. "Ms. Wright, now I'm really concerned about your safety." Gloria tried to speak, but Albers continued, "No, I'm concerned about your safety." And with those words, the bailiff moved toward Gloria with his cuffs out and Gloria burst into loud and heavy sobs. But she didn't resist the bailiff and, as she walked out of the courtroom, she made a list of new calls, to be dialed collect from the communal jail phone, whispering, as if to soothe herself, "I'll call my mom, I'll call my mom, I'll call my mom……"

A month later, and Gloria was already back out – a "quick stint," Kelly called the period in jail -- and into a room at a different residential treatment center. She was still going to Safety for All for groups during the day. And, to the team's consternation, she was still making calls. She called 911 for an ambulance while at Safety for All, earning

exasperation from Ruth Clement, who almost yelled, on her way into court, "From Safety for All! We have nurses right there!" Ruth shook her head and then relayed what happened next: "The ambulance took Gloria from Safety for All to the General Hospital. She waited for medical attention in the emergency room. The ER was backed up, of course. She was waiting in the ER for seven hours. At which point – wait for it – at which point, she called 911 again! *From the hospital waiting room*!" Everyone in the working group, but for Ruth, emitted a sound that was both laugh and groan. One of the other clinicians in the room suggested, perhaps as a joke, that 911 should just stop taking calls from Gloria. Ruth responded tartly and with admonishment, as if this idea was not a joke, "You can't just stop taking people's 911 calls. It could be an emergency. The 911 operator can't just say, 'We hate you. Goodbye.'"

But everyone agreed that Gloria's calls needed to *stop*, even if 911 could not stop answering them. Kelly suggested that Albers remind Gloria not to call 911 "unless it was *really* an emergency," which he did, that day, out in the courtroom, at which point Gloria objected that it *was* an emergency because of the infection in her leg and her diabetes, but Albers said that she still couldn't call and, his voice growled as he looked at Gloria down the bridge of his nose, "*especially not from the hospital.*" To which Ruth added, "And not from Safety for All!" But no one thought of this as a long-term solution. Despite the reminders, everyone knew that the Doomed Dialer was doomed to dial. The best thing for Gloria and San Francisco's beleaguered public services, Kelly, Gloria's attorney, determined, was to get Gloria placed at a board and care facility out of the county. She'd work on it, she told the team.

A year and a half after her proposal, by the end of my fieldwork, Kelly was still working on it. She *had* been working on it; placing Gloria out of county had not been a task

that had slipped through the cracks. And, in the interim, Kelly had been advocating to change to the system, as she saw it, to try to ensure that Gloria stood a better chance at actually having her calls answered in meaningful ways, at actually receiving services from the state. Kelly lobbied for better services from the Board of Supervisors; she petitioned the county's Mental Health Board; she volunteered with the San Francisco chapter of the National Alliance on Mental Illness; she gave lectures to audiences of public servants and interested citizens and private start-ups and local nonprofits; she gave recommendations to county commissions; she drafted model legislation for the California state legislature; she testified in Washington, D.C. and in Sacramento; she taught a special class on mental health law at Boalt, UC Berkeley's law school, to educate the next generation of attorneys and designed a syllabus that began with chapters from Foucault's *A History of Madness* -- her desk copy was not the abbreviated American edition of *Madness and Civilization*, but the lengthier and more-recently translated version, a more authentic translation, Kelly had determined, based on her initial reading of Foucault in the original French; she wrote grant applications for state and federal programs and designed private-public partnerships to shake more funding into the services she knew her clients to need; she tried, indefatigably, to do everything she could imagine to change what she believed to be a legal system of state services and its abundant dysfunction. All the same, by the time that I left the field, Gloria was still living on San Francisco's streets. She was still in and out of jail. And she was still dialing.

3

It is not difficult to imagine the manifold ways in which Kelly was frustrated by the arduous labor of attempting to "change the system," in her locution, not to mention the manifold ways in which Gloria was frustrated by the arduous labor of attempting to "navigate the system," as Kelly glossed Gloria's doomed phone calls. Both Kelly and Gloria believed the system to be out-of-whack, to be operating dysfunctionally, and, in so doing, producing injustices right and left. Both of them were dedicated, spending immense amounts of energy to reform the system, to try to produce better outcomes, to force the system to produce just outcomes. Relationships like Kelly and Gloria's are relationships that contain their antagonisms, to be sure – *"Not* now, *Gloria. Just give me a break today, okay?"*—but also served as sites of collaboration to try to modify a system that was jointly perceived to be producing injustice. Injustice was not registered, by Kelly or by Gloria, as impersonal (cf. Stevenson 2014) or with indifference (cf. Gupta 2012; Herzfeld 1992; Hull 2012). Kelly and Gloria, together, cared very much about what they perceived to be unjust outcomes of a system not functioning as it should. And they toiled to try to raise awareness about these injustices, by calling 911 or by testifying before public commissions, so as bring about change. These injustices, they said in their calls and calls to action, must be *known about* in order to be *rectified*. Exposure, explanation, and accountability went hand in hand as tools in a common appeal for justice.

This – exposure, explanation, accountability, justice – is a familiar logic. Questions of justice akin to those that preoccupy Kelly and Gloria populate ethnographic texts.

Indeed, ethnographers have long prided themselves on employing methods that manage to capture the violence and injustice of everyday life; doing so exposes forms violence and injustice that go undocumented by other methodologies and ignored by systems of power. Even before the popularization of debates surrounding the possible political imperative to engage in a "public anthropology" (Baker 2004; Bourgois and Schonberg 2009; Farmer 2013; Fassin 2013, 2014, 2017; Holmes 2013), ethnographic scholarship has tended toward those narratives left unstudied by others, as part of a political critique that acknowledges that systems of power privilege particular forms of knowledge. Ethnography, unlike other methodological tools, is nuanced enough to accommodate the ordinary, exposing the power dynamics taken for granted in the course of everyday life and their often-violent effects (e.g., Coutin 2016; Das 2007; Han 2012; Scheper-Hughes 1993; Theidon 2015).

Nowhere is this more clear than in accounts of everyday violence perpetrated by the state, where ethnographers offer an incredibly important vantage on the types of indignities suffered in plain sight, with the plain-sighted-ness being precisely the point. Take, for example, Didier Fassin's (2013) exposure of French police practices that function to further marginalize people of color living in banlieus while protecting the interests of the white upper class.[21] Or Jean and John Comaroff's (2016) exposure of the South African state drumming up a mythology of criminality, out of sync with actual rates of crime, in order to justify its own power to punish and self-authorize its very existence.[22] Or Philippe Bourgois's (1995) exposure of the violence of crack dealing in Spanish Harlem as an

[21] Fassin's exposure resonates broadly with others' findings of police violence. See also, Garriott 2011; Herbert, Beckett, and Stuart 2017; Ralph 2014; Stuart 2016; Ticktin 2005.

[22] The Comaroffs' exposure resonates broadly with others' findings of "the criminal" as a mythological figure that the state employs to authorize itself. See also, Aretxaga 2005; Drybread 2016; Garces 2010; Garland 2001; Simon 2007; Terrio 2009; Thomas 2011.

intricate manifestation of racialized and class-based violence that excludes large swaths of the population from the labor market, from economic security, from respect.[23] Exposure and explanation are empiric and analytic levers on accountability, with accountability standing as a hopeful harbinger of justice.

It goes without saying that these accounts that ask questions of justice are politically crucial. Calling out state-perpetuated bluffs comprises a broad-based ethical tenet of anthropological and ethnographic scholarship. In "accounting for," or offering explanations of injustice and inequality, ethnographers position themselves as having a stake in economies of accountability. Participation in a discourse of exposure, explanation, and accountability in the name of justice is a primary way in which the discipline defines its relevance and its political stakes. *This* has come to be seen as the privileged terrain of politics.

What I want to suggest is that in defining political participation as weighing in by way of exposure and explanation to the ends of accountability, ethnographic accounts have the capacity to bestow, rather than observe, coherence to the state and conjure a mirage of systematicity. This is *not* to write against questions of justice. Already, we have encountered Harriet on the streets, Sam in custody, Gloria, shackled, shuffling down the hall from the courtroom to the jail, planning to call her mother, a walk that Harriet will soon make, again, herself, also with plans to call her mother. Clearly, the workings of the state have unjust effects, namely, here, incarceration and dire poverty. It is commendable, morally laudable, and politically urgent that Kelly and Judge Manley, as people who are not

[23] Bourgois's exposure of structural oppression as a co-conspirator in the production of "marginalized" behaviors and a "street culture of resistance" also resonates broadly. See also, Desmond 2016; Goldstein 2016; Hansen, Bourgois, and Drucker 2014; Wacquant 2007, 2009.

incarcerated and not in dire poverty, work so tirelessly, in multiple fora, to publicize the conditions of those who are, to hold the system to task, to improve outcomes, a labor they see as nothing less than undertaken in the name of justice itself. It is not so very different than the labor of exposure and explanation undertaken by anthropologists. Rather than writing against questions of justice, I aim to write alongside them, from a different critical position, one that cannot be occupied while pursuing questions of justice even if it does not oppose those questions. It is a space that I hope to carve out in order to access questions of systematicity, questions that are blackboxed by those that pursue accountability as a means to justice.

Accountability calls systematicity into being. It is an ethical feedback loop that turns on the redress of wrongs, in the hopes of returning to a sort of homeostatic neutral – the state of affairs before the commission of the wrong – or, even better, to use the error and redress to modify the system so as to prevent the future commission of injustices. Indeed, it is precisely this understanding of accountability that has provided so much leverage in the tracing emic negotiations of responsibility, especially within liberal contexts, where taking responsibility for oneself broadly serves as an ethical imperative. Ethnographic renderings of informants' sparring over responsibility provide particularly transparent windows into the ethical systems in which informants operate. Interpretations of emic systems of accountability elucidate systems of ethics, subjectivity, and governance (Biehl 2007, 2013; Biehl and Petryna 2013b; Davis 2012, 2013; Greenhouse 1986, 1989; Maurer 2002; Nelson 2009; Petryna 2002; Rose 1999/1989, 1999; Trnka and Trundle 2016).

This body of work is particularly powerful in its description of when calls for accountability fail to take, evidence of an emic understanding of accountability-as-system that includes some subjects and excludes others. I am thinking, here, of Elizabeth Davis's

critical attention to the ways in which madness comprises an "unaccountable form of existence," its exclusion from liberal subjectivity indicative of the systematicity of accountability for Davis's interlocutors (2012: 20). Working in the context of psychiatric reform in Thrace, Davis homes in on encounters between psychiatric patients and those who provide them care as crucial sites of negotiation over the meaning and boundaries of accountability. In one such encounter, Michaelis, a young man diagnosed with schizophrenia, asks a provocative question of his psychiatrist, Dr. Karras, upon Dr. Karras's dismissal of Michaelis's desire to go see "his people in Athens," people whom Dr. Karras consider to be a "sign of emergent delusion" (8). Responding to Dr. Karras's advice to not go to Athens to see "his people," Michaelis asks, "If I can't talk to them, then to whom can I address myself to find out what happened, who's responsible?" (8, 9). The exchange illuminates the disputed boundaries of accountability within therapeutic relationships and the challenge madness poses to liberal renderings of accountability. Dr. Karras understands Michaelis's madness and psychiatric diagnosis to preclude him "responsible citizenship" (10) and discourages Michaelis from seeking an account of responsibility from "them" – the people in Athens whom Dr. Karras believes to be delusions. Michaelis's question is haunting precisely because of the system of accountability that it conjures: a world in which people whom Michaelis describes as voices that are "part of [his] illness" can be included, alongside Michaelis and Dr. Karras, in accounting for "what happened" (9).

Analytically, we acknowledge that emic claims to accountability have powerful effects, with potentials to produce ethical worlds and types of subjects. What implication might this observation have on modes of ethnographic representation and accounting? Surely, if our interlocutors' claims to accountability have sequela that conjure and reify

ethical imaginaries, so too do our own. In writing texts that expose and explain inequities so as to hold the state accountable, ethnographers reify the coherence and systematicity of the state. Such accounts presume that the state is *coherent enough* to course-correct, *functional enough* to actually do something about the injustices exposed, *powerful enough* to produce particular kinds of effects, *controlling enough* to produce a mythology that is accepted as authoritative absent the ethnographic labor of exposure. Ethnographies that question justice appeal to the system to *do something* about the suffering that has been exposed and explained with the implicit presumption that the state – as a net of institutions, ideologies, publics, and citizens – actually could. Such appeals engender a mirage of a systematized state as a needed audience.

Accounts of dysfunction reify the functionality of the state, in their hopes for redress and rectification. They are the critical equivalents of calling 911 from the ER waiting room, hoping that the first responders will be able to urgently address the neglect of the public hospital. In the same way that Gloria's call envisioned a system in which the city's first responders could hold the city's public hospital accountable, and in the same way as Kelly's innumerable testimonies before various public committees envision a system in which Boards of Supervisors can hold negligent Departments of Public Health and Corrections accountable, so too do ethnographic exposures of injustice envision a system in which readers can hold those who abuse power or neglect others accountable. Might it be worth asking of ourselves, in appealing to justice, just as Gloria and Kelly both eventually had to ask themselves, despite being doomed to dial, testify, advocate over and over and over: exactly who do we expect to receive our calls? Just because the 911 operator will continue to answer the phone and the Board of Supervisors will continue to solicit white papers dooming Gloria and Kelly to constantly cycle through repeated calls for accountability does

not mean that the operator or the county commission fits into any coordinated or coherent state system: the feedback loop is desired, not demonstrated. To pick up the phone, to draft recommendations, to expose and explain is to invest in the mirage.

4

What can ethnography become when unshackled from explanation? And why is explanation so seductive? If Gloria is doomed to dial and Kelly doomed to advocate, are we doomed to expose and explain?

"Functionalism" may have become a dirty word within the discipline in the decades since the tradition's mid-twentieth century heyday, but "function" has not. Far from it: ethnographic assessments of functions, effects, and outcomes have become privileged terms in exposure, explanation, and political critique. The language of function, if not functionalism, manages to describe inequitable realities while acknowledging contingency and the open-endedness and multiplicity of motivation for participating in a system of power that manages to produce unjust outcomes for some. Function is the discursive and analytic mechanism that links exposure and explanation. A system of power, contingent as it may be, *functions* to create differential realities that ethnography can expose. Explanations, then, invoke functional lines of argument as part of everyday, disciplinary parlance. Explanations that call upon function in the service of accountability perpetuate a mirage of systematicity. *Something* must be functioning to produce an array of effects, and that something is, the logic goes, some kind of system.

Perhaps this is not surprising. Was structural-functionalism not the progenitor of functionalism? And functionalism not the progenitor of "function"-focused explanations? In sloughing off, first, the "structural-" and, then, the "-ism," ethnographic explanation has attempted to move away from the determinism of structuralism. And, to a large extent,

these twin moves succeed; anthropological vocabularies of function, production, effect, and outcome in no way amount to structural determinism. Fassin (2013) attends to the individual motivations that officers have for buying into racialized systems of police violence. The Comaroffs (2016) pry open sites of resistance to the state's narrative of rampant crime. And, even while exploring "structural oppression," Bourgois declares his "hope" to "restore" the "autonomy of individuals" through his writing (1995: 17). They embrace contingency, they account for discrepancy. But they maintain system – a coherent-enough system to produce unjust effects. Systematicity haunts exposure and explanation as a ghost of structure past.

What about that disciplinary past? How did early functionalists address the conjuncture between explanation and systematicity? Pick a volume from the disciplinary canon from the early- or mid-twentieth century. Any of the late-greats will do: Bateson (1958/1936), Benedict (2006/1934), Boas (1963/1888), Bohannon (1969), Evans-Pritchard (1940, 1970/1937), Firth (2004/1963), Gluckman (2017/1965; 1969), Llewellyn and Hoebel (1941), Malinowski (1984/1922, 1989/1926), Mead (2001/1935), Radcliffe-Brown (1964/1952), just some of those on offer. Crack open the spine. Take a look at the tables of contents: each is organized by system. Readers move from economic systems to mythic systems to legal systems to political systems to linguistic systems to kinship systems. Systems abound. It takes a beat to recall what a drastic intervention this was: that so-called primitive peoples had *societies* that were *organized* into systems comparable to those systems in which Westerners understood themselves to live.

As a mode of explanation, functionalism mobilized empirical observations of everyday life into coherent systems. Rather than merely observing that some people were subordinate to others, functionalist anthropologists asked which social system *did* the

subordination, rendering oppression or disadvantage as a consequence of power dynamics rather than an intrinsic quality of disadvantaged people. Social differences were no longer taken as natural states, but instead as the effects of the functioning of systems. In arguing for the application of structural-functionalist principles to the analyses of cultures overseas, Radcliffe-Brown directed his intervention as against the type of social theorizing undertaken by Robert Lowie, a school of thought that Radcliffe-Brown did not think rose to the level of theory at all. Radcliffe-Brown was dismissive of Lowie's hodgepodge notion of culture in which culture is simply an assemblage of traits, manifestations of difference, phenomena that reach the observer's eye without any sort of explanation needed for the appearance of difference (Radcliffe-Brown 1965/1952a: 186). No: the "function of any social activity" is "the part it plays in social life as a whole and therefore the contribution it makes to the maintenance of structural continuity" (180). Likewise, Malinowski excoriated those lazy theorists – especially Sir Henry Maine, Malinowski's adversary of choice -- who dealt in "folklore," a pejorative for Malinowski, rather than attend to Trobriander practices of exchange as the functional equivalent of law (1989/1926: 3, 12), a nascent line of functionalist argument to later be leveraged by Gluckman (1965, 1969) against Bohannon (1969), to argue for Barotse jurisprudence and processes of dispute resolution as "law" proper.[24]

As evidenced by the "translation debate" between Gluckman and Bohannon, anthropologists who employed functionalist analyses did so, in part, to fuel comparison.

[24] These debates – between Radcliffe-Brown and Lowie, Malinowski and Maine, Gluckman and Bohannon -- show the breadth of my earlier gloss on "the canon." Clearly, there were methodological and interpretive debates between "functionalists" and "non-functionalists," and among "functionalists" themselves, to the point that it might be more appropriate to refer to these "schools," as well as the notion of "a canon," as fantasies of the discipline's imagination. I refer to this older anthropological literature in sweeping terms not to elide the differences within, but to gesture to the prevalence of systems-thinking as a kind of least-common-denominator within the field that spanned multiple iterations of other famous disciplinary debates.

Functionalism's emphasis on production and effect enabled robust commensuration; functionalist explanation allowed Gluckman to make the claim that the Barotse *had law* because they had institutions that did the things that others expect Western law to do–settle disputes, transfer property, regulate the economy, and so on.[25] The mid-century anthropological embrace of functionalism, then, serviced a primary project of cultural difference over ontological difference. In this view, the task at hand for anthropologists was to adduce the function of certain practices, relate them to one another by wrapping them within systems, and to go about demonstrating how people create the conditions of their own worlds, how people create the systems that structure their lives, or, as Geertz infamously put it, how people live in the "webs of significance" that "they themselves have spun" (1973: 5).

Contemporary discussions of "function," "effect," "outcome," and "production" retain a functionalist interest in systematicity, an interest of which I am wary when the state is presented as one such system, capable of functioning to produce somesuch effects and outcomes. If we need to pause to remind ourselves of the radical implications imported into social theory upon the turn to functionalism, so too do we need to remind ourselves of the pains that these anthropologists took to demonstrate the systems they would proceed to analyze. It is no coincidence that more people are familiar with the introductions of Malinowski's (1984/1922) *Argonauts of the Western Pacific* and Evans-Pritchard's (1940) *The Nuer* than their subsequent five hundred pages. The detail is, at best, excruciatingly thorough, at worst, excruciating. But that detail was needed to show readers that the

[25] George Marcus and Michael Fisher observe this same function of functionalism, in a more critical light, when they write that functionalism entailed "the reification of institutions into typological pigeonholes for cross-cultural comparison" (1999/1986: 28).

phenomena Malinowski and Evans-Pritchard observed *were* organized systems. Systematicity was itself an argument that required evidence to prove.

My concern, here, lays with just how compelling function-talk *is* as explanation. By their own logic, explanations that embrace "function" are hegemonic, impossible to dislodge. Even that which is diagnosed as "dysfunctional" *functions* to protect certain interests over others. The racial and economic injustices of mass incarceration, for example, what Kelly and Judge Manley consider to be "dysfunctions" of the criminal justice system, are exposed as functionally protective of the interests of white wealth. In other words, from the logic of explanations that embrace function, unjust "dysfunctions" *themselves function* to maintain the coherence of a system. We see systematicity everywhere and so quickly turn to production, effect, outcome as a means of accessing the interests that align to ramify inequality, without providing a half-thousand pages of evidence to back up the initial claim to system. And, in stabilizing systems – particularly those to which we claim the state is a party – to make claims of accountability as a form of political critique, we lend, endow, and affix coherence. We give the state life and force that it may not have on its own. We critically participate in state fetishism (Taussig 1992d, 1997) through the backdooring of systematicity in pursuit of justice.

In his own reading of disciplinary turns, with an eye towards degree of distance between other conceptual trends and Durkheim's mana, William Mazzarella (2017) offers a methodological mechanism of "settlement" as a way to get a handle on the tension between debate and stability. A settlement, he writes, in contrast to intellectual history, is the "tension between the appearance of a negotiated, reasonable compromise and the violence of the settler whose stability of residence depends on the displacement and disavowal of the one that his presence silences" (10). Mazzarella moves through three such

settlements: the "empiricist settlement," that established fieldwork as the controlling method within the discipline and silenced anthropological claims that were based on speculation, or the readings of others' field accounts, rather than the author's own participant-observation (62); the "primitive settlement," that rendered primitivity and modernity as "two internally coherent worlds" (70); and the "aesthetic settlement," that afforded "the modern, autonomous subject a space of extimately mimetic resonance that wouldn't call into question his or her precious critical integrity" (103). Mazzarella poses each of these as an "encounter," a privileged term of Mazzarella's to which I will return, between different strands of thought within the field and marshals the violence of settler-colonialism to frame the resulting compromise. The very mechanism that propels the discipline forward, through encounter, debate, and partial resolution, entails the violence of silencing, and Mazzarella aims to harness this ambivalence.

Despite insisting that his reading is theoretical and not historical, Mazzarella relies on temporal distinctions to motivate his interpretive work. He sees things in the works of the anthropologists whom he describes as encountering one another that were not available to the anthropologists who were doing the encountering at the time of the encounter. Time is what allows Mazzarella to see the incompleteness of the settlements he identifies. For example, he works through the empiricist settlement by tracing Durkheim's mana. During the "mana moment," speculative anthropologists embraced mana, only to have the embrace unlatched by fieldworkers insisting that their speculative colleagues had perverted mana beyond the bounds of its emic meaning (41). Mazzarella reads Malinowski, Boas, Firth, and Evans-Pritchard to have rejected Durkheim's and Mauss's conceptual work with mana on the basis of the absence of an empirical link between the theory and local usage, with the effect of having "reduced" disciplinary discussions of mana to "linguistic

specification" (37, 45); mana went out, fieldwork came in. Enter Mazzarella's "tension," a clue to the incompleteness of such settlements: in moving away from mana, early fieldworkers "effectively preserved mana in a state of suspension between ethnographic verification and epistemological disavowal" such that it was "neither dead nor alive" (62). Put differently, the fieldworkers' abandonment of mana as a useful category of analysis preserved mana for future anthropologists, like Mazzarella, to reengage. Settlements have afterlives that are only made available temporally. Time reveals the tensions of settlement, the violence of the original disavowal.

There is a tension in Mazzarella's own work between the recuperative labor of revealing the historical encounter and settlement that produced such a symptom and the imaginative labor of looking at the tensed potential of a concept that can be reactivated (15, 50). I understand this tension to be related to other methodological choices that Mazzarella makes – namely, his assertion that his is "unabashedly, a 'theory book'" (vii) and not an ethnography. And without an ethnographic scope, the settlements that Mazzarella describes as pulsing with tensions and potentials come off as more settled than I read him to intend. What comes after a settlement? What of the *unsettling* experience of encounter? How would Mazzarella's critique change with an emphasis on unsettlement over the emphasis on a tense and contradiction-packed settlement?

Before moving to unsettlement, though, let's stick with Mazzarella's language for one moment more. In the move from structural-functionalism to cultural hermeneutics, from "instrumentality" to "meaning," systematicity managed to remain. If Mazzarella describes mana as an "undead" symptom of a settlement, in its exclusion from the resulting order but with outstanding potentiality for reactivation, systematicity is a ghostly symptom, in its continued life within the new paradigm. One need only turn to the titles of some of

Geertz's (1973) most famous essays in cultural hermeneutics – "Religion as a Cultural System" and "Ideology as a Cultural System" – to see how structural-functionalism managed to haunt the subsequent intellectual tradition. Interpretive anthropology is, obviously, different than structural-functionalism. But they both deal in systems. They both privilege coherence over incoherence. They stabilize and settle through accounts.

5

But all of this is a long way back: a link between function and system has endured for decades, surviving multiple disciplinary swerves away from structuralism and towards indeterminacy and contingency. I want to suggest that the longevity of an ethnographic interest in the logic deployed by Kelly and Gloria – exposure, explanation, accountability, justice – has been sustained, in part, by the unrelenting anthropological interest in a Foucauldian notion of power. Foucault opened a theory of power that made contingency and coherence commensurable through a language of function.

"Foucault was a very, very mysterious man," Deleuze said of his friend, in an interview soon after Foucault's death, but one thing was clear: "he was always a functionalist" (Deleuze 2007/2001e: 286, 283). Deleuze's reading of Foucault contrasts with the parodic image of Foucault offered by that other theorist of systems, Geertz, for whom Foucault was "a kind of impossible object: a nonhistorical historian, an anti-humanist human scientist, and a counter-structuralist structuralist" (1978: 3). And Deleuze's depiction certainly goes against how Foucault – in 1970, at least, when writing the introduction to the English translation of *The Order of Things* (1994/1970) – saw himself, in his adamant denunciation of any attempt to pigeonhole him into one particular mode of thought.[26] I want to pose a less expansive version of Deleuze's more intimate gloss: in his

[26] Foucault is feisty: "This last point is a request to the English-speaking reader. In France, certain half-witted 'commentators' persist in labelling me a 'structuralist'. I have been unable to get it into their tiny minds that I have used none of the methods, concepts, or key terms that characterize structural analysis. I should be grateful if a more serious public would free me from a connection that certainly does me honour, but that I have not deserved" (1994/1970: xiv). As Foucault notes, he is writing specifically against those "half-witted

writings on state and psychiatric power, Foucault's interest in function and effect simultaneously expanded theorists' recognition of who could practice power such that it was identified as a universal relation, something in which every person and institution inevitably engages, *and* identified the state as one coherent practitioner among other people and institutions. In those works of Foucault's most commonly referenced in ethnographic writing – *Discipline and Punish* (1995/1977)*; Society Must Be Defended* (2003/1997)*; Security, Territory, Population* (2007/2004) – the state is a system that *functions* to produce particular effects.

When Elizabeth Povinelli reads Foucault in order to develop her theory of geontopower, or a form of power that succeeds biopower, she observes that even with a clear understanding of Foucault's theories of power and their divisions, spliced between sovereignty, discipline, and biopower, one is "left with a lingering feeling that some unnamed shared conceptual matrix underpins all three" (2016: 7). Likewise, in arguing for the continued and spectacular afterlife of sovereignty in governmentalized South Africa, Jean and John Comaroff refer to a common "telos" that unites Foucault's trifecta of power's forms (2004: 804). Foucault seems to nod towards the presence of a weak ontology underlying the three forms of power that he develops in his insistence that it is imprudent to think "in terms of the replacement" of one form of power with another; sovereignty, discipline, and government exist "in reality" together as a "triangle" (Foucault 1991: 102). Even though power might take different guises with different effects, something renders the forms minimally commensurable. That something, that "metaphysical concept" (Povinelli 2016: 8), I suggest, is *coherence.* And while it need not be this way, and while Foucault argues

'commentators'" who have labelled him a structuralist, but one imagines that he would bristle at functionalist no less. He resists typification.

vociferously and persuasively that the state in no way has a monopoly on power, state-ness and coherence tend to truck together.

The beginnings of this argument are well known to anthropological theory: Foucault theorized power as diffuse, dispersed, unconfined to the elite or the state or the dominant class. Power, for Foucault, is inextricable from social relations and relations are conducted by everyone. To think of power as something that is possessed by the State or even by a dominant class is to misread Foucault; power cannot be possessed, only practiced (Foucault 2006/2003: 4). In his lectures on discipline (1995/1977), Foucault considers the emergence of punitive institutions broadly through the emergence of a punitive society (2015/2013). The models of punishment that society comes to apply to those who transgress norms, Foucault specifies, "derive" from "theory and practice" – *not* ideology or philosophy (2015/2013: 82). In other words, institutions of social control, like prisons, cannot be explained by the philosophies of the elite, but only by the practices that transcend class constructs and touch down on the social whole – like the ordering of time in factories, the development of hourly wage labor, the counting of time in a prison sentence (72). Power, here, cannot be "possessed," contra Marx's assignation of power to the bourgeoisie, because "it is in play, it is risked" (228). This "risked" power is "never stable" but instead is "always in this kind of mobility" (228). Power is neither "subordination" nor "ideology" (231, 333).

Instead of asking after ideology or law or penal theory or political economy, Foucault suggests that understanding the sudden emergence of the prison at the end of the nineteenth century demands answering the question: "in what system of power does the

prison *function*?" (227, emphasis added).[27] Take the institution first. Work backwards. The interests made manifest through that institution reflect differentials in power, who lost and who won that particular "play" (228). The institution always wins. Its continued existence is a symptom of a constellation of power relations that coalesce to maintain said institution. So much is clear in Foucault's turn to governmentality in *Security, Territory, Population* (2007/2004), where he introduces the state as an institution that effectuates power by organizing populations. "What if," he asks, "the state were nothing more than a way of governing? What if the state were nothing more than a type of governmentality?" (248). *What if the state were nothing more than a way of governing*? Foucault answers his question: the state, he replies, is but "an episode in government" (ibid).

Throughout, then, the state practices power. Not to the exclusion of its subjects or other institutions – the state has no monopoly here, governance is not a practice limited to the state – but neither is this an even-handed game. How to explain the differential effects of this practice? That even though everyone practices power, the state seems to be particularly adept at such a practice? That even though everyone practices power, such that power is a feature of sociality, not everyone practices power with equal effect? As Deleuze reads Foucault, the relationship between the state and power is not one of "deriv[ation]," whereby power is extensive of the state, but one of "capture," whereby the state has managed to amass control (1988/1986: 76). Deleuze declines to elaborate on what

[27] Some scholars have been critical of the application of Foucauldian theories of power outside of Antiquity or the French Classical Age– the typical parameters of Foucault's historical evidence. *The Punitive Society* (2015/2013: 86-91), alongside *The Birth of Biopolitics* (2008/2004: 216-270), is one of the few instances in which Foucault specifically addresses the American context in his lectures. *The Punitive Society* includes ruminations on the Albany prison and the Eastern State Penitentiary, as well as moralism in Quaker cultures, in the American nineteenth century, in addition to his typical analysis of British and French systems. In any event, American historian David Rothman (1971, 1980) draws conclusions similar to Foucault's regarding the functions of American institutions – prisons, poorhouses, orphanages, and asylums – whose emergence Rothman likewise dates to the mid-nineteenth century.

he means by "capture," but I understand his notion of "capture" to be the effect of what I am calling coherence. As an "episode of governance," the state fits itself amid other modalities of governance such that the form of governance offered by the state makes sense: it glides with other systems of power that extend out far beyond the state *per se* and into everyday domains of life.

It was a groundbreaking intervention for Foucault to declare the diffusion of power, its dispersal, to reveal the fundamental arbitrariness of governance, groundbreaking in a way that has sustained the anthropological imaginary. It is *helpful* for ethnographic work to embrace a theory that posits that there is no one way to govern, in the same way that it was helpful for functionalism to stabilize systems in order to facilitate cross-cultural comparison. There is not a form that matches on to power; to say that a particular form has power to the exclusion of another would be to make the type of power-*qua*-possession argument that Foucault so vehemently refuses. The search for power is not the hunt for a particular form. Society settles, if only temporarily, around broadly contingent arrangements of governance, an arrangement that seems sensible in the scheme of other social institutions, to which the state is a party: a contingently coherent arrangement that functions.

At a minimum, then, for Foucault, mobilizing power requires coherence, a coherence that applies to the state as one practitioner of power among others. By "coherent," I do not mean that the state is *intentionally* constructed in one way or another, that someone sat down and hatched a plan to design and construct various apparatuses so as to consolidate power. When I say that Foucault understands the state to be "coherent," I mean that Foucault describes a historically and culturally contingent state against the background of other social norms and relations, that it seeps into the crevices of other social institutions and extends out through them, promulgating forth through intimate power

relations. It has a shape – a shape that changes to match the shapes of other social forms. Physical architectures signify and make material broader social architectures.[28] Forms fit, cogs turn, the diffusion of power across social fields rotates together in particular ways – ways that are ultimately socially constructed. There is no form that is necessarily more powerful than any other, only forms that achieve more power in relationship to the other social forms against which and through which they are produced.

But even though Foucault's social theory describes a society on the move, jumbling around institutional and political forms through the rearrangement of power dynamics and epistemologies, even if one understands that to be Foucault's overarching imperative in analyses of power, it can be difficult to see the moments of flux. His emphasis on coherence – the jiving together of different sites of governance, inclusive but not reducible to the state – is in the mode of montage: stable images that change over time, but whose capture remains within a system that is "closed," as Deleuze (1988/1986) and Badiou (2012) say. In other words, Foucault in no way denies the arbitrariness of whatever constellation of social arrangements happens to achieve stability at a particular point in time, as made evident by his constant gesture towards their inevitable change. But Foucault is more adept at fleshing out the compaction of institutions within systems of power – at capturing those thin and fleeting moments of systemic stability – than in narrating change in motion.[29]

[28] As Foucault writes of the prison, "Now, this prison form is much more than an architectural form; it is a social form" (2015/2013: 227).

[29] One might say that I am being unfair. As Badiou (2012: 86) points out when the Collège de France takes the chair that had been Jean Hyppolite's as the Chair of the History of Philosophical Thought and gives it to Foucault as the Chair of the History of Systems of Thought, when Foucault supplants philosophy with systems: can you blame the man for thinking in systems throughout his career? Of course not. Rather than trying to subvert the systems that Foucault championed, I am attempting to point to the implications, commitments, and limitations entailed by such a perspective.

My critique of the privileging of stability over its alternatives ought to sound familiar: I am arguing for its application to Foucault, but this line of argument resembles that which was once directed at structural-functionalism. "But what about dysfunction? And how do you account for social change?" were questions that dogged structural-functionalism, eventually contributing to the turn to interpretivism (Barnard 2000; Marcus and Fischer 1999/1986; Stocking 1988). Foucault *does* account for change: the montage proceeds. Punitive practices of expulsion morph into punitive practices of confinement (Foucault 2015/2013); people in poverty morph into delinquents (Foucault 1995/1977); sovereignty morphs into biopower (Foucault 2003/1997), which morphs into governmentality (Foucault 1991); the state that governs territory morphs into the state that governs populations (Foucault 2007/2004), which morphs into the state that governs interests (2008/2004). Indeed, Foucault's tracing of power's unfolding over and across changing formulations is part of what makes it so appealing to include in anthropological theory that also turns to change within and across cultures.

But in speaking to change, Foucault retains a vocabulary of "function," "production," "effect." He *accounts* for change, pitting competing regimes of veridiction against one another as the engine for change, driven forward by the most contingently coherent of those at odds. Take Foucault's repeated insistence on the vocabulary of war: in *The Punitive Society* (2015/2013), he writes that the only proper idiom in which to understand the state's shifting tactics of penality is through the lens of warfare; the state strategizes to defeat its enemy – social outcasts, deviants, those who will not *work* in an industrial-capitalist economy – through their confinement. This is a civil war waged between the state and "social enemies" (Foucault 2015/2013: 24-43, 61-72). Or, again, in *Psychiatric Power,* in which Foucault swaps the "psycho-sociological vocabulary" of psychiatry's self-narration

with the "pseudo-military vocabulary" that social theory needs in order to grasp power (2006/2003: 16). Power demands coherence, so as to put up a discursive fight. This rendering of coherence as a precondition for power, so as to carve out and occupy a privileged position within a system, cross-cuts Foucault's wide-wheeling methodologies, from his consideration of governmental tracts and treatises, as in his thinking with governmental rationalities, or his turn to practices, tactics, and psychic and corporeal discipline within institutions. Across these multiple sites and media, power, for Foucault, is coherence. And one such coherent practitioner of power is the state, even as the substance of that coherence changes over time. Incoherence is out of the picture.

My interest in Foucault's weak ontology of power as coherence is not to hold him to task for professing an ontology under the guise of the capaciousness of social constructionism; I suspect that all theories contain weak ontologies within them – one might call them definitions or concepts – and that this is hardly grounds for an interesting critique. My interest is not Foucault's theory of power unto itself. Rather, I want to show how Foucault's anthropological reception settled some anthropological anxieties and, in settling these methodological and theoretical debates, gave renewed life to certain disciplinary ghosts through his vocabulary of function and effect. Anthropology's embrace of various readings of Foucault stands a kind of pivot point, importing his vocabulary and his emphasis on contingency over causality. Thinking with Foucault has allowed anthropologists to access a vocabulary of systems that function without needing to provide ethnographic evidence, as did the earlier structural-functionalists, of the existence of a system.

Foucault's theories of power became what Dominic Boyer calls the "theoretical lingua franca of anthropology" precisely at the moment of the discipline's crisis of representation (2002: 271; Clifford and Marcus 2010/1986). Part of this overlap is

coincidence: the moment of the crisis of representation was the same moment in which editions of Foucault's work on power began to appear in English translation. But Marc Abélès (2009) reads other meaning into anthropology's sudden uptake of a Foucauldian notion of power: at a moment where anthropologists were broadly attacking the colonial legacies of their own methods and means of knowledge-making, thereby casting positivist social science and the power dynamics of fieldwork with suspicion, Foucault provided a mode of theory that proved able to square contingency and social constructionism with an ongoing engagement with the relationship between truth and power. In the wake of the turn to postmodernism and the crisis of representation, Boyer diagnoses, Foucault's "pervasiveness" has become "largely unparalleled in anthropology, almost to the point that, like oxygen, one takes his ethereal yet nourishing presence in everyday disciplinary life almost for granted" (2002: 265). Marshall Sahlins sees something else in the discipline's inability or refusal to shake a specifically Foucauldian "obsession" with power: "the latest incarnation of Anthropology's incurable functionalism" (2002/1993: 20). In reinforcing a vocabulary of function, effect, and system that already had roots within the discipline, Foucault contributed to anthropologists' settlement of cultural turn by uprooting that vocabulary from a demand to, first, demonstrate, ethnographically, systematicity. Anthropologists could mobilize a lexicon of distributed effects, functions, and systems without entering that tricky territory of causality, maligned by the anti-postitivism of the crisis of representation. This is precisely the language of questions of justice that are pursued so as to hold power accountable by exposing and explaining how systems, like the state, produce inequities and injustice.

Foucault sees internally-coherent systems everywhere, as the tracks of governance. Need we see the state as one? In doing so, we afford the state a power to control and

coordinate, to self-regulate, to function. I am not disputing effects of state practices, effects that are scattered differentially and make some people more vulnerable than others. I am not writing against questions of justice, those questions that presume the systematicity of the state, but I am writing against their analytic hegemony.

An alternative critical encounter with the state is needed when Judge Manley believes that the best he can do is provide a chance for justice. When, as happened one day in Santa Clara, the sheriff's department lost track of a handful of people who may or may not have been in custody, leaving the court unclear as to whether the people who were supposed to appear in court that day were absent because they were imprisoned or because they just had not shown. When several fields of entries in Santa Clara's criminal justice database just showed blanks rather than displaying information. When countless release orders filed by Judge Manley went missing, lost somewhere in the clerk's office, never reaching the Department of Corrections, and thereby never reaching the correctional officers who were ordered to unlock cell doors. When Judge Manley would say, to a client, in court "your case is dismissed," but those decisions were only sporadically noted in the sheriff's database. When the court realized that it may have made a clerical error – could there really be two different clients with the name Gerome Williams with the same date of birth? – or maybe not. Were there actually two people? Or just a clerical error? No one knew when the two files with the same name and the same birthday were discovered, one right after another, in a file cabinet. No one knew by the time that I left the field, though curiosity about the two files would resurface every time Gerome Williams was slated to appear before the court.

A theory of the state that can accommodate incoherence and non-systematicity is needed when court clients were released to unlicensed and unregulated residential facilities

known for corruption because beds in licensed and regulated facilities did not exist. When, up in San Francisco, legal protections granted to court clients whom the court identified as having cognitive impairments would disappear. When clients would manage to run away from their psychiatric placements, never to be heard of again, until a couple of them showed up to court three years later, after the fact. When Gloria is forced to dial 911 to call out the unjust practices of the public hospital in an attempt to hold the state accountable to her. Thinking in terms of systems cannot capture this incoherence, this utter failure to coordinate, to contain, to control. How might we amend our theorization of the state so as to hold the coherence and incoherence of the state steady in the same frame, without privileging coherence through explanations dominated by functions and their effects?

6

Rodrigo Luna sees flows, not systems. Rodrigo had spent close to four of the past six years behind lock and key, by the time that we met in early 2015. I had been working in the office next door to the Santa Clara courtroom, the cubicle in which Abby, Judge Manley's program administrator, usually worked. I had been at the courtroom for a couple of months when she fell ill and needed an extended absence from work. Judge Manley had told me to go and sit in her office instead, despite my shaky knowledge about Santa Clara social services and then, on his court date, Judge Manley directed Rodrigo to me, to help him find housing. Rodrigo is a broad man, tall, affable, always sporting a large smile. As we got to know one another over the course of the next year, I found myself drawn to his cheerfulness. Even though I was the one who was supposed to be helping him, according to Manley, with his homelessness and his criminal record and finding work and managing his psychiatric appointments, he was the one who usually made me smile or laugh when I was feeling demoralized. He told me that the other men at his group home called him "Dora the Explorer." He acknowledged that this was likely meant as an insult, but he personally liked how curious Dora was. He wanted to throw a birthday party in honor of Taylor Swift on December 13, because he had heard her voice singing to him throughout the year and a half he was in administrative segregation, or solitary confinement, and hearing her had brought him joy. He had "SAMSUNG" tattooed on his forehead because the goal he had landed on while in custody – what he wanted to do with the rest of his life – was to become "the Samsung mascot" and the tattoo was a sign of his commitment. He

was an enthusiastic person, in possession of, or possessed by, a *joie de vivre* that could be contagious in a way that I appreciated.

That day that we had first met, Rodrigo and I spent a few minutes alone together when he told me of his housing problems; he had been released from prison a few months before and had been living in half-way house until a few days ago, when they had kicked him out or he had left, it was unclear. "That housing, the NA housing, it was *polluting me*, corrupting me, they were trying to get into my body, you know what I mean?"[30] Rodrigo's words slipped together, with indistinct syllables. "These people, they're trying to get into my body, pushing me into bodily distintegration, you know? These guys, they're all trying to size me up and saying that I can't do nothing because I'm Puerto Rican and I know a conspiracy when I see one—I'm really crazy, but I'm not dumb. So after all of this pollution, I had to do something, I had to be true to myself so I just had to muster the courage and I told all of them what I thought of them and that was that. They can freak out, they can say whatever, but I'm not going back, so I need somewhere else to live."

At this point, his parole agent came into the office and pulled a chair up next to Rodrigo, patting Rodrigo softly on the shoulder as he took a seat. I asked Rodrigo if he had talked about what happened at his "NA housing" with Judge Manley, and he nodded, "Oh yeah, we talked about it." Rodrigo's parole agent, Agent Chisholm, had been in the courtroom with Rodrigo and the judge and, upon this report to me, he did not make a face, exactly, but repositioned himself in his chair and Rodrigo responded, "Well, right, it isn't

[30] By "NA housing," I understand Rodrigo to be referring to "Narcotics Anonymous housing." The term a legal or social service professional would use for what Rodrigo calls "NA housing" would be "THU"—a therapeutic housing unit. These types of housing are half-way houses for people exiting prison or jail or homelessness who have nowhere else to go. They are run by managers who are supposed to maintain sober environments.

like we talked about it out loud. But I really like Manley. So I just wanted to have a man-to-man talk with him so we connected psychically. I didn't want to talk about all of this stuff back out in front of everyone in the courtroom, not where everyone can hear. Like, I just want to talk to Manley and my parole agent and you about this stuff. So Manley and I, our minds spoke to each other in the courtroom. I didn't have to say it out loud. I just sent him a special note because we have that kind of connection." Agent Chisholm did not offer an interpretation of the conversation between Judge Manley and Rodrigo, instead turning to me to reiterate that parole had no particular demands for what type of housing Rodrigo would need to be compliant with his parole; he just wanted Rodrigo to have as many chances as possible at landing somewhere, perhaps something funded through money tagged for mental health residential treatment would be appropriate?

Rodrigo and I walked out of the courthouse together; Agent Chisholm peeled off and I stood with Rodrigo on the corner as he smoked a cigarette. As we exited the building, Rodrigo glanced in the direction of the San Pedro Square market and turned around the building to go to a corner facing in the direction of the creek. I followed. I remember that corner and that moment: the sky behind Rodrigo burned a brilliant orange, the same amber color as the ember on the end of his cigarette. It was cold. Rodrigo pulled his sweatshirt hood over his head. I shivered. When he exhaled, the grey of the stack of smoke emanating from his cigarette matched the grey of the stacked condominiums under construction behind us and rose to meet them where they scraped the orange sky. "Man, thank you," Rodrigo smiled, "I feel good. This is good." I told him that I hoped things would work out – a disavowal of my ability to *make* them work out – and told him to stay in touch. Rodrigo had a cell phone, so I would call him if I heard anything.

A week later, Rodrigo was placed at a different NA house, an unlicensed place run by a guy named Jerry. A bed had opened up there – meaning that someone else had found alternative housing or flopped out themselves or was rearrested or hospitalized or died – Jerry had seen Rodrigo's name on a list compiled by the county's Department of Drug and Alcohol Services, Jerry had given Rodrigo a call on his cell phone, Rodrigo had gathered his trash bag full of items from underneath the park bench on which he had been sleeping and had gotten on a bus, which was where he was when he called me. I could hear his excitement in his voice. "Thank you, thank you. This is good. You did this! Thank you."

I had not "done this." I had not done anything at all. I had left voicemails for a few half-way homes when Rodrigo had been in the office the week before. I had followed up with a few of them, not Jerry's. Those few homes that had called me back did not have room. Most never called. Uncomfortable with Rodrigo's adulation, I told him what had happened on my end: nothing. I told him that, like he was used to when he had tried to call various social services, no one had called me back. I had not done anything to get him a bed. Though I was very glad indeed that he had one. He would not believe me, "No, no, no. I *get* what's going on here. I feel it. You did this, Jessica, even if you don't know it. I feel it flowing through me. It's flowing; feel the flow. It's supernatural. *Feel that supernatural flow!*"

A month later, I went to visit Rodrigo at Jerry's. He was not sure how much longer he would be staying. It was expensive: $650 a month for a bunk in a room that he shared with three other men and one meal a day. He did not like all of his roommates; one man kept accusing him of stealing his jeans and Rodrigo worried that the situation would escalate. He did not like the food; there were only so many days in a row that you could eat baloney sandwiches. But all of this, he told me, would have been tolerable if it were not so expensive. Rodrigo paid $300 a month out of pocket; a local religious organization paid

$350 on his behalf. But the supplemental money from the charity would be ending soon and Rodrigo did not know how he would come up with the extra $350. $300 was hard enough. Rodrigo was on General Assistance, like Harriet and many others in the Santa Clara court, but that was not enough: on GA, Rodrigo told me that he received $147 a month in cash from the state and an additional $207 that had to go towards rent. Yes, there were technically enough dollars there to pay what he owed in rent each month. But not when you added in food and medication co-pays and transportation costs. Especially when the charity money would cut off in a month or two; Rodrigo was not entirely sure when it would disappear, but he knew that it was only a short-term supplement.

To come up with the money that he needed to survive, he was working about thirty hours a week at a McDonald's that was an hour and half away, by bus, from Jerry's. He liked working, he told me, but it was difficult to work thirty hours a week and to ride the bus for fifteen hours a week and still make time for the group therapy sessions that the court insisted he attend as a condition of his parole. And, he reminded me, he was not supposed to be working at all, according to his parole agent. And it was hard because McDonald's would always change his shifts around – he was not working the *same* thirty hours each week – which made scheduling his group therapy sessions even more difficult. And it was hard to work seven hours a time as a cashier because he could not wear his Walkman while interacting with customers and his headphones were the only effective tool he felt that he had at his disposal to drown out the voices. But he likes interacting with people, he said, even if the voices sometimes intruded. "The other people, everyone else working is so *rude* to customers!" he told me, in amazement. "It's like, hello, be nice to the person *paying you*, you know? I used to work for a call center, so I always greet customers by saying, 'Hi, I'm

Rodrigo, welcome to McDonald's!' and then it's like, oops, I can just say, 'Hi, can I take your order?'"

By the time a year had passed, the supplemental charity money had long ago dried up. I had picked Rodrigo up from a different halfway house to go get some coffee and donuts. The room at Jerry's had disappeared. So had the job at McDonald's; it was unclear to me whether Rodrigo had quit or was fired. And so had parole: Rodrigo graduated from Judge Manley's program and, in so doing, completed his parole. When I congratulated Rodrigo on finishing the program he looked at me with disdain, "Why are you congratulating me?" It was the only time that I ever heard his voice sharp.

I apologized. "I'm sorry—I just thought that you'd be happy to not have court things hanging over you, like having to go to classes. I shouldn't have assumed."

"No, you're right, I didn't like having to go to all of those classes. But I liked some of them. And parole helped get that religious center to pay for some of my room and board. Now all of that is gone." Succeeding – meeting all of the court's demands – meant that resources on which Rodrigo relied were going to be taken away. "My case manager, she is trying to refer me somewhere else, to live, but nothing is coming through and she stops managing my case at the end of the month because I graduated. Everything is going away." An exit from the criminal justice system meant an exit from the social services that Judge Manley's court provided.

"Oh, I don't know," Rodrigo sighed, as I sat silently, unsure of what to say. I knew what Harriet would say, *It's not fair! It's not fair! It's not fair! It's not fair!* Rodrigo stayed quiet, without Harriet's vigor and protest. Eventually, Rodrigo lifted his head up and took a bite of a donut: "I don't know. I like Sara [Rodrigo's case manager] and Agent Chisholm well enough. But it isn't like things have been so stable this past year, with their help. I like them,

I like having them around, they help me. But that parole money didn't always come through and I've been moved around a bunch from house to house, you know, all these different places you've come to pick me up. The money always changes, the houses always change. You can't really count on any of it or plan around it. I guess I just liked being with people who sometimes could help me, where there was a chance for some help. Better than nothing, I suppose."

Rodrigo shrugged, as if to move on. I tried to ask a couple of more questions about Sara and Agent Chisholm and what Rodrigo believed to lay ahead for him. My questions did not take; Rodrigo moved on. I remember wondering, at the time, if he was not answering my questions because it was painful or scary to imagine what the future had in store. I was still shaken by that one, fleeting moment of punch in his voice, a departure from Rodrigo's consistent positivity. I followed his lead, moving away from Sara and Agent Chisholm. Cheer settled into Rodrigo's voice as he moved on to other topics, even as the content of his speech, now mixed with bites of donut, was, to my ears, incongruent with his upbeat energy, "You know, Jessica, I really believe that I have died multiple times and as a result of those deaths, I became a supernatural entity." I thought back to that earlier conversation, when Rodrigo had tried to loop me in, "*Feel that supernatural flow!*"

He continued: "I am charged by voices. I don't get tired when they talk to me. I can just keep going at night. Sometimes, it's overwhelming. At night, my body sleeps, but my entity does not. It travels around and when I wake up in the morning and learn what it has done, it's like *whoa*. I have horrible visions sometimes, of suffering. That's why I had to leave McDonald's. I was having horrible visions of the other employees suffering – getting tortured, raped, that kind of stuff."

I nodded, uncertain as ever about where this conversation was headed. "That would scare me," I said, "to have visions like that."

"Yeah, sometimes it is scary."

"When I was a kid," I offered, "sometimes I would come home by myself, right, like home from middle school when no one else was home, and I remember, especially if it was dark out, like evening in the winter, I would think that I was walking home into some sort of crime scene. As I was taking out my keys, I'd have this vision of opening the door and turning on the lights and stumbling into some horrible murder scene where I'd walk into the kitchen to find my dad and my mom and my brother all dead. I had that thought and that visual every time I took out my keys for a spell. I don't know where it came from."

"Yeah, right! I mean, sometimes, my visions are like that. Those ones are okay. Because they're creepy, sure, and violent, but part of you knows that it isn't actually happening. Right? Right. The ones that really creep me out are when I find evidence of that thing that you doubted having happened actually happening. There is evidence in my body. Sometimes my voices will *tell* me things and then I'll *see* them and then it gets really weird when *the evidence arrives*. Like this week, I've been thinking that I've been shot in the head. Like right in the center. You know how babies have holes in their skulls? I had a vision that I was shot in the head to remake that hole. And then all of a sudden, there was blood on my pillow, like up from where my hair is." Rodrigo patted his head, demonstratively. "And I can already feel that I'm becoming more sensitive to touch and physical pain. Look" – he outstretched a long leg from underneath our booth and hoisted up his jeans to reveal a light, elongated bruise on his thigh, like a shadow – "See that scratch? That was just from my hand while I was climbing into my bunk. Acid or something! The voices are weakening my body. This scratch is now permanent! Or my

eyes. They're watery, not like a solid eyeball. Do you want to meet them?" Rodrigo did not wait for me to reply, or specify who he meant by "them," instead immediately launching into introductions: "I have five voices in my head. Jambalaya, like the food. Jayjay, she's a girl. And Sunflower! She's a girl, too. Yeyo and Yeye—they aren't boys or girls, they just are."

"Oh," I looked at Rodrigo, seated across from me, smiling, and wondered how to address Jambalaya, Jayay, Sunflower, Yeyo, and Yeye. I asked Rodrigo, "How long have they been with you? Have you known them all for the same amount of time?"

"Yeah, they moved in around 2005. Back when I was living in the Bronx, but they got worse once I moved out here to San Jose. And then even worse in prison. But it isn't like they're here all the time, you know. They come and go. It's like they've got a permanent lease, a permanent placement—they can come and go as they please and I can't kick them out. And sometimes they really stick around and settle in, you know. In prison, I heard a *pop*" –Rodrigo made a pop sound by filling his cheeks with air and jabbing one with his pointer finger– "and then, all of a sudden, the voices that used to be in my head, my conscience, came on the outside and were *locatable* in my room. That was pretty creepy to see my consciences like that."

A quick moment of quiet passed, which served to replenish Rodrigo's vim, "But yeah! Jambalaya, Jayjay, Sunflower, Yeyo, Yeye! They all sound different, they all have different voices, just like you and I sound different." Rodrigo let out a full-throated laugh, "Unless it is one all-powerful puppet with different voices! Now, *that* would be *really* scary!" More subdued, he continued, "But, yeah, they try to steer me into conversation with them, but they don't actually start talking to me unless they have been in my head for a long time. It's kind of like," he thought for a second, "kind of like they're scoping me out, they've got

to know something about me, and then they begin to communicate and sap me, attaching their seeds to the seeds in me. The seeds, those can be weird, you know, good, bad. Sometimes they're on the opposite sides of the track, not looking out for me. But sometimes resisting them gets really tiring and there have been times that I have given up to them and things go bad. Everything they promise turns out to be a lie. They promise money, housing, jobs – and I'll do what they say to get those things and nothing comes through. It's because they're lying—they don't have those things to give."

Everything they promise turns out to be a lie. They promise money, housing, jobs – and I'll do what they say to get those things and nothing ever comes through. By "they," Rodrigo meant Jambalaya, Jayjay, Sunflower, Yeyo, Yeye. He might as well have meant Sara, Agent Chisholm, Judge Manley, me. Rodrigo did not connect these parts of our conversation explicitly, and I do not understand him to think of Sara, Agent Chisholm, and Judge Manley as voices inside of his head, or, rather, as *only* voices inside of his head, as sometimes he does find Judge Manley's voice there in a way it is not registered externally, or at least not by Agent Chisholm. There are differences: he does not express surprise when he encounters Sara, Agent Chisholm, Judge Manley, or myself in the flesh, in the same way that he was surprised to encounter the physical presence of Jambalaya, Jayjay, Sunflower, Yeyo, and Yeye when they popped. But, for Rodrigo, these different types of voices inform encounters with the other: Jambalaya, Jayjay, Sunflower, Yeyo, and Yeye come and go, overpromise, lead him to do things that do not produce the material benefits for which had hoped at the outset. And so, when Sara, Agent Chisholm, Judge Manley, and I come and go, overpromise, encourage him to do things that do not, in the end, produce the material benefits for which he had hoped at the outset, Rodrigo is hardly surprised. The voices of Rodrigo's "conscience" and the voices of the state are all caught up in what he calls that

"supernatural flow." Even if all of these voices are not *the same*, they can be difficult to distinguish, all part of the "bodily disintegration" encouraged by flow. They have different voices, "just like you and I sound different," but Rodrigo encounters them with a similar ethical orientation.

Cutting through his speech, speech that afforded his voices a material status he had been unable to attain, even with court assistance -- "a permanent lease, a permanent placement" in his mind, such that they could appear and disappear at their leisure – is a vision of ethics unhinged from accountability, a vision of ethics that applied to the Judge, Agent Chisholm, Sara, and me as much as it did to Jambalaya, Jayjay, Sunflower, Yeyo, and Yeye. When they popped in his head, remember, he called them nothing other than his "consciences." They are not on the line for the promises that Roderigo understands them to make to him because "they don't have those things to give." The promises are fantasies of intention – things that the state and his voices would like to be able to provide, but cannot.

The voices come and go, making various demands of Rodrigo, that he variously tries to meet or tries to resist. And while the inconsistency might make Rodrigo uncomfortable – it is not that he is *satisfied* with the comings and goings – he does not expect it to be any other way. The multiplicity of voices in Rodrigo's head reveals a landscape in which there is no central location of control. Indeed, the imagination of that vision -- of control, of coordination, of systmaticity – is so surprising and out of sync with Rodrigo's life that it is terrifying. He had laughed at that impossibility: *"Unless it is one all-powerful puppet with different voices! Now,* that *would be* really *scary!"* For Rodrigo, the voices stand apart, unpinned, unaccountable to one another. There is no pretense of holding anyone to task.

There is no "all-powerful puppet." There is no coherence. There is no accountability. There is no system, only that exuberant, excessive, unaccountable, supernatural flow.

What difference does it make, after all, to see in flows, as does Rodrigo, supernatural or otherwise, rather than systems? What gets lost when we *start* with system? And might another mode of theory salvage that which systematicity loses? In offering accounts and explanations that provide for systems producing various effects, social theory is wiped clean of the incoherent, the incommensurable, the nonsensical.

And, in so doing, madness is pushed out of the frame of theory.[31] In his writings on madness and power, Foucault understood, very clearly, that he was turning away from madness as an object. *Madness and Civilization* begins with a split, a schism, a silencing, a "caesura" between reason and unreason (1988/1961: ix). Foucault sets his aspirations as conducting an "archaeology of that silence," as opposed to a recounting of a "history of that language" that came before (xi). And in undertaking that important archaeology, Foucault reproduces the silencing of the mad about which he writes. His intervention, he declares at the outset, will be an examination of the emergence of psychiatry, the asylum, mental illness, concepts that coincide through the "language of psychiatry, which is a monologue of reason *about* madness" (x-xi). Mad speech is left alone. For Foucault, the sensible and the senseless have already been determined; he wants to understand how that

[31] I should be more specific; there are clearly innumerable differences in the various ways in which "theory" addresses madness. I am trying to home in on the manner in which writing about madness tends to make madness make sense, distorting, I suggest, something of madness's incoherence. There are, of course, exceptions, and, unsurprisingly, I am most satisfied by ethnographic research that engages madness, in which the long-term nature of social engagement offers various vantages from which to document and theorize with madness. See, for example, engagements with madness offered by João Biehl (2005, 2010), Elizabeth Davis (2012, 2013), and Stefania Pandolfo (2008, 2013).

division came to be. And, in order to do so, he takes up the voices of the sensible who have relegated others to the position of the senseless; he accepts the terms of psychiatrists in order to excavate their monopoly on reason. He picks sides. As does Erving Goffman, whose critical volume *Asylum* was published in the same year as Foucault's *Madness and Civilization* (1961). Employing vastly different methods (observation) in a vastly different context (St. Elizabeth's Hospital, an asylum outside of Washington, D.C., in mid-twentieth century America), Goffman, too, looks at the production of insanity from the perspective of those whom he identifies as sane. For both Foucault and Goffman, dealing in the social construction of unreason involves analyzing the terms of those reasonable people render others mad.

The silencing of incoherence is not just mechanism of mid-century social theory. Many ethnographers have followed suit: medical and psychological anthropology have tended toward attempting to expose the political implications of diagnostics and the social construction of madness, rather than to explore madness per se. Janis Jenkins and Robert Barrett (2004), for example, express comfort in using psychiatric categories, as defined in the American Psychiatric Association's Diagnostic and Statistical Manual, to access experiences of "schizophrenia." They want to expose how diagnostics "function." Similarly, Nancy Scheper-Hughes (2001) and Arthur Kleinman (1988) profess interests in examining how determinations and experiences of schizophrenia and depression are culturally inflected, while maintaining the coherence of the pathologized categories. And Tanya Luhrmann (2000) explicitly adopts the perspective of psychiatric residents in an effort to understand schizophrenia, a category that she claims to affirm using her fieldwork with psychiatrists. Luhrmann makes the silencing of madness material in her work with

homeless women living in Chicago when she elides their speech with ellipses in her ethnography on account of its "repetitiveness" (2010a: 186 n.1; see also Luhrmann 2010b).

This is a double-move: in pushing some objects out of theory (madness) on the basis of incoherence, those left within theory (states, psychiatry) are figured as objects whose coherence, if not immediately obvious, can be ethnographically exposed by looking at their functions. I understand the analytic double-move to extend from a representational double-bind: how to represent the incoherent without rendering it coherent? Without *making it* make sense? But I find myself wondering: what might it be like to think *with* nonsense? To accommodate incoherence *qua* incoherence? What might mad theory look like?

I am not merely arguing for a consideration of experience, a fleshing out of that figure that both Foucault and Goffman present as a social role, a project that has been undertaken by such anthropologists as João Biehl (2005), Ellen Corin (2007), Vincent Crapanzano (1980), Thomas Csordas (2002/1992), Sue Estroff (2004), Emily Martin (2007), and A. Jamie Saris (2008). Rather, I am wondering how our analytics would be different if, beyond identifying madness as a social construction, we refused the basic premise of power aligning with reason over unreason, coherence over incoherence. I am not suggesting that there exists a latent coherence to madness that we can analytically capture in order to countervail the coherence of reason; I am suggesting that we suspend the equation of coherence with power at all. What might theory look like from the perspective of the avowedly incoherent, the unsettled, the unaccountable, the mad?

Imagining mad theory departs from anthropological questions of justice that deal in coherence and systems. So too does it depart from social theory, like Foucault's and Lacan's, that denies madness's representational capabilities. For Foucault, at the point where a madman could signify, he would no longer be mad (1988/1961: 288-289). And for

Lacan (1993/1981; 2006/1966b), psychosis positions the mad outside of the order of signification, outside of the realm of the symbolic, outside of the social: a place in which Lacan finds power and relations of accountability that it entails to be illegible. But Deleuze and Guattari take it upon themselves to integrate madness into their theoretical work through their explorations of schizoanalysis and bodies without organs, which they dub "BwOs" (2011/1987; see also, Guattari 2013/1989).[32] BwOs resist organization: opening a BwO reveals no organs, those rudimentary building blocks of organization, but a space where "only intensities pass and circulate" (Deleuze and Guattari 2011/1987: 153). They express a "fusional multiplicity" that "goes beyond any opposition between the one and the multiple" (154). Without organization, one and multiple are indistinguishable. Without organization, the BwO maintains no internal coherence. It is a muddle of intensities.

Deleuze and Guattari's rejection of coherence creates a place for madness. "The BwO," they write, "it is already underway the moment the body has had enough of organs and wants to slough them off, or loses them. A long procession" (2011/1987: 150). A charming visual. And that is precisely Deleuze and Guattari's point: they want to theorize from positions that are uncomfortable, disorderly, nonsensical. Their examples of BwOs include the hypochondriac body, the paranoiac body[33], the schizo body, the drugged body,

[32] Deleuze and Guattari get the phrase from Antonin Artaud: "On November 28, 1947, Artaud declares war on the organs: *To be done with the judgement of God*, 'for you can tie me up if you wish, but there is nothing more useless than an organ'" (2011/1987: 150). They take this date of Artaud's publication as the title for their sixth chapter of *A Thousand Plateaus*, "November 28, 1947: How Do You Make Yourself a Body without Organs?" in which they lay out their argument about BwOs. For more critical engagement with Artaud, specifically in regard to madness and foiled representation, see Derrida (2017/2002).

[33] Deleuze and Guattari present the archetype of the paranoiac body as none other than Daniel Paul Schreber, a late-nineteenth century German jurist who suffered from what he called his "nervous illness" and was, several times, placed in insane asylums. Schreber published the journals he kept while in asylum (2000/1903), through which Freud (1963/1911) conducted an analysis of Schreber. I read Deleuze and Guattari's selection of Schreber as the paranoiac *par excellence* to be something of a direct turf war with Freud, a component of their broader project to dislodge the hegemony of psychoanalysis. Deleuze and Guattari make their points of departure clear: "Where psychoanalysis says, 'Stop, find yourself again,' we should say instead, 'Let's go further still, we haven't found our BwO yet, we haven't sufficiently dismantled ourself.

the masochist body: all bodies that are marginalized within the order of reason that Foucault analyzes (ibid). Like Foucault, Deleuze and Guattari take sides: they want to theorize from the excessive position of the mad. They are imploring in their inquiry (2011/1987: 150-151): "Why such a dreary parade of sucked-dry, catatonicized, vitrified, sewn-up bodies when the BwO is also full of gaiety, ecstasy and dance? […] Why not walk on your head, sing with your sinuses, see through your skin, breathe with your belly?"

Why not? Deleuze and Guattari blithely ask their readers to reimagine the constraints they perceive in the world, to dream the otherwise, to forestall the limitations and definitions of power that they have been taught.[34] In a conversation about the publication of *A Thousand Plateaus* in France in 1980, an interviewer pointed out to Deleuze the riskiness of the project that he and Guattari were undertaking, suggesting that the newest volume in the *Capitalism and Schizophrenia* series would "make for difficult reading" (2007/2001f: 180). Deleuze agreed, eagerly, "The book demanded an enormous amount of work from us, and it will demand work from the reader" (ibid). It was work that Deleuze believed to be necessary, as he understood *A Thousand Plateaus* to be "precisely the kind of book being threatened today" (ibid). It is a work that troubles the social and political order not through resistance, but through imagination and an openness to the senseless.

Those are the stakes of schizoanalysis and BwOs: claims that even the incoherent is political, unto itself, not just by virtue of its functioning to preserve a dual system of coherence from which madness is expelled. They do not trip over Foucault's parameters on madness; they do not try to make madness make sense or limit themselves to theorizing

Substitute forgetting for anamnesis, experimentation for interpretation. Find your Body without Organs…it is where everything is played out" (2011/1987: 151).

[34] See Povinelli (2011b, 2014) for an elaboration on the concept of "the otherwise."

form the perspective of the sanity of psychiatry or the rationality of the state. They take the step beyond social constructionism to integrate madness in all of its senseless and significationless glory into their theorizing. They mime the voice of reason, "You will be organized, you will be an organism, you will articulate your body – otherwise you're just depraved. You will be signifier and signified, interpreter and interpreted – otherwise you're just a deviant. You will be a subject, nailed down as one, a subject of enunciation recoiled into a subject of the statement – otherwise you're just a tramp" (Deleuze and Guattari 2011/1987: 159). To which they reply, "Significance clings to the soul just as the organism clings to the body, and it is not easy to get rid of either. And how can we unhook ourselves from the points of subjectification that secure us, nail us to a dominant reality?" (160). "Unhooking ourselves" is, for Deleuze and Guattari, a mad process that they hope to harness, so as to activate the "non-localizable relation of elements that will animate an explosive machine, a generalized flow, a properly schizophrenic non-sense" (Deleuze 2007/2001b: 19).

A generalized flow. A flow that can sweep people and their relations up together, without rendering them sensible or giving them order. A "supernatural flow" that disintegrates the boundaries between Rodrigo, myself, Judge Manley, Agent Chisholm, Sara, Jambalaya, Jayjay, Sunflower, Yeyo, and Yeye. Flows place relations on the same plane, without organizing them. Unlike systems, with their insides and outsides, their gate-keeping, their coherence, their functions, their effects, flows refuse organization. They unsettle categories and relations. They achieve what Mazzarella (2017) calls "encounter," the privileging of proximity over arrangement. Flows emphasize encounters over effects, and dwell in the messiness, the incoherence, the unsettlement of boundaries that encounters inspire.

Deleuze and Guattari set their "generalized flow" as a primary pivot point away from a Foucauldian understanding of contingent power arrangements. In reading Foucault, Deleuze announces that, if Foucault's society is "an architecture," his is "a fluid, or even worse, a gas" --- substances that flow (2007/2001e: 285). Deleuze elaborates, reading the claim that the "social field is not defined by its contradiction" as a "correlate" to Foucault's "thesis" that power is "neither repression—nor ideology" (1988/1986: 127), a correlate with which he and Guattari agree. But, Deleuze writes, for Foucault, "a society does not contradict itself" because "it strategizes itself, it makes up strategies," whereas he and Guattari argue that "a social field does not contradict itself because it leaks out on all sides" (ibid).[35] In other words, Foucault's society is not contradictory because it is a contingently coherent operation; Deleuze and Guattari's society is not contradictory because there is no internal organization to avail contradiction. Incoherence defies the logical preconditions for contradiction.

I am intrigued by Deleuze and Guattari's attempts to integrate incoherence into their theorizing because Foucault's archaeology of a silence and Goffman's interactional analysis of a total institution do not align with everyday life in deinstitutionalized California. Questions attempting to excavate or otherwise account for the silence or total isolation of

[35] For more on a critical anthropological engagement with Deleuze's concepts of "lines of flight," see João Biehl (2010) and Peter Locke's (Biehl and Locke 2010, 2017a) project on the anthropology of becoming. Building on Biehl's sustained encounter with the diaries of a woman whose family abandoned her in Vita – Catarina, Catkini – and Locke's sustained encounter with people suffering the aftermath of war in Sarajevo, the two explore what resources ethnography makes available for thinking with Deleuze. They write, "Engaging people's plasticity and becomings may be key to anticipating, and thereby making available for assessment and transformation, the modes of existence and futures of emerging communities. Both ethnography and the becomings it explores can have the power of art – to invoke neglected human potentials and expand the limits of understanding, imagination, and empathy…Thus also at stake is our capacity to generate a we, an engaged audience and political community that has not previously existed: our craft's potential to become a mobilizing force in this world. Moving away from the overdetermined and toward the unfinished, human becomings intrude into reality, enlarging our sense of what is socially possible and desirable" (Biehl and Locke 2017b: 84).

those deemed mad may have made sense in the middle of the twentieth century, when French intellectuals were split between psychoanalysis and the possibility that advancements in psychiatry could silence the "talking cure," when Goffman could physically go to and station himself within one such total institution. These contexts make salient questions about the silencing of madness: not, of course, because there was actual silence. Mad voices were to be found on the *Narrenschiff* and in the halls of St. Elizabeth's, and, presumably, outside of those institutions as well. But silence was of interest to Foucault and Goffman because mad speech had been so discredited; in their views, reasoned speech controlled, became part of the episteme that would gatekeep, defining unreason against itself. The division between reason and madness might have been socially constructed, but there *was* a division, as articulated by reason.

Mad speech overflowed the courtrooms and clinics and streets of the San Francisco Bay Area. Reason did not control, to the point that discerning a division between reason and unreason was next to impossible. While the professionals in mental health courts with whom I worked broadly and meaningfully glossed the population with whom they worked as "seriously mentally ill," when asked about any client in particular, professionals would falter in diagnosing etiology or cordoning off disease and symptom. Motivations for behavior were difficult to assess, to the point that professionals stopped asking why particular clients did particular things. Perhaps refusing to put on clothing was a symptom of psychosis. Perhaps the rants about the CIA were drug-induced. Perhaps picking scraps out of the trash was due to poverty and starvation. Perhaps the assault was attributable to a hallucination. Perhaps the client was just really angry. Though professionals understood clients generally to be psychotic, actual encounters in the courtroom week after week after week for many years would trouble that characterization. When encountering and

interacting with actual clients, speaking, professionals tended to throw their hands up at the task of determining what parts of clients' speech were actually mad. It was impossible to say. It was impossible to reason out clients' behaviors that professionals believed to be unreasonable. And so the criminal courts stopped trying to account for clients' actions.

If only it were so easy to identify "the mad," absent silence. The organization of reason and unreason are built into Foucault's and Goffman's analyses. The "mad" are the people in the asylums. They need not do any ontological or etiological work on their own; the determination of madness has already been made. Remember: they work on the side of the sensible, the side that they suggest carries an episteme and its dramaturgy forward.

This is not a position of privilege afforded to the professionals in mental health courts who have to diagnose clients in the courtroom, where reason is so fallible to unreason that it cannot even adduce a diagnostic line. Mental health court professionals have to live with the doubts of their decisions, the shadows of cases that can elongate and shrink depending on whatever perspective one happens to occupy at a particular point of time, but shadows that will *always* elongate and shrink, never stabilize or disappear. Roberta, one of the Santa Clara courtroom psychotherapists, had diagnosed Rodrigo with schizophrenia after spending a few minutes with him. She had written the DSM-IV code for the disorder down on his court paperwork. She believed that he was mentally ill, likely schizophrenic, though she was not entirely certain. Perhaps the diagnosis would be refined over time, she told me, perhaps not: the point was just to get him access to services, independent of the actual veracity of the diagnosis. Was Rodrigo mad when he sat still for someone to tattoo SAMSUNG on his forehead? Was he mad when he would sing and dance and sleep to the voice of Taylor Swift while alone in his solitary cell? Was he mad when he reported having a telepathic connection with Judge Manley? What about when he reported that a guard in

the jail had grabbed him by the shackled wrist and thrown him down to the ground and had placed a boot -- hard -- on the small of his back? What about when he said that Jerry, the half-way house manager, was not providing food to the men in his home as regularly as he was supposed to? Or when Rodrigo announced that he was having sex with the man whom the court had assigned to manage his finances? Who could tell which statements were psychotic and which were not?

No one knew. Roberta and Judge Manley and Agent Chisholm and Sara, all state employees, spent plenty of time talking with Rodrigo over the years. Sometimes they thought that he was floridly delusional, they would tell me after their conversations, sometimes they were less certain, but adjudicating this distinction between delusion and reality was never the point. They were never going to know what was reasonable and what was unreasonable and it would be a waste of precious time and resources, in their minds, to try to figure it out. Madness could not so easily be affixed to particular people or particular moments or particular assertions; there was nothing clear or steadfast about it. Madness and reason existed alongside one another, encountered one another to such an extent that the boundary between them was always unsettled. Reason did not control. And neither did the state. Control and coherence were not to be had.

Ethnographic writing about systems, functions, and effects in the name of accountability loses sight of incoherence. I do not aspire to demonstrate that the state is "just as mad" as the clients who populate mental health courts. My argument is anterior to that type of claim. I am suggesting that there is not enough coherence to engender a system in which people – either professionals or clients – could authoritatively discern madness from reason. How, you might ask, can I maintain this emphasis on incoherence and the absence of control when I am writing about people who incarcerate others? Certainly, a

different type of analysis than the one that I offer here, an analysis that is interested exposing the violence entailed by different social constructions, that is interested in accounting for differential outcomes and explaining how those differences sustain a system, would emphasize the brutal realities brought about by the functioning of patterned power dynamics. But in my read, the state's remand of court clients simultaneously exposes the power of the state to incarcerate and reveals the powerlessness of the state to do anything else.

Similarly, recall how court professionals could not place, for months, either Rodrigo or Sam, as much as court professionals wanted to. There were not residential psychiatric beds to be had. And so Rodrigo and Sam waited in custody. Their waits behind bars are not *only* manifestations of a state-sponsored spectacle of sovereignty and control. In my read, the state's diffused array of social services with impossible requirements exposes the state's power to confine clients within particular jurisdictions, even out of custody, and reveals the state's powerlessness to patrol its own boundaries. Gloria is still awaiting placement at an out-of-county facility. San Francisco cannot expel her. Each of these moments reveal the state's incoherence and inability to systematize as much as they expose moments of violence and injustice in everyday life.

I see it as an exercise of a particular type of ethnographic representation to hold these incoherent multiplicities in the same frame. This is a choice to prioritize incoherence over rendering inconsistency and disjuncture sensible so as to account for power. I do not see this exercise as antithetical to questions of accountability. Questions of accountability and questions of systematicity can – and should – coexist, but cannot be asked simultaneously, as the coordinates of accountability answer, without interrogation, the questions posed by an inquiry into systematicity. The polyphonic context of mental health

courts, a context uncontrolled by reason, demands different analytics. It demands consideration of incoherent speech. It demands thinking with unsettlement and against systematicity. It demands declining accountability as the telos of all inquiry, with a dialectic of function and effect as the means to that end. It demands sitting with confusion and doubt and uncertainty and opacity and discomfort. It demands a refusal to account and cohere. In some sense, it demands a refusal to explain.

1

In San Francisco, on Tuesday and Thursday mornings, the days on which the mental health court has hearings, Kelly Leary, that public defender; Judge Albers, the mental health court judge; and Bianca Grayson, a prosecutor assigned to the courtroom, prepare for the day by printing out lists of people. There are usually forty or so people on the lists downloaded from the court database, a rotating cast of characters. These are the names of the individual clients who will appear in court that day. Kelly, Albers, and Bianca each take out a pen and jot notes about each case: a few follow ups from the last appearance, how long the client has been sentenced to probation, whether he is in custody or out. This is how the pre-hearing staffing meeting works: the judge calls out names, one by one. Kelly and Bianca look at their notes. Clinical staff, like Ruth, pull up the client's file in their database and provide a clinical update. And the team discusses, debates, settles on, either by agreement or exhaustion, what to do with each case. The team will tell the judge what to communicate to clients out in the courtroom. What happens in the law library, this staffing meeting at which clients are not present, is a rehearsal for what will happen out there, in the courtroom, on the legal record. The courtroom hearing bops from person to person, case to case, in the same manner as the flow of conversation in law library. With a notable exception or two each day, what happens in the courtroom is largely monotonous: a client is called, he comes forward to the podium for a brief conversation with the judge, Albers will tell him how the team feels he is doing, which is usually misleading, in the sense that the team believes it therapeutically beneficial for Albers to reinforce how well clients

are doing even if the team has doubts, after a few minutes, Albers will tell the client what he needs to do before his next hearing, usually in two weeks or so, a date will be set for the client to return, and the whole rigmarole begins again for the next client: Albers will call the client's name, the client will come forward to the podium for a brief conversation with the judge, Albers will tell him how the team feels he is doing, which is usually misleading, in the sense that the team believes it therapeutically beneficial for Albers to reinforce how well clients are doing even if the team has doubts, after a few minutes, Albers will tell the client what he needs to do before his next hearing, usually in two weeks or so, a date will be set for the client to return, and the whole rigmarole begins again for the next client. Name by name, case by case, individual by individual, the court plods along.

I am not so very interested in talking this way, name by name, case by case, individual by individual. The rote-ness of the court's calls belie a rather uneasy tension with what exactly a name signifies, what exactly a case signifies, what exactly an individual signifies. Individual personhood can be difficult to settle. For example, even though the team moves person by person, if you look at the calendar from which the team is calling cases, some people are listed multiple times. These are people who have more than one criminal matter before the court; Kelly, Bianca, and Albers have to do the mental work of combining these cases to collate them by person, as the calendar organizes by case, *not* person. The pinning of cases to individual people is a labor of courtroom practice. For example, when a *person* is deemed by the court to be mentally incompetent to stand trial, this is an assignation that only applies to a particular case for which that individual was found to be incompetent.[36] Should the client be deemed mentally incompetent, criminal

[36] As I will describe in much greater length later, "mental incompetency" is a particular legal status that has to be conferred by a judge based on reports authored by psychiatrists. Somewhat counterintuitively, while

proceedings, such as the mental health court's operations, are supposed to cease; the client is supposed to be transferred to a locked state psychiatric hospital for treatment until he is found to have regained competency. That is, at least, what is supposed to happen. But even within the realm of "what is supposed to happen," should the person found to be mentally-incompetent in one case have other cases before the court, mental incompetency in one case does nothing to interfere with mental competency in the other cases. "Mental competency" is a status that attaches to a charge, not a person, unless an attorney makes a motion to apply the status more generally. Individuality, that central tenet of liberal accountability, was itself an argument to be made and an argument that never quite took; as a concept of liberal politics that the court would attempt to instantiate, individuation proved elusive (Cooper 2018). Multiplicity prevailed.

Speaking of individuals – recalling narratives name by name, case by case, person by person – is to impose the order to which the state aspired.[37] I say "narratives" here, rather than "experiences," because experience, as my interlocutors would tell me, in a telling that was itself a moment of relation, were rarely individuated. Experience was plural and relational, the boundaries between self and other constantly breached, reconstructed, and overflowed again in the course of the affective and social encounters that comprise

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the state considers all clients in mental health courts to be seriously mentally ill, very few clients in mental health court are considered "mentally incompetent." Indeed, *none* are considered mentally incompetent at the outset of their participation with the mental health court; clients need to be legally mentally competent in order to take a guilty plea and consent to entry to the mental health court. However, over the duration of a client's time with the courtroom, professionals might determine that he has "decompensated sufficiently," in their terms, to warrant a motion to classify the client as mentally incompetent. I describe discussions of competency in more detail in Part Two (pp. 262-279).

[37] See also Elizabeth Povinelli's (2011: 154-155) discussion of biopolitical individuation at the heart of the Australian state's project to extinguish Aboriginal communities. Povinelli elaborate upon the example of a young man who continues to drink alcohol despite obvious deleterious health effects whose claims to his aunt, who protests his behavior, that it is his body and that he therefore deserves autonomy in deciding what to do with it. Rather than just intervening in the debate at the instant of choice – i.e., what choices are prudent to make about one's body – the aunt intervenes at the instant of the body, to argue that her nephew's body is not, in fact, his own, as he is a member of a kinship network.

everyday life.[38] Indeed, an irony of mental health court adjudication is that even as the courts attempt to individuate, to make clients identify as single and coherent subjects who can take responsibility for past and future actions, they aspire to create a legal process in which this lesson is taught relationally, through interactions between professionals and clients. In mental health courts, the state understands itself to be explicitly paternalistic – or "maternalistic," as Kelly, the San Francisco public defender corrected the state's narrative, to me, in acknowledgement of her own labor in creating the county's courtroom and the misogynistic default stance of the state that discounted her authority and participation within it.

Mental health courts attempt to teach the lesson of individual accountability – in which both of these terms, "individual" and "accountability," were lessons to be taught – to clients through their interactions with court professionals. The conjoined imperative for clients to come to court to be surveilled and to receive services provided the opportunity for court professionals to attempt to teach clients these narratives of the liberal state. But it also provided the opportunity for clients and professionals to come to know one another and to come to care about one another – affective and relational encounters that exceeded,

[38] The understanding of experience upon which I draw here contrasts with Robert Desjarlais's (1997) theory of the possibilities for experience for homeless people in Boston. Namely, Desjarlais argues the experience is not an existential capacity of human life, but "rather a historically and culturally constituted process predicated on certain ways of being in the world" that, in the West, implies "an inwardly reflexive, hermeneutically rich process that coheres through time by way of narrative" (13, 17). Desjarlais's understanding of his homeless interlocutors' theories of self exclude them from experience and instead relegate them to "struggling around," as an atemporal, fluid, deindividuated *alternative* to experience. My disagreement with Desjarlais's depiction of experience among his interlocutors extends not from his characterization of multiplicity and nonlinear narration on the parts of the homeless residents of Station Street Shelter, but what I understand to be an overestimation of coherence in experience writ large. Experience need not abide by the strictures set up by Desjarlais; I imagine that everyone, even those who identify with normative Western traditions, has *experiences* that seem uncanny, out of place, mistaken, incoherent, repressed, remembered, reconfigured, unsettled.

and therefore confounded, the state's tidy narrative of individualism and attendant ethics of individual accountability.

In place of moving down the courts' calendars – name by name, case by case, person by person, as if these signified stable propositions – I would like to, instead, speak of encounters and their definitional plurality.[39] Encounters are necessarily *between*. Encounters like those between Cody, a social worker in San Francisco, and Guillermo, a client in San Francisco, a relationship that began when Guillermo was in custody and asked Judge Albers if he could be granted furlough because his brother had just died of AIDS and was going to be buried and he wanted to be at the funeral, and Albers – a man who, before he was a judge, before antiretrovirals, before the gay rights movement, volunteered with a community organization in Minneapolis that served impoverished, gay men dying of AIDS -- sighed and told Guillermo on the spot that he would think about it and he did, getting the team's approval to let Guillermo out of custody to be with his family during the funeral, and it was Cody whom Ruth selected from her team to borrow the organization's car and pick Guillermo up from jail and accompany him to his brother's funeral and then, that same day, bring him back to jail and return him to the deputies. Encounters like those between Abby, the Santa Clara court administrator, and Chandra Tomkins, a client, who came to know one another when Chandra would show up at Abby's cubicle on every day that she had a court appearance and on some days when she didn't, just to talk, a relationship that continued when Chandra relapsed and had burned through all of the placements at detox centers that the county was willing to give her and was, instead, going

[39] I borrow, here, William Mazzarella's advocacy for the "primary" nature of the encounter for social theory, in which privileging the encounter over structure unbrackets the dialectic between internal and external and instead emphasizes the proximity of multiple entities over the arrangement or ordering of their proximity (2017: 5).

to be sent back to jail, a place to which she did not want to be sent, given the multiple sexual assaults she experienced behind bars, and so she wept, silently, tears spilling down her face, when Abby found her sitting on the bench in the hallway, not wanting to talk for once, but wanting to be silent and when Abby learned from me why it was that I thought Chandra might be crying, she went back into her office to get her pocketbook and slipped Chandra the $10 that the detox center was going to charge her, on a sliding scale, to sign in, a small amount, yes, but $10 that Chandra did not have without Abby, and Chandra had continued to cry in silence as Abby had patted the wadded bill into her hand, looking at Abby with heavy eyes, and Abby had rubbed her back and then left her, not wanting to impose the continuation of that encounter in that moment upon her.

Encounters do not remain within arguable-institutions, whether an institution like a courtroom or an institution like an individual, pointing to the arguability of their classifications as such. Encounters unfold, unfan, unfurl, refusing boundedness by time or place. Like when a group of ten San Francisco clients were asked, in the course of one encounter with their case managers, to pretend another encounter: to role play skits involving their time in mental health court, each client taking turns at playing the role of the client and drawing upon their real-world experiences with the man to role play Judge Albers. Encounters can be forgotten and encounters can be remembered. Like when I asked Sam, that man who sat in the San Francisco jail for months on end, about when Kelly, his attorney, had come to see him and he said that he couldn't recall seeing her, but that he couldn't recall much about his time in custody and so, he clarified, his missing memory did not mean that she had not come, and he knew that. Or like when Greg McCreary, another San Francisco client, and I were getting tacos and he got mad at me and started screaming at me in the middle of the tacqueria for not asking the right questions

about his experiences as a child, when Hitler was his uncle, and sent his dogs to a camp for children with strep throat and I didn't know what to say other than to apologize for offending him and saying that he could answer me however he wanted or not at all, and then got a text message from him later on that evening, apologizing, to say that, both, he should have remembered what his social worker had been trying to teach him about taking a breath before yelling at people and that I should really learn to ask more appropriate questions. Encounters can be differently understood by those people brought together. Like when Rodrigo told me the details of his conversation with Judge Manley and his parole agent had rolled his eyes to get him to clarify, if not confess, that Manley probably would not have remembered the conversation that had taken place through ESP the same way that he had. Encounters cannot be contained; they necessarily exceed the circumstances in which they occur.

2

Working through encounters is a social analysis. Social encounters are only possible by the proximity – in one form or another – of people, and yet are not contained by individual persons. Case-by-case, person-by-person cannot capture them. When I speak of the social, then, I highlight dual and mutually-constitutive impulses towards order and excess.[40] When I speak of the social, I gesture towards the dialectic between society and sociality, that which contains and that which overflows. When I speak of the social, I speak of Durkheim. Speaking of a Durkheimian social is a choice that accesses politics unlimited by the state. Doing so, then, is a political choice on my part in the name of revealing forms of political life overlooked, discounted, ignored, refused, or otherwise delegitimated by the state.

When I suggest a turn to the social as a means of recuperating politics hidden in plain sight, I am picking up on Durkheim's insistence that "man is twofold" (2001/1912: 18) – an assertion that allows for subjectivity while refusing the internal coherence and autonomy of individualism. The announcement comes at the outset of *The Elementary Forms of Religious Life*; in order to support his proposition that "religion is eminently social" (11), Durkheim finds himself needing to explain what precisely *the social* is. And so he lands on the idea that there are "two beings" within each person: "an individual being that originates

[40] In his return to the social theorization of mana, Mazzarella suggests that the dialectic between immanence and transcendence, or life and form, is invoked yet underexplored in Durkheim's writings (2017: 63-66). Mazzarella argues that, whereas life and form, his gloss on immanence and transcendence, are today understood as oppositional terms in the sense that form "devitalizes," Durkheim and his contemporary, Georg Simmel, understood that life and form are dialectical, in the sense not that they are relational, but that "form actualizes life even as it constrains it," while "life lends weight and plenitude to form even as it overwhelms it" (64-65).

in the organism whose sphere of action is strictly limited by this fact" and "a social being that represents within us the higher reality of the intellectual and moral order that we know through observation- by which I mean society" (18). The two-souled nature of humanity refuses "individual experience": "Because he participates in society, the individual naturally transcends himself when the thinks and when he acts" (ibid). Hence Durkheim's radical claim that "society is a reality *sui generis*." The social exceeds the bounds of any given individual.

Wait. Linger with this argument for just a moment. Because while it might seem to be rehearsing fundamental – dare I say, elementary – arguments that have been absorbed by the past century of social theory, there is an absolutely radical aspect to the claim that personhood is definitionally plural. Plural in the sense that we cannot be only ourselves. That others are immanent to us and us to others. The claim is simultaneously commonsense and confounding. In reading Durkheim back through that theorizing that has come after, William Mazzarella invokes Lacan's (2006/1966c; see also, Miller 1994) extimité to understand Durkheim's two beings, the condition of existence that is "external and intimate, that which we experience, ambivalently, as part of the world that confronts us and yet at the same time as something that is palpably, intensely, at the very core of our sense of ourselves" (2017: 4). In linking Durkheim and Lacan, Mazzarella points to the extreme challenge that the social poses to forms of power that organize and mobilize around individuated subjects by virtue of the subject's intrinsic surplus and excess: the subject is always more than himself, always partly unaccountable.

This is well-trodden territory, almost to the point of irony—to include that principle formulary, here, that "society is a reality *sui generis*," well, yes, do we not all agree on that? It is a phrase that has motivated a century of social science research. But what I want to

suggest is that Durkheim's, again, radical insistence on the duality of man poses a fork in the road, of sorts, in terms of representation, in terms of critique, in terms of politics. The representational options are not mutually exclusive, but a matter of emphasis. This is a methodological choice about emphasizing particular types of observations and particular modes of representation over others. On my read, Durkheim's dualism tracks with a distinction between questions of accountability and questions of systematicity. Insofar as accessing that excess entailed by sociality entails pausing the individuating processes of assessing accountability and functionality. A description of excess, of effervescence, of encounter, is a different genre of pursuit than asking how different pieces of a system fit together and to what ends.

As explicitly dualist, Durkheim's theorizing of sociality undertakes both of these paths at once. He pursues the "social" alongside "society," and is interested in their interconnections, the ways in which they make one another. Indeed, in gesturing to their interpenetration, Durkheim suggests that he sees them as distinct phenomena that can be connected. Neither is reducible to the individual. But societal coherence is "made, unmade, and remade" through the construction of categories (Durkheim 2001/1912: 16); societies can be "made, unmade, and remade" into systems in ways that the "effervescence" of social encounter exceeds. The intense experience of effervescence, as described by Durkheim, is not solely about the affirmation of categories.

The distinction between the social and society, for Durkheim, suggests a shading of systematicity, where society is oriented toward the mobilization of collective categories through systems and the social is oriented toward that which exceeds. This is the matter of emphasis in which I am interested. My suggestion of the non-systematicity of California's mental health courts is a matter of evidence. I have argued – through the discipline's

functionalist and function-interested trends – that ethnographers have mobilized our method toward the capture of systems, in the interest of cultural comparison, explanation, and accountability. I have also noted that I find this tendency compelling. It seems perfectly reasonable and important, to me, to document, track, and analyze the functions of systems, their combinations, the ways in which they produce inequities and injustices. In tacking my discussion of non-systematicity to Durkheim's dual discussion of society and the social, I am asking a more restrained methodological question: what might it mean for our scholarship to start with the social rather than with society, to start with incoherence rather than coherence, to start with excess rather than containment? It is a question that shifts the evidentiary burden: to talk about systems and their effects, first marshal the empirical data to warrant the finding of a system.

At some point, I lost interest in trying to track down the coordinates of systems other than sociality. As Michael Taussig writes, the turn to systems frequently serves to "mystify" the "social relations" on which those other systems are, in any event, predicated, such that systematicity becomes a product of "ideology" (1992a: 84). I did not see a criminal justice system or a mental health system or a state system and so I understood myself to face a choice in emphasis: I could continue to hunt for the systems into which the social encounters between clients and professionals that I was witnessing fit and produced or I could shift my inquiry to try to understand the meaning of social encounter *other* than systematicity. I chose the latter. And so, here, I want to start down that path towards a more robust investigation of that "social being" within that "transcends" each of us (Durkheim 2001/1912: 18). What is this "social being" within man? What ethical and representational commitments come into view when we turn away from, however momentarily, a discussion of individual persons and the ways in which they produce

collective categories that engender systems and mechanisms of accountability? What politics and ethics might we tease out of this social being as distinct from those of individuals?

3

The social *qua* social, as William Mazzarella (2017) argues in his reading of Durkheim, is mana.[41] As Durkheim explains in *The Elementary Forms of Religious Life* (2001/1912), mana is a totemic representation – a portrayal of the social as such, a performative icon of society.[42] It is transcendent, intrinsically "share[d]" and outside the possession of any particular person (2001/1912: 140). And Durkheim is insistent on this point. Mana cannot be possessed or controlled or contained by any singular person: "The force [of mana] is so independent of the particular subjects embodying it that it both pre-exists and survives them. Individuals die, generations pass away and are replaced by others, but this force remains ever present, living, and unchanged" (ibid). It is beyond the personal. It is social, in a way different than a dialectic between individual and system. It is a substantive social.

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[41] "Mana," of course, is not a term of Durkheim's design, but a term he borrows from Melanesians, and a term that he equates to the Sioux concept of *waken* and the Iroquois concept of *orenda* (Durkheim 2001/1912: 145). The expansion of *mana* to reach the concepts of *waken* and *orenda* gestures to Durkheim's understanding of the sacred as a generalizable concept, one not restricted to Melanesia. And, as Mazzarella (2017, especially Chapter 2 on the "primitive settlement") assesses, while *mana* has fallen off of the anthropological bandwagon due to its association with the benighted characterization of "primitivitiy," aided by Durkheim's reliance on the term himself, Durkheim in no way meant to restrict the presence of mana to so-called "primitive peoples" (2001/1912: *passim*, 142, 151). As a site, a generator, and an expression of sociality, mana is universal, descriptive of life in Durkheim's France as much as in Melanesia.

[42] Carol Greenhouse (2011) has offered a reading of Durkheim's *The Division of Labor in Society* (1984/1893) and a reading of sociolegal scholarship that invokes Durkheim's reflections on the relationship between (as separate spheres, Greenhouse insists) law, morality, and community that foregrounds the methodological and disciplinary project at the core of *Division of Labor*. Certainly, *Elementary Forms* arrived at a different point in Durkheim's intellectual trajectory; it was not, as was *Division of Labor*, part of an early "campaign" to develop the discipline of sociology at the Université de Bordeaux (Greenhouse 2011: 167). This was a project that spanned Durkheim's entire career, as made abundantly apparent by his methodological explication and articulation of stakes in the introduction to *Elementary Forms*, published nearly twenty years after *Division of Labor*. The field of sociology was still a claim to be made, a domain to be staked, and *Elementary Forms* can be read with the same disciplinary-project lens that Greenhouse employs for her reading of *Division of Labor*. With this project in mind, one can read Durkheim to position the "collective effervescence" of social being as the paradigmatic space for sociological inquiry.

A social that compels, that pushes, that leads in directions that individuals cannot anticipate or direct (154-155).

Durkheim's language in describing the Aboriginal ritual of the *corroboree*, a ceremony that occurs when families gather, emphasizes the uncontrollable and excessive experience of encounter, as a relational "proximity" that "generates a kind of electricity" that is "amplified as it reverberates, like an avalanche gathering force as it goes" (162-163). He continues:

> as passions so strong and uncontrolled are bound to seek outward expression, there are violent gestures, shouts, even howls, deafening noises of all sorts from all sides that intensify even more the state they express. Probably because a collective feeling cannot be expressed collectively unless a certain order is observed that permits the group's harmonious movements, these gestures and cries are inclined to be rhythmic and regulated, and become chants and dances. But in taking on a more regulated form they lose none of their natural violence; the regulated tumult is still a tumult. The human voice is inadequate to the task, and is artificially reinforced: boomerangs are knocked together, bull-roarers are whirled. The original function of these instruments, so widely used in Australian religious ceremonies, was probably to give more satisfying translation to this excitement. But even as they translate, they reinforce. Their effervescence often becomes so intense it leads to unpredictable behaviour. The passions unleashed are so impetuous they cannot be contained…It is not difficult to imagine that a man in such a state of exaltation no longer knows himself. Feeling possessed and led by some external power that makes him think and act differently from normal times, he naturally feels he is no longer himself. He seems to have become a new being… (163-164)

Here, the social is not only a dialectic between people and the systems by which they are shaped and to which they give rise. It is a space in which the individual is subsumed by the collective. The social deindividuates. Insofar as the "passions unleashed" by sociality "cannot be contained," individuality fails as one such container (163).

An understanding of sociality that emphasizes individuals and systems would address how the person as a sort of container is molded by social forces; an understanding of sociality as excess gestures to the profound permeability of the person, to the point of

indistinction, the inability to parse internal and external coordinates. And while *Elementary Forms* gives rise to more than one meaning of the social – indeed, multiplicity is part of Durkheim's point – the excessiveness of the meaning of the social articulated in his description of the *corroboree* demands a different type of method and mode of representation. By the end of his description of the *corroboree*, at which point "the participant taking the leading role finally falls to the ground, exhausted" (163), Durkheim commits to a synonym for the overwhelming caught-up-ness of sociality, its power to transform someone into "a new being": the sacred (145-149, 154, 164).

Mazzarella dedicates himself to revitalizing Durkheim's concept-work behind mana because he sees resonances for contemporary trends in anthropological theory. At the outset, he declares his interest working Durkheim's "collective effervescence" – the excess of sociality – through a new vocabulary, of "vital energetics" (Mazzarella 2017: *passim*, 1). For Mazzarella, the turn to energetics, taken from Durkheim, is the path by which he connects Durkheim's legacy to ongoing debates about the value and scholarly potential of attention to affect. Invoking Lacan's *extimité*, Mazzarella reads mana to be both internal and external, personal and anonymous, excessive and relational. Critics might respond, Mazzarella anticipates, that mana, in its capaciousness, is too vacuous to refer to anything analytically specific. This, he points out, is a critique "familiar" to scholars of "present-day" affect theory (11). Invoking mana's performative power, Mazzarella moves to harness the ambiguity and tension-laden of mana as its own form of specificity, making sense of its breadth in a new light. As do I, Mazzarella approaches the differing analytic stakes as a matter of weight, or challenging the position from which one starts to question, rather than the entailments of various sets of questions (6). In line with his foregrounding of relational encounter – as the site of sociality and ethnographic theory – he explains his intervention

as a project of emphasis: of considering the very fact of proximity over the ordering entailed by proximal relations. Doing so, he suggests, brings us closer to mana's excess, to the social as substance, to the sacred.

I, too, am interested in gathering mana, as the essence of the social, to the fore for theorizing social life today. And, while I am compelled by Mazzarella's reading of Durkheim's "energetics," I am taken by a different idiom with which Durkheim explains the experience of sociality: that of "power" and "force." I introduce power, alongside energetics, in fact *not* to depart from Mazzarella's connection between mana and, in today's vocabulary, affect theory. Rather, in continuing with the imbrication of mana, affect, and sociality, I want to consider the additive implications for throwing a concept and experience of power into this mix. Mana, Durkheim explains, is "a kind of anonymous or impersonal force," a force that is not "metaphorical" but "material" and that can "mechanically generate physical effects" (2001/1912: 140-141). Continuing Mazzarella's project of translation, the contemporary analogue for Durkheim's discussion of "power" and "force" might be another term associated with affect theory: intensity (Deleuze and Guattari 2011/1987; Massumi 2015). Taking Durkheim's insight that mana acts as a physical and material force in the social world, what type of force is it? How does it organize and disrupt power relations? And what about the substance of this force is *not* revealed by our identification of particular formations of power? Insofar as mana is always excessive and uncontained, thinking of power, governance, and force in terms of their affective modes troubles the easy identification of some social forms as powerful and others as powerless. The very capaciousness of mana that enables the common critique of overbreadth acknowledges that power itself is excessive and impossible to fully catalogue. It will always exceed. Mana is not reducible to its effects. And so, asking these questions returns us to the

questions that I raised earlier about the links between function, representation, and accountability.

Questioning the identification, representation, and uncontainability of power's forms is crucial to understanding the breadth of power relations entailed by social life, but doing so is largely absent from the recent anthropological interest in the intersection of affect and governance (Lutz 2017; Muehlebach 2012; Navaro-Yashin 2012). Think of Joseph Masco's (2008, 2014) influential work on the reactivation of the Cold War's "national security affect" by the government so as to authorize drastic military actions and civil rights intrusions by the United States government in the years following 9/11 – a process of affective production that Masco depicts as "engineering." Or of Nitzan Shoshan's (2016) consideration of the German government's interest in regulating affect so as to define the "bounds of legitimate politics," to the exclusion of the right-wing extremists with whom Shoshan conducted fieldwork. In each of these ethnographic instances, affect is put to work, used as a tool to pry open political possibilities for the state in terms of authorizing particular actions or excluding politically problematic parties. Affect is something to be mobilized and wrangled, harnessed for the interests of the state. But I wonder if this does not only address one critical affective capacity. Affective intensity makes it a desirable platform for state intervention, as Masco so clearly demonstrates with his elaboration of the role of fear in authorizing state actions (see also, Massumi 2010). And yet, an intrinsic feature of affect's intensity is the impossibility of activating, capturing, and containing it. Insofar as the state is able to cultivate or disseminate particular affects, it loses control of them upon their generation (Cooper 2018). Speaking of "affective governance," in Shoshan's (2016) locution, in terms of possibilities for the state, loses sight of affect's

definitional indeterminacy, its capaciousness, its refusal to individuate and therefore to be controlled by one entity entirely against another – the very things that makes affect, affect.

Given that all of these authors hail the indeterminacy of affect – a malleability that I understand as synonymous to what João Biehl and Adriana Petryna call "the indeterminacy of the social" (2013: 18) – I take the portrayal of affect as subject to the state's direction to be a choice, an emphasis, a problematic (if not a problem) of representation. Work, such as Masco's, Shoshan's, and Muehlebach's, and more philosophical texts, such as Massumi's collected works (2007, 2010, 2015), end up obfuscating the potential of affect for theory and description in their aspirations to put affect to work. In construing affect as a means to an end, rather than an end unto itself; as a directable tool within power relations involving the state, rather than as a site in which the multiplicity and indeterminacy unfolds in any number of uncontainable directions; as a process that produces an analytically salient function, rather than as an excessive experience of collective effervescence – in choosing to emphasize the utility of affect over its multiplicity, these accounts undercut the potential of affect to describe the power-laden and yet undetermined aspects of social relationships.

In other words, given that affect theory claims to access modes of human relation that exceed representation, the representational emphasis of scholars invoking affect theory becomes swept up in the conceptual argument; think here of the centrality of narrative representation to Kathleen Stewart's (1996, 2007) work on the ways in affect is articulated and implicated in patterns of everyday life. The tension between representation and theory in ethnographic scholarship that calls upon affect theory has been noted by Lucas Bessire, Paul Eiss, Amira Mittermaier, and Karen Strassler (2017: n.p.), who argue that "the power of ethnography lies in its ability to surprise, provoke, and trouble, no less than its capacity to assuage, systematize, and explain." These are two representational strategies that exist

in tension. Choosing to undertake a project that entails the latter impacts the content of the theory of affect or theory of the social engendered by the inquiry. What happens to anthropological theory if anthropologists restrain their explanatory impulses? How might we call upon other resources offered by affect theory to get a handle on the flows of power through social relationships without reducing those relationships to the identified effects of power? How do we access the excessive parts of human relation without giving them the limited form of an explanation?

We might turn back toward care. Not in the diagnostic kind of way, but as something *more* than the differential outcomes it very much produces. As a mode of encounter – an encounter that is always, already political, immanently, rather than just mobilized for political purposes.[43] People who work in mental health courts position care as the crux of their enterprise. "Care," in the explicit terms of my interlocutors, usually referred to "systems of care," like the public health care system or the "continuum of care" between the jail and outpatient clinics in San Francisco and Santa Clara. I hold the systematicity of these representations of care in doubt. But I do not doubt the

[43] This is a line of thought that resonates with that offered by Leela Gandhi (2006), who borrows Derrida's (2005/1994) idiom of friendship to expose the relations that developed between South Asian colonial subjects and British subjects in the metropole who were clearly complicit in perpetuating colonialism despite disagreeing with it. Gandhi's depiction of these friendships is not in the name of political efficacy; indeed, she notes that the anti-colonial sentiment in London never amounted to an activist agenda, much less a successful activist effort. And yet, these friendships clearly *mattered*. Gandhi points to the existence of Andrewsganj, a town in India, named after Charles Frazer Andrews, a nineteenth century priest with an academic post at Delhi University, who befriended Mahatma Gandhi and others who would go on to name Andrewsganj to honor the Brit (Gandhi 2006: 13-18). The mattering of these friendships is not that they were able to topple colonialism; clearly, they did not. But they matter as a matter of experience, in terms of the affective lives of those engaged in friendship, and as a matter of critique, in terms of troubling the binaries that scholars tend to associate with power relations (1-8). As a line of critique to which Gandhi is so attuned: caring relations may very well may produce forms of sociality that disadvantage one party over the other, but care, as a mode of social encounter, is not reducible to those effects. And it is this non-functionalist aspect of care, as a mode of relation that is not reducible to rational categorization, whose contours are slippery and difficult to get a handle on, that I attempt to access in privileging encounter over the systems those encounters potentially produce.

overwhelming, concentrated, and constant presence of care as an affective mode of relation between people within mental health courts. While I am reticent to analytically invest in the systems of care to which my informants referred, I aim to highlight and theorize the *care between people* that mental health court adjudication entailed as a method of getting at politics otherwise. This goes against those who critique the criminal justice system as an institution that simply does not care enough about the suffering of those caught in its midst. And it goes against the predominant trend in qualitative, sociolegal scholarship of problem-solving courts to gesture to the courts' interest in cultivating relationships between professionals and clients while blackboxing the ethical and affective substance of those relationships (Castellano 2011, 2017; Frailing 2010; McNiel and Binder 2010; Paik 2011; Ray and Dollar 2013; Talesh 2007; Tiger 2012). These studies tend to isolate observations and analysis by social role – sticking with the perspectives of judges or social workers or clients – rather than considering the significance of the intersubjective aspects of adjudication: that which is brought about by the relationships that develop within the structural context on which these studies focus attention.

When I talk about care, then, I am participating in Mazzarella's (2017) project of braiding together a Durkheimian concept of the social with studies of affect. Care is a charge, a feeling of intensity, a sort of intersubjective stake in someone else, such that the bounds between you and them are troubled in some way. I do not mean "care" as something positive or happy or joyful. Care can encompass all sorts of affective experiences, including what Sianne Ngai (2005) calls "ugly feelings" -- feelings of disgust, contempt, resentment.[44] It has a charge without a valence. But that charge, for better or worse, does

[44] Anthropological accounts of care, such as those offered by Bornstein and Redfield (2011), Fassin (2012), Feldman and Ticktin (2010), Mulla (2014), Stevenson (2014), and Ticktin (2011), tend to highlight the often-

a lot of work to disintegrate boundaries and make available space for new social relations and new modes of power. This is an attempt to harness the indeterminacy of affect not toward some functional ends but toward troubling the categories and forms associated with power in works that question justice rather than systems, the acceptance of which implicitly bolsters the state. Social encounters within mental health courts, as anywhere, are the paths of power and engines of inequality. But insofar as relationships are sites of power, they are also sites of care. A care that sometimes does not sit easily with either clients or court staff. A care that usually does not accomplish much by way of outcome: clients are still poor, still mostly people of color, likely to spend time in custody again the future, subject to discrimination on the basis of their skin colors or their disheveled appearances or their common practices of speaking aloud to invisible others. None of this *stops* with mental health court adjudication. But care is the intersubjective and indeterminate term that activates a deconstruction of the terms of power mobilized by the state. It unsettles.

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negative effects of care. Among others, these authors demonstrate the interventionist, controlling, and disempowering consequences for those to whom care is being directed in an idiom of humanitarianism. However, unlike Ngai (2005), and unlike my account, these works treat care more as an ideology than as an intersubjective, social encounter between people. In so doing, care is swept up in the outcome-oriented functionalism about which I write in "The Mirage of a System." Ultimately, for these scholars, care is, at most, subverted and, at least, troubled by the detrimental consequences it brings about for those whom caring was supposed to aid. Rather than exploring care from the perspective of effect – for better or for worse – I take care to be an affective encounter between people, independent of effect. In other words, on my read, care's failure to improve the lives it aspires to assist does not nullify the social encounters in which care takes root. Care can still affectively *be*, without being effective.

Surreal Life

1

From her shifting eyes through the window on the courtroom door, the glass pane that separated the Judge Manley's domain from public space, the way in which her face would appear and then retreat, peek into the courtroom only to slip away, I could tell that Colleen was unsettled. In what way, exactly, I could not know, but her game of *fort-da* with the view of the courtroom gave me the impression that she was anxious. I had been watching Colleen's face, her nervous eyes, slip in and out of view for hours, from my seat at the table inside the courtroom, between Andie, a courtroom psychologist, and Katie, the court's public defender. Neither of them seemed to pay much mind to Colleen's movements, but I was getting a crick in my neck from swiveling in my seat to gaze back out the door.

I had noticed a couple of other people I did not recognize, inside the courtroom, but this was not surprising, as I had left the Bay Area and formal fieldwork almost a year prior, just back for a visit, to see this new courthouse that Manley had built, and, at the time, I had no way of knowing that these mysterious others were in any way connected to Colleen. A man: in a slick suit, with a leather portfolio, repeatedly coming up to the table at the front of the courtroom from a seat in the back gallery, much to Katie's annoyance. "Dicks," she had muttered under her breath, to me, in reference to these private attorneys, all men, who kept approaching to pester her about when the judge would get to their cases, as presumed priorities over the poor people whom Katie represented as a public defender – these private attorneys of whom the suited man was one. The man and Colleen rotated, at a distance, around one another, without any interaction, like mechanical ballerinas, the

man on a track moving from Katie to the other woman whom I did not know in the gallery, Colleen on a track moving toward and away from the courtroom window. The other woman: also neatly dressed, slacks, a twin set cardigan, pearls, colored hair, a manicure, all with a soft cast on her right shin. In contrast to the group of mainly homeless people among whom she was sitting, the cast stood out, perhaps the most, more than the slacks or the twinset cardigan or the pearls or the manicure. It was a sign of access to medical care, a departure from the prevalence of open wounds, scabs, lumps that would crop up in that gallery. The woman appeared to be in her seventies. She sat very still – unlike the movement of the attorney and Colleen – her eyes fixed ahead. She was willowy, sat placidly, and gave off an air of formidability, her stillness a contrast to the motion of the man and Colleen.

Several hours into this cycle, Andie picked up a clipboard and patted my forearm: "Alright, let's go do this. I'll use you as a human shield if need be." I followed Andie and, as we walked through the gallery to the court door and the hallway, the man and the older woman fell into file behind me. Colleen was in an outward-rotation, moving away, upon our arrival, but returned upon seeing her mother, the older woman, and came toward us. She, too, was in a cardigan – an open, flowy one – she too had a manicure, she too had highlights in her hair, she too had a made-up face, she too looked wealthier and whiter than the others, her mother excepted, sitting in the gallery into which she would not go. She had a purse. Earbuds slopped out of the side of the bag. Throughout our conversation, the factory-set ring for an iPhone intermittently rang. She looked, to me, scared. Concerned. Confused.

Andie spoke first, taking the reins, a *plan* ringing out in her voice, "Why, hello there, Colleen. Thank you for joining us today. I'm Andie. I'm going to need you to come inside

the courtroom with me to talk with the judge. But we can stand here for a while and talk, sure. So what can I do for you?"

With the pause and intonation of a conversational question mark, Colleen took off: "I'm sorry. Yes, it's nice to meet you, too. I'm sorry but I don't understand why I'm here. It says something about mental health in there? On the sign? It says something about mental health? And, you see, I'm not mentally ill. I'm not mentally ill. I don't have any mental health problems. I'm normal. *Like you*. I'm normal, just like you, so I don't understand why I'm standing by a courtroom that says mental health on the door. That scares me, you see, being at a courtroom for mentally ill people. I don't belong *here*. I'm a Ph.D., I'm a Ph.D., how did I end up here? I just don't understand why I'm here. Let me tell you what's going on here, for a minute. I'm being framed. My brother, my father….Okay, I'm sorry, I'm just exhausted because I've been living out of my car for the past four days, so I'm really exhausted because I haven't slept in a week because of the car and the highways. I'm exhausted. Because I was living with my mom. She had a stroke and she kept falling and none of my family members, not even my *brother*, who's a *doctor*, would go and help her and so I had to go and live with my mom all by myself and *I* was the one taking care of her all by myself and then my dad and my brother, they *framed* me and had me arrested, which is just insane, you see. I got this weird text message about a fight, but I really didn't have anything to do with it. Just like my cousin and my neighbor, and one of them did something, I don't even know. I just got this text! That's all. And then, after I got this text, suddenly the police are at my door to take me into jail. I swear to God, it was just like Hollywood, just like a TV show or a movie or something – and I would know, because I'm a movie producer! It was something from HBO or like from one of my sets in Hollywood. Taken into jail. And *here's* the Hollywood plot twist: the police were in cahoots

with my dad and my brother the whole time! The whole time! You know how I know that? Because they were involved in framing me. My dad. My brother. The police. Everyone. Just because my brother is a terrible doctor who won't even help his own family. And my father would do anything to try to save his failing marriage. They're all in this together. They released me from jail at midnight. At midnight! Who would do that unless they were framing me. Where was I supposed to go? At midnight? I had nowhere to go! Let me tell you, I just blew $12,000 on hotels in San Francisco. Because where else was I supposed to go? All I had were hotels. And they're *pricey* here. I blew $12,000 living out of hotels because the goddamn, I'm sorry, the cops released me a midnight! $12,000 on hotel rooms for the past two weeks, since I was released. Because I can't go back to my family. They're framing me, her too" -- Colleen threw a thumb at her mother -- "they're all involved. I saw him" – the thumb goes over to the attorney -- "over at the house last night. I know you've all been working together to set me up! To set me up! What are you? A divorce attorney? Figuring out how to fucking fuck my family? Sorry." She turned to me and Andie, the apology read to me as more about language than sentiment. "I'm just upset. I'm angry. I'm scared. I'm frustrated. Because I work in tech, you know, I'm a techie, and so I can see how this is all part of one *big* set up. They're in cahoots. I know you've all been working together to set me up. *This system,* it's all one big set up. Designed to hurt people! Me! In jail! Can you even believe that? Me? In jail? I spent a night there. And then they turned me out on the streets in the middle of the night with nowhere to go. They're *making* people homeless. Innocent people. There's all this talk everywhere about homelessness and now I'm one of them. The *system* made me homeless. It's a giant set up. And now I'm broke and living out of my car because I just spent $12,000 living out of hotel rooms in San Francisco. I'm, a lobbyist, for the tech industry, so I had savings, but I was just forced to blow through them

all because you can't find anything cheaper than $500 a night and, believe me, I looked. I looked. There's nothing. So now I've been living out of my car for the past four days, and I'm sorry to go off like this, I guess, but I'm just so exhausted. Something strange is going on and I know I'm being framed because none of my friends are returning my calls. No one. None of my cousins or aunts or uncles of friends. No one is answering their phone. *They've silenced me.* My whole family and the police and *this guy*," – back to the attorney – "they're all framing me…"

Andie looked down to her clipboard, to jot a few notes. "Ah, I see. Well, thanks, Colleen!" She turned on her heels and went back inside the courtroom. I stayed in the hall, where the attorney was trying to correct, in his opinion, Colleen: "Colleen, *I'm your attorney*. I'm here to protect your rights"

Colleen was unpersuaded. "No, you're not. You're colluding with my family. Working for them to frame me. Just like the police."

"No, I'm not."

"Yes, you are. Why else were you at the house? I saw you there."

"I'm *your* attorney. I was there *to help you*."

"No."

The attorney – working for whomever -- was getting riled. "Colleen. I just met your parents last night. They hired me to represent *you.*"

"Bullshit."

The attorney turned toward the mother, who put her hand on her forehead and shrugged. She sighed. The attorney huffed. They walked back into the courtroom together, without a word.

Colleen turned to me, the last of what had once been a group, "And you," she began, "I'm sorry, but *who are you*? You said you were a researcher?" Her eyes narrowed into slits.

"That's right. I'm Jessica Cooper. I'm a researcher studying this courtroom. Remember, you had said that it would be okay for me to listen in? Is that still okay with you?"

"Oh, honey, I don't give a fuck." Despite declaring that she did not give a fuck, Colleen struck me as suspicious, as if the nonchalance were practiced. "But a researcher *where*? *Here*? Do you *work for them*?"

"No, I'm in graduate school. I'm studying Judge Manley's court for my dissertation. I know him, but I don't work for him. I'm working on my Ph.D…."

"Right, right, your Ph.D, the business card…." I had, earlier, given Colleen a business card of mine that said "Ph.D. Candidate in Anthropology" on it. "You're a Ph.D. I'm a Ph.D., too. I'm just like you. A Ph.D. in psychology. Well, what can you tell me about this court? Because I don't know what this place is or why I'm here…."

"Well," I began, "this is a treatment court. They try to provide services…."

"I don't need services. I don't need treatment. Because, and that's the thing, *I'm not crazy*. I'm a Ph.D. in psychology! Just like you. I'm *normal*. I'm *just like you*. *I'm just like you*."

We were standing in the marble-slabbed hall of the new courthouse – this was where Colleen insisted that she was *just like me*. That old clock -- the one that had hung in the old courthouse, the one that would play games with time, ticking back and forth in different directions, that one by which I had felt my own nerves pulled back and forth, in different directions, as I wondered whether or not to call clients, like Harriet, who were not there on

time – had been replaced by a digital clock that ticked time forward in one direction only. That digital linear procession of time, to whose movements I knew the judge to be attuned, concerned me. Colleen was here for her first court appearance. She was from a wealthy family. She had been released from jail. Were she to walk through the door and speak with the judge, she'd be out the door in just a moment, back into the hallway, released with a new court date to come meet with the judge in a month or so. I understood why Colleen was scared, but I doubted that anything bad would happen were she to meet with the judge. The jails were overcrowded, the treatment facilities overbooked: so long as Colleen had independent family and financial support, the judge was not going to force her into public services. But the longer she waited in the hall, the higher the stakes would be. If she did not go in at all, the judge would issue a bench warrant for missing her court date. She would be re-arrested. As Colleen insisted that she was *just like me*, I could see, through the glass pane in the courtroom door, the window past which Colleen had been pacing earlier, the deputies, putting on purple latex gloves, as they do before arresting someone so as to not have to touch the person under arrest. I could tell that the court staff were growing tense as Colleen refused to enter the courtroom, and so I was not going to promise her that everything would be alright were she to go inside. It was not my promise to make. But I felt the beat of that familiar drum of worry quicken the longer we stood outside.

"Look," I said, "I hear you saying that you don't need services. And if you go inside, you can tell the judge that. Andie, the psychologist, she just wants you to go in and tell the judge what you need."

"But I just don't understand why I'm here. I need a shower. I need to sleep. But I'm not a criminal and I'm not mentally ill. Do you understand how hurtful it is to have people say that you're a criminal and that you're mentally ill? My father, my very own father, he

was on the witness stand in the other courtroom and he said that I was mentally ill when really he's the one framing his daughter and trying to save his marriage and using me as the sacrificial lamb. *He's* the one who is crazy and now I've blown through $12,000 and there isn't a single hotel room in the entire city, not a single one. I'm normal just like you—I'm a Ph.D.! I'm a researcher! And now all of these people are trying to destroy my life. These police officers, they've *made* me homeless. I'm being framed. The system is out to get me. They're ruining my life. They put me in jail and now I'm unemployed because I was caring for my mom because my brother is an asshole, pardon my French, because I'm the *daughter.* I'm the *woman*, I'm the one with the caretaking responsibilities because my mom, she fell and broke her leg because she's suffering from Alzheimer's and I'm the only one who would look after her and because of that I haven't been able to work, I'm a lobbyist in DC for the tech industry, but I have to be in Alta Vista with my mom so I have less savings than I should because I'm a *woman* who has been *framed* by the *criminal justice system* and so I went through *all* of my savings this month because I had to spend $12,000 on hotel rooms…."

Out of the corner of my eye, I saw Roberta, another courtroom psychologist, slip into the hallway; I grabbed her forearm, as Andie had grabbed mine when she had told me that I'd be her "human shield," and said, "Roberta, this is Colleen. She's on calendar today but doesn't want to go into the courtroom. Colleen, this is Roberta, she's a psychologist who works in court." Roberta explained that the court can provide services, which Colleen, again, rejected, and then Roberta explained that all Colleen was being asked to do today was to speak with the judge, which Colleen ignored, and the conversation continued largely in the same way as had been the case prior to Roberta's arrival – *I'm a lobbyist, I'm a Ph.D., I'm a researcher, I'm a filmmaker, I'm a psychologist, I'm being framed* – until Colleen's attorney

came back out and Colleen interrupted herself to pivot her body and yell, aggressively, directly at him: "You! I don't know you! I don't know who you are! But I know that you're not here to help *me*! No, you've been hired by my family. You're my *family's* attorney. You're not *my* attorney. You don't represent me! You don't represent me!"

The attorney yelled back, "Colleen! I met your parents for the first time *last night*! I'm trying to help you!"

"No. No. No. No. No. No. No. No. No. No. That's bullshit. I'm sorry. You're working for them, for everybody. They're all out to get me."

The attorney waved his hands and returned to the courtroom. Roberta adjusted the gold watch band on her wrist, without checking the time, but rubbing the watch. She tried to play on Colleen's distrust to get her in the door: "All we're asking you to do is to talk to the judge. You can tell him everything that you've told us here. That you don't want treatment. That you don't want to be in this court. You'll never have to come back![45] You just have to tell the judge that you don't want to participate. You can even fire your attorney! But to do all of those things, you need to walk through that door. And then you'll walk right back out."

Katie burst through the courtroom door, propping it open with her body as she spoke. "Hi, Colleen, nice to meet you," she said, firmly. "I'm Katie Scopa, I represent the Office of the Public Defender in this courtroom. The judge just took a recess. But he's going

[45] As mentioned before, clients have to consent to mental health court treatment, which they do during their first appearances. Should Colleen tell the judge that she did not consent to being in his courtroom, her case would be returned to the "normal" criminal justice system. Should Colleen *not* enter the courtroom to tell the judge that she did not consent, however, the judge would retain jurisdiction and could issue a bench warrant for her arrest.

to come back any minute now and we're going to need to call your case. And you don't have to participate in this court, but you need to tell the judge what you're doing…."

"But I don't have an attorney! I don't have an attorney! How am I supposed to do the law without an attorney!"

Katie spoke decisively, with clarity but without indulgence, "Mr. Drewes is your attorney. I can represent you today. You can fire Mr. Drewes. But you need to come into the courtroom to do that. And then, once you fire him, I'll represent you today."

"But what you're not understanding is that I don't want to be here at all. I'm not mentally ill, I'm being gassed. The system is out to get people and right now it has turned against me. I'm an attorney, Katie," Colleen said with a huff, "I'm an attorney and so I know that I don't belong here."

"Colleen, that's fine, but you need to go with me into the courtroom to tell the judge that. You're on our court's calendar today, so you *need* to talk to the judge or there will be consequences. But if you go in and talk to the judge, you don't ever have to come back. He'll send your case back to the courtroom that it came from and you'll go to a jury trial in that courtroom…"

"Whoa, whoa. Katie, I don't have an attorney. How am I supposed to go to trial?"

"Listen to me, Colleen. I'm telling you that I'll represent you today and then someone else from my office will represent you…"

"How do I know if I want you to represent me? I'm sorry. I'm just confused. So I can go in here with you or I can go to a jury trial? How am I supposed to decide that right now? I *don't* want to go to a jury trial. I didn't do anything! I'm being framed! And whoever they get to testify…everyone is in on this and I don't understand it and I was just trying to help my mom when no one else would and now the system is against me. But I'm an

executive producer in Hollywood. This is just like one of those sets and you better believe me that I've already called the people at HBO to get their cameras and start documenting what's happening because this is just like The Wire…"

"I know that it's a lot to process but you're going to need to decide whether you want to take advantage of the programs in this courtroom or if you'd like to go to a jury trial."

"I'm an *attorney*. I know my rights. I just need to think through these decisions because this is scary to me."

Katie started to reply, while walking backward through the open courtroom door. "I know that it is a lot to process, Colleen, but either way, it begins with telling Judge Manley what you'd like to do…"

Colleen continued to protest, but she did so on the move, following Katie into the courtroom. The courtroom doors closed behind her. Katie walked backwards up the aisle through the gallery, toward her seat, she pulled a chair away from the table, Colleen sat down in it. She waited. She tapped her fingers on the table. She rubbed a thumb into a knuckle.

The judge came back. He and Colleen spoke. He said that he had the impression that she did not want to be in the mental health court. She said that she didn't. He said that he'd send the case back to the other criminal courtroom. Colleen grinned and said thank you. She stood and left. Her mother, seated in the gallery, looked dismayed. She followed her daughter out. Mr. Drewes stayed seated a few moments longer. Then he, too, left.

The courtroom heaved in relief. Colleen's had been the last case of the day. Judge Manley rolled his eyes and hung his head. Roberta giggled. Katie looked to me and dramatically threw her head on the table in front of us, "*Jesus!*" The deputies snapped off

and threw out their latex gloves. Andie passed me a form that she had just completed. The writing was chicken scratch, done in a hurry, Andie confirmed, she had scrawled this upon leaving the conversation in the hallway. It was a 5150 form, declaring Colleen to be a danger to herself and others, a form to try to get the public hospital to hold Colleen against her will.[46] Roberta doubted the clinical assessment, "Really? She's a nutjob, to be sure. But a danger?" Andie defended herself, "Did you hear her say that she's been driving around for four days without sleep? She's going to get into a car accident and kill someone!" But Andie and Roberta agreed that getting the hospital to keep Colleen would have been a longshot anyway with "the way they street people around here." Meaning: the way in which Emergency Psychiatric Services (EPS) refuses to listen to 5150 forms because they are short on beds and so they let people go early, releasing them to the street corner outside of the hospital door, utterly failing to control or contain.

Andie turned to me, "It's rare to see someone that flagrantly manic. If you let them go at it for long enough, they just pop." I nodded. Andie continued, with an encouraging rub to my shoulder, "You lasted a long time out there! Did you think that you were about to get punched? Pop!" She smilingly jabbed a fist toward my eye, stopping before contact. "A sock to the face. It's a shame that that didn't happen, actually, getting you punched out, I bet that it would have if we were able to let you stay out there with her for just a little while longer, but the judge couldn't wait that long, we needed to move the calendar along. Time to get to lunch. But if you had been punched, *then* EPS might have held her as a

[46] "5150" refers to §5150 of the California Welfare and Institutions Code, the provision that allows for certain professionals, among them psychologists, like Andie, to involuntarily detain someone in psychiatric distress and a danger to herself or others.

danger to others." She shrugged as she finished her commentary, dismissing her own enthusiasm, "Well, maybe."

As she stood to leave, Andie slipped me the police report from Colleen's case file. A report that said that she had been arrested on charges of elder abuse. For pushing her mother down a flight of stairs. For beating her mother on more than one occasion, but really, it was the flight down the stairs that, at last, forced the cops to bring her in. I thought to her mother's medical boot, the soft cast that had pinched the ironed pleat on her trouser leg. I thought to her mother's soft stare, her presence in the courtroom, her sighed despair when her daughter had declined mental health court adjudication and walked out the door and the judge did nothing to stop her. Had her daughter participated in the mental health court, she likely would have received private care, paid for by her family. The judge would have reviewed her case, confirming that she was going to her private clinician. I imagine that, in the mother's opinion, having the judge as a heavy would have encouraged her daughter to get the treatment that she did not believe herself to need. And, if the daughter went to said treatment, the judge would have expunged the elder abuse charge at the end of a year, giving her daughter a clean criminal record. None of that would happen now. No one knew what adjudication in the other courtroom held in store.

2

I'm just like you. Imagine being told that you are *just like* someone whom you believe to be unraveling in front of you. *I'm just like you*. Perhaps she was not wrong. After all, what would I be like after a night in jail? After living out of my car? After being homeless? After watching my father testify against me? Would I think that my family was out to get me? Would I feel persecuted? Would I trust anyone? I doubt that I would want to go into a courtroom. *I'm just like you*. Perhaps. It was impossible to know.

I do not know whether Colleen has a Ph.D. in psychology. I do not know if she was a researcher. I do not know whether she worked in tech or as a lobbyist or as a movie producer or as a lawyer, in Silicon Valley or in DC or in Hollywood. I do not know whether she spent $12,000 on hotel rooms. I do not know how many sleepless nights she had spent driving her car around the Bay Area – perhaps none. I do not know whether she knew anything about the fight that was described in a text message before the police arrived. I do not know about her relationships with her mother, her father, her brother. I do not know whether her family was framing her. Andie does not know anything about these declarations either. When I asked her, after she had handed me that police report, if she believed Colleen, if she believed the report, she had shrugged, "You can never really know. It is impossible to know." But I also do not know that she is wrong when she says that the system is ruining her life. I hold in doubt the systematicity of the state, yes, but that non-system, an absent system, a disorganization of power whereby people are released from jail at midnight with nowhere to go, may very well be ruining Colleen's life. I do not know that

Colleen was right, nor do I know that Colleen was wrong. I felt myself, listening to Colleen, and sitting with the memory of listening to Colleen, to be suspended in a space in which truth did not obtain. I did not believe what she was telling me, nor did I disbelieve her. I felt truth to be impossible. Did others?

That day in the new courtroom in Santa Clara, with Colleen and her mother with her cast, when Andie had passed me the police report with charges of elder abuse and lamented the fact that I had not been punched, when I had asked her if she believed anything that Colleen had said and if she believed anything that the police had said, Andie had replied, "It is impossible to know." And then she had added, with a characteristic shrug, a shrug that managed to be energized rather than defeated, "And what does it really matter?"

What does it? For Andie and her colleagues, truth was by-the-by. Incidental, rather than instrumental, for justice. Andie's question gestures to an ethical and political beyond truth, its assignation and its demonstration. Something *else*, something other than the rationalistic production of truth, happens in the course of relationships inaugurated in mental health courts. Something unbounded by the rationalities and institutions of the state. Something with its own as-of-yet unexposed politics and ethics. Something surreal.

Andie's double-barreled remark, a comment and question – *It's impossible to know. And what does it really matter?* – is a remarkable disavowal of the relevance of truth for the process of criminal adjudication in which she participates. Truthful and untruthful propositions were indiscernible, in her view. Her question – *And what does it really matter?* – points to how little she is bothered by their indistinction. Her understanding is not a modernist one; this is no longing for truth accompanied by a lamentation of its epistemological impossibility. Andie's claim is more radical. It is impossible for Andie and

her colleagues to distinguish truth from untruth. The distinction, in any event, does not matter. She and her colleagues would be spinning their wheels to try to separate one from the other. In the mental health court, truth and untruth came as an inseparable pair, with invisible adjoining contours. The stitches that had once sewn the two together had faded, leaving no scar. Truth and untruth were functionally equivalent, yielding the same value.

Andie's remark and question came to me in 2017, during a short stint of follow-up fieldwork, but it was a thread that cinched together many of my experiences from the previous three years. And not just *my* experiences. Something collective. Something shared. A resonance that reverberated across the people who came together in mental health courts. A sense of permanent, irresolvable suspense. Truth could not swoop in to save the day. It was always over the horizon. Indistinction of form made the identification of truth impossible. Truth masqueraded as delusion and delusion masqueraded as truth. Care masqueraded as control and control as care. Professionals and clients in mental health courts took these paired sumbolons together and worked to avoid falling into the trap of attempting to pry them apart. Claims about ontology – this *is true,* that *is a delusion,* this *is an act of care,* that *is punitive* – faltered in the face of the constancy of negation. No proposition could pass unaccompanied by its negation. They came together, demanding a different sort of ethical attention than a politics that depends on the identification of form, or the processing of something as *this* and *not that.*

Lives that pass through mental health courts dwell in the muddled in-between of encounter, a space that defies ontological characterization as one thing or another. This is life in the in-between. For Harriet: mental health court adjudication was at once therapeutic and destructive, offering her the best chance for social services, a situation so stressful that it exacerbated underlying medical conditions, like her IBS. For Sam:

incarceration was both a form of punishment – because who wants to be jailed in a world of other options? – and a form of publicly funded housing – because that world of other options was, in this world, for Sam, limited to a counterfactual life on the streets and in parks and under highway overpasses. For court clients in Judge Manley's courtroom: the judge's flexibility, the reactivity he built into his program, was, at once, the best chance to actually accommodate their individual needs and mirrored the "flexibility" of the other social serve agencies whose requirements and regulations and offerings morphed so frequently that adhering to any program was virtually impossible. For Rodrigo: success and failure in Judge Manley's court looked identical: should court professionals understand him to be succeeding with his program, the resources given to him by the court would be taken away and the same thing would happen should court professionals understand him to be failing. For Ruth, Kelly, Andie, Martha, Katie, Albers, Manley: clients saying things they could not follow due to drug use sounded the same as clients saying things they could not follow due to hallucinations sounded the same as clients saying things they could not follow because life on the streets was just sometimes unfathomable—they understood unbelievable things to *really happen* all the time.

And as for Eddy, whose torqued back and twisted mouth remain carved into my mind, as probation officers led him away, out of the courthouse, wrapped hands around his wrist, for handcuffs to be there applied in the hallway: the next time that I saw him, he was in custody, brought back into the courtroom in handcuffs, by the bailiff, to wait for his case to be called by Judge Albers. He sat across from me: me in the jury box, where the judge had directed me to sit on my first day in court and everyday thereafter, that designated space of judgement, he in a makeshift row of chairs, set up by the bailiff for in-custody clients to wait for their cases; his eyed narrowed, locked on me, ablaze with

judgment. His orange jumpsuit had bolded black stripes running down the outer seams of his pants: this was the mandated attire for people who were housed in administrative segregation, or "ad seg," in the everyday parlance of clients and court staff, or "solitary confinement," in the everyday parlance of social justice advocates. When visiting the jail, once, I had asked Joanna, one of the jailhouse psychologists who worked with the court and accompanied me on my visit, about the designation. "It means one of two things," she had explained, "Either the inmate has been disruptive to be classified for ad seg—meaning that they've been violent in custody in the past, or violent in custody during this incarceration period, or disrespectful of the correctional officers. You know, people who are dangerous, in one way or another." Joanna shrugged in her continued explanation, "Or it could mean that they're vulnerable: that they're actively delusional, experiencing hallucinations. People who are going to get picked on in the yard or in gen pop.[47] We'll put them in ad seg for their own protection." Shying away from Eddy's fixed eyes, I had asked Kelly, Eddy's attorney, about his pants: "Did he do something violent in there? Or did the psych team determine that he was particularly vulnerable?" Kelly did not know, and there was no real way to know. It was not indicated anywhere, other than that bold, plastic-y, painted-on stripe, ripe with ambiguity. Regardless of why they were there, inmates in ad seg were more difficult to interview – their cells were located at a different facility, they had more restricted visiting hours – and so they were more difficult to place in residential programs, which required an interview by a staff member for placement, and, even if the client in ad seg could be interviewed, frequently the residential programs would reject placement

[47] Joanna's reference to "the yard" is to common spaces where inmates held in "gen pop," or general population, are allowed to socialize during "programming," or the daytime periods when people are not confined to their cells.

because they could not assess the client's disposition in a "social environment" because he was being held in solitary confinement, such an assessment sometimes – but not always – being deemed necessary for placement. But the *meaning* behind the stripe – whether someone was perceived by jail staff as vulnerable or perceived to making others vulnerable – could not be discerned from that single straight line. It could mean either. And so it meant both, at once, as court staff determined the distinction of a meaning to be inaccessible.[48] Or, as Andie would later put it, in reference not to Eddy, but to Colleen, though the distinction between people being yet another of little consequence, "It is impossible to know. And what does it really matter?"

This is a different type of critique than saying that incarceration signifies different things to different people. Rather than pointing to a distribution or economy of significations, I am pointing to the instability of signification itself within mental health courts. Experiences, such as incarceration or homelessness, meant seemingly-contradictory things to individual people, in part, I suggest, because these experiences were not contained by "individual people." They passed through intersubjective relationships characterized by an inevitably-complicated care. Harriet could not think of being homeless without thinking of her mother, or Martha, who had tried to offer her so many different services, or Judge Manley, who might rearrest her if something about her life on the streets intentionally or unintentionally ran afoul of his expectations for her. Eddy could not think of being incarcerated without thinking of Kelly, his attorney who let him get arrested just outside of the courthouse door, or Carly, the clinician who had kicked him out of his outpatient clinic

[48] See Kaya Williams (2017) for an analysis of the conflation of a person being "a risk" and being "at risk" in New Orleans jails.

for showing up drunk and hitting on women during group sessions, or myself and Judge Albers, people whom he understood to visit him in jail at night.

As evinced by Andie's comment and question in regard to Collen, for Andie and her colleagues, truth was never a position to be occupied. Each gesture towards a truth was accompanied by a negation, unraveling every attempt at a propositional claim. Truth and untruth were always held together within the same frame, one indistinguishable from the other, as with so many pairs of propositions and their negations. Attempting to cleave one from the other was futile, and so they did not try. All meaning came in tandem, overflowing, uncontainable, unsettling the bounds that claims to truth might try to impose.

This mode of life – a life in which seemingly incommensurable realities are dually maintained to the point of their indistinction – is surreal. In invoking "the surreal," I am specifically calling upon a series of debates surrounding the relevance of reason and logic to meaning that emerged within a group of people who variously considered themselves novelists, artists, anthropologists, and philosophers, and who happened to be centered in the Paris in the interwar years. I turn to this group not to foreground philosophy, but because they theorized in a particular moment before such a construal of sharp divisions between anthropology and philosophy. As James Clifford (1988) describes in his return to the work of the Parisian surrealists, the interwar years access a moment in which the aesthetics of surrealism approached visual, literary, and ethnological arts as methodologically and representationally indistinct.[49] Indeed, Clifford, along with Hal Foster (1993, 2015), points to the confusion with which the surrealists tend to be read from the vantage of modern disciplinary standards; Bataille, for example, considered himself an anthropological inheritor of Durkheim's, despite never conducting fieldwork in any modern conceptualization, and collaborated with several of Mauss's students in ethnology, such as Michel Leiris, to found various journals.

Turning to surrealism trains analytic attention on the coexistence of incommensurable claims and propositions while gesturing to experiences uncontained by

[49] Further, I am building on recent anthropological scholarship that employs art as a resource for social theory (e.g., Rabinow 2017; Sansi 2015; Sansi and Strathern 2016; Schwarz 2017).

reason, logic, or rationality. In Clifford's words, surrealism takes as "its problem – and opportunity – the fragmentation and juxtaposition of cultural values" and activates a sort of comparative thinking through difference without the ethical imperative to order variations in experience (1988: 117). This is not a lesson that surrealist philosophy has to teach ethnography; surrealism subverts distinctions between philosophy and ethnography by insisting on shared aesthetic and theoretical commitments. Clifford's work on surrealism is, of course, itself a product of a particular moment, that moment being the late-1980s crisis of representation. In working with surrealism, Clifford embarks upon a different path than what I have described, borrowing from Mazzarella, as a settlement in embracing Foucault's writings on power for their use of "function" as a means to ask questions of systemic power while bracketing questions of truth. Surreal questions stake different terrain, directing their efforts towards an understanding of social meaning through the exploration of proximity over arrangement, encounter over function, indistinction over disambiguation. Surrealism renders incoherence as something that can be described, observed, experienced, and felt without the imperative to make it all make sense. Indeed, sitting with incoherence and irrationality without resorting to diagnosis is precisely the surreal point.

The key to this exploration, for the surrealists, was a discussion of the unconscious, an unconscious that, Hal Foster is quick to note, is different than Freud's, by way of the surrealists' commitment to "the *extra*medical use" of "(proto)psychoanalytical categories" (1993: 1, emphasis in original). Like Freud, the surrealist unconscious is a force that does not subscribe to rationality and ought to be elicited through a relinquishing of rationality's reins, either through free association, for Freud, or through automated art, for the surrealists, where they would try to draw or paint or write without an orienting intention.

Unlike Freud, the surrealists aspired to suss out the unconscious to more fully display its irrational and "marvelous" breadth, rather than to cure neuroses and bring the unconscious more in line with social norms. In other words, these are understandings of an irrational unconscious that lay different emphases, a claim that Foster illustrates through a reading of the Freudian uncanny and death drive. In Foster's read, in *Beyond the Pleasure Principle* (1961/1920), Freud introduces the concept of the death drive (Thanatos) to fundamentally revise his theory of the pleasure principle (Eros). What Freud would consider to be a discovery of the death drive modifies an earlier theory; Eros and Thanatos exist in tension and Freud's interest lays in balancing the dueling forces so as to ease traumatic neurosis. But the surrealists, Foster argues, took more interest in the complementarity of, rather than competition between, Eros and Thanatos. For them, Thanatos is not so much "beyond" Eros as "anterior" to it; the death drive and pleasure principle lay foundations for one another to the point of their ambiguation (Foster 1993: 11). This observation, of the indistinction of Eros and Thanatos, "works to suspend contradictions" and register "points of great difficulty – where pleasure and death principles appear to serve one another, where sexual and destructive drives appear identical" (ibid). *This* – indistinction and noncontradiction – is the site of the surreal.

Surrealism celebrates and plays in the ambiguous through a veneration of "beloved imagination," to use André Breton's phrase (1969/1962: 4). Imagination, Breton declares in his First Manifesto of Surrealism, is the primary human capacity; he addresses his manifesto to "Man, that inveterate dreamer" (3). Imagination and the unconscious, for Breton, are partners in crime, working in tandem to subvert faith in the rational ordering of the world. Imagination is that human capacity that taps into the exceptional, that dares challenge the norms and expectations to which we are acculturated, that opens pathways

to freedom, through imagination's "intimation of what *can be*" (5). But, for Breton, the *risk* of freedom is imagination's double: madness. "Where does [imagination] begin to turn bad," asks Breton (ibid), "and where does the mind's stability cease? For the mind, is the possibility of erring not rather the contingency of the good?" Imagination and madness, Breton suggests, *might look the same*. And it is the fear of that ambiguity that prevents people from imagining freedom at all, pushing people to, instead, succumb to that "realistic attitude, inspired by positivism" that indulges "the lowest of tastes: clarity bordering on stupidity" (6).

Reading Breton, you can feel his resentment of "absolute rationalism" and its "dull," "purely informative" aesthetic (9, 7). Explanation, he implies, necessarily participates in a program of rational logic, an "incurable mania of wanting to make the unknown known, classifiable," such that the "desire for analysis wins out over the sentiments" (9). And, most odiously of all, logic and reason, Breton sneers, are "applicable only to solving problems of secondary interest" (9). They're boring. They fail to capture the breadth of human imagination and, in so doing, fail to encompass the most interesting and liberating and central components of humanity. Of humanity, of the social. What Breton reaches toward in gesturing beyond reason, beyond logic, beyond individuation, beyond disambiguation is the type of imaginative and uncontained excessive space of Durkheim's mana: those aspects of sociality unhinged from reason. In Breton's assessment, this surreal and excessive space is where the interesting folds of human life lie.

But all of this is a little abstract. Let's take a couple of examples, beginning with René Magritte, whom James Harkness lauds as one of the "most durable" surrealists (1983: 1; see also, Fer, Batchelor, and Wood 1993; Gablick 1970; and Hopkins 2004). Imagine, for a moment, Magritte's most famous painting, from 1926, the piece that burst on to the

surrealist scene, *Ceci n'est pas une pipe*. The upper three-quarters of the beige canvas are dominated by an image of a black pipe, highlighted and contoured to evoke its three-dimensionality, as a pipe would be in real life, not on a canvas. And then, below, in a neat cursive, you see the painted text: "Ceci n'est pas une pipe." An image uncannily similar to *Ceci n'est pas une pipe* makes an additional, slightly modified appearance in another Magritte, *Les Deux mystères* (1966). There, *Ceci n'est pas une pipe* is positioned on an easel, but the colors are inverted: the pipe blonde, the background dark, as if a blackboard. And floating in the ether, above the blackboard canvas on an easel, floats a simpler pipe, as large as the easel, likewise shaded so as to suggest three-dimensionality. There is a pipe, and below it, text, replete with the finality of a period punctuation mark, declaring, "This is not a pipe." Of course, it is a pipe. But is it? If you were to light it, as one would do with a pipe, the canvas would be eaten by flames, the pipe disappeared. It is and it is not, at once, a pipe. And what about the text below? Is it text? Or a painted image in the shape of letters? Text or image? Impossible to say. The English title of *Ceci n'est pas une pipe* – "The Treachery of Images" – approaches more forthrightly that second part of Andie's comment on Colleen's representations. "It is impossible to know," Andie had said, "And what does it really matter?"

Magritte's work invites a question as to whether or not it is ever possible to distinguish images from text and then furthers the subversion by challenging whether or not such a distinction even matters at all – or so Magritte is interpreted by that other theorist of words and things and their socially-constructed-separations: Foucault, who authored an essay on Magritte.[50] Harkness, Foucault's translator, understands Foucault to have been

[50] Harkness (1983: 2) reports that in the mid-1960s, Magritte read Foucault's *Les mots et les choses*, the original French title of what would become, in English, *The Order of Things* (1994/1970), having just closed an

captivated by the "familiar and nonrepresentational quality" of *Ceci n'est pas une pipe*, wherein Magritte deploys "literalism" to "undermine itself" (1983: 9, 8). Foucault calls Magritte's canvas an "ideogram," a neologism he explains in reference to Apollinaire's calligrams, or poems in which the text is displayed in the shape of the poem's topic. Calligrams are unnerving, Foucault writes, because they pervert the distinction between language and image by bringing "a text and a shape as close together as possible" (1983/1973: 21), wrenching the reader/viewer between semantic and pragmatic representations, between taking in the content of the text or absorbing its placement and shape within the frame. "For the blink of an eye," Foucault writes, the calligram "reduces phoneticism to a more grey noise completing the contours of the shape; but it renders the outline as a thin skin that must be pierced in order to follow, word for word, the outpouring of its internal text" (21). "For the blink of an eye": the "perfect trap" of the calligram cannot even be seen (21, 22). It holds incommensurable modes of representation together, whereby "signs invoke the very thing of which they speak – from the outside, by the margin of their outline," while their "form" is "furrowed by words" and reveals images to be indistinct from discourse (22).

Magritte's ideograms play a double trick on the trap of the calligram – Foucault calls the ideogram an "unraveled" calligram – because of the "doubly paradoxical" play with literalism (20, 23). While the calligram uses more abstract forms to trouble distinctions in types of representation, Magritte uses realist images and text against themselves. Rather than moving towards abstraction, Magritte's method employs the very *trompe l'oueil* techniques that painters had once used to trick viewers into mistaking representation for

exhibition of his art in New York by the same title. Magritte and Foucault subsequently corresponded and agreed to meet.

ontology (43-46). In playing with negations – "This is *Not* a Pipe" – Foucault reads Magritte to render propositional claims impossible. Negations multiply, trip over themselves, and give off a *sense* without any cognizable content. This, Foucault argues, is the distinction between resemblance and similitude. Where resemblance "predicates itself upon a model" that it must "return to and reveal," similitude "circulates the simulacrum as an indefinite and reversible relation of the similar to the similar" (44). There is no original, there is no authentic, there is no ordering. Proximity – here the circulation of representations – takes conceptual priority over their ordering, a wild trick of representation that does not answer questions of signification. Does the text refer to the pipe? In *Les Deux mystères*, what is the relation between the two pipes? Magritte, in both canvases, offers no resources to answer the questions of representation that he raises. Referencing the pipe and the text below in *Ceci n'est pas une pipe*, Foucault describes the trick: "What misleads us is the inevitability of connecting the text to the drawing…and the impossibility of defining a perspective that would let us say that the assertion is true, or false, or contradictory" (20). The withdrawal of a position from which to posit a regime of truth, Foucault writes, is "sorcery" (ibid).

Foucault's reading of Magritte stands in relation, in proximity, and in contrast to his far more famous artistic interpretation that is found in *The Order of Things:* his reading of Velázquez's *Las Meninas* (1656). In both interpretations, Foucault stakes his reading in the plays of resemblance. Reading *Las Meninas*, Foucault draws attention to the presumed-portrait of King Philip IV, Queen Mariana, and their children, out of the viewer's frame, as it is the back of the portrait's canvas within the real canvas that faces the viewer (1994/1970: 7). Their painted resemblances are out of sight. But the viewer of *Las Meninas* can catch sight of a painted mirror, in the back room in which the royal portrait is being painted, that "creates an oscillation between the internal and the external" (11). The

resemblances – and their absences – that ricochet off of various surfaces, including Velázquez's canvas alongside the royal portraitist's, come to characterize what Foucault describes as the episteme of the sixteenth century, wherein resemblance was the mode of knowledge production (17).

Foucault makes no such claim regarding the implications of Magritte's similitude for a twentieth-century episteme. And how could he? His argument is that similitude *has no clear referent*. How could it agglutinate into an organized system of knowledge? Similitude flags an instability or quirk of knowledge that fails to achieve propositional value, hence the "sorcery" by which Foucault characterizes Magritte. It is a gesture that invokes feeling – specifically, a curious feeling of being unsettled – without offering an eventual corrective. It is beyond reason and logic, reaching past those questions of "secondary interest" that Breton references (1969/1962: 9). This unstable and unsettling mode of signification that flouts logic and instead hails a collective affective reaction unaccountable to reason is, for Foucault, surrealism. Ultimately, Foucault dubs Magritte a master in "nonaffirmative painting," an artist who innovated a mode of nonpropositional communication (53).[51]

Foucault's (1983/1973: 27) acknowledgement and vaunting of the theoretical significance of the indistinction between "designation" and "design," shape and text, in Magritte's oeuvre muddles the assumption that surrealism is a genre of *art* held apart from text and literature.[52] To these ends, let us turn to a vessel of surrealism that deceptively reads as "more textual" than Magritte. My point here is not to rely on the divide that

[51] Or, in French, "Peindre n'est pas affirmer," which both conveys more of an impossibility of affirmation than the happenstance of nonaffirmation and clearly puns on the negation – the "n'est pas" – of Magritte's own title.

[52] Hal Foster (2015) interestingly observes that surrealism was so effective at communicating that it was a philosophy made manifest through multiple media and forms that art historians neglected to study the period from the middle to the end of the twentieth century, seeing it as not "art" enough.

Magritte, per Foucault, renders obsolete – the divide between shape and text – but rather to further Foucault's argument by showing how it applies equally well to an art whose shape *appears* more textual. Take Leonora Carrington's novel *The Hearing Trumpet* (1996/1974), in which Carrington combines the mundanities of Marian Leatherby's life at ninety-two years of age (deafness, tooth loss) with the more fantastical (the descent of a permanent winter in which wolves travel on Medieval yachts through the skies). The story begins when Marian's friend bequeaths her a magic trumpet (fantastical) that allows her to regain her hearing, only to overhear her son and daughter-in-law planning to send her an institution for old women (mundane). My point here is not to assign designations of the everyday and the fantastical; Carrington plays by melding the categories so thoroughly as to gesture to the arbitrariness of their separation. Mistaken forms abound: the murderer masquerading as a religious zealot, an elderly gentleman masquerading as an elderly woman, wizened elderly women masquerading as senile. Nothing is what it seems. And chasing the "truth" that undergirds the various deceptive forms is a fool's errand, landing you only at further deceptions still.

The climactic end to Carrington's tale, after the world has frozen over and night has permanently fallen, involves Marian finding an open door with stairs leading up and down. Marian wonders which way to step, "Up or Down? Before I gave a reply I leant over and tried to stare into the darkness. I could see nothing" (1996/1974: 171). Both options, in the darkness, appear the same. Marian steps Down into a cavern "as warm as a kitchen" where she is troubled by an unexpected sight: "Beside the flames sat a woman stirring a great iron cauldron. She seemed familiar to me, although I could not see her face. Something in the clothes and the bent head made me feel I had often seen her before. As I drew near the fire the woman stopped stirring the pot and rose to greet me. When we faced

each other I felt my heart give a convulsive leap and stop. The woman who stood before me was myself" (172). When the newly-arrived Marian asks the cauldron-stirring Marian where they are, the cauldron-stirring Marian answers with a refusal of the significance of form: "'This is Hell,' she said with a smile. 'But Hell is merely a form of terminology. Really this is the Womb of the World whence all things come'" (ibid). The newly-arrived Marian finds herself unsettled, in a cavern where, in the cauldron-stirring Marian's laugh, the newly-arrived Marian hears "my own laugh" (175). She grows uncomfortable:

> Questions started to form, without my permission they jumped into my mind, each seemed sillier than the other. "Which one of us is really me?" I asked aloud.
>
> "That is something that you must decide first," she said. "When you have decided I will tell you what to do.
>
> "Then would you like me to decide which of us is I?" she asked, and I thought that she looked so much more intelligent than I did that I replied, croaking: "Yes, Madam, will you please decide, my head is not as clear as usual this evening."
>
> She looked me up and down from head to foot and then from foot to head, rather critically I thought, and said finally, as if to herself, "Old as Moses, ugly as Seth, tough as a boot and no more sense than a skittle. However meat is scarce so jump in."
>
> "What?" I said, hoping that I had misunderstood. She nodded gravely and pointed into the soup with the long wooden spoon. "Jump into the broth, meat is scarce this season."
>
> I watched in horrified silence as she peeled a carrot and two onions which she tossed into the foaming pot. I never had any pretensions to a glorious death, but ending up as a meat broth had never entered my calculations….instead of going towards the staircase I shuffled crabwise nearer and nearer the pot. When I was well within range she suddenly jabbed the pointed knife into my backside and with a scream of pain I leapt right into the boiling soup and stiffened in a moment of intense agony with my companions in distress, one carrot and two onions. (175-176)

Without remark, Carrington shifts her protagonist's perspective: "there I was standing outside the pot stirring the soup in which I could see my own meat, feet up, boiling away as merrily as any joint of beef. I added a pinch of salt and some peppercorns then ladled out a measure into my granite dish. The soup was not as good as a bouillabaisse but

it was a good ordinary stew, very adequate for the cold weather...From a speculative point of view I wondered which of us I was" (176).

Like Magritte's canvases, this is a perspective that does not avail a position from which to answer the questions posed: neither Marian can say who is whom. The only position from which "she" can even ask a question of identity is a "speculative point of view." Every propositional claim is rendered speculative; truth cannot be assessed. The multiple forms of Marian, facing one another beside the cauldron in the Womb/Hell, are like Magritte's pipes. Who represents whom? Impossible to say. The Marians exist in a similitudinous relation to one another, wherein the conditions required to establish resemblance cannot be satisfied. But unlike Magritte's canvases, which Harkness characterizes as "insoucian[t]" (1983: 12), Carrington gestures to the terror of a surreality without distinctions in form. The ambiguous affect generated by these roving indistinctions can be as terrified as it can be curious. Similitude – the circulation of forms absent an authoritative position from which to order or distinguish them – can be disconcerting.

In extending Foucault's argument about Magritte's critical contribution to Carrington's texts, I am suggesting that language can lay the same type of "trap," as Foucault describes Magritte's canvasses (1983/1973: 22), play the same type of game as the image. This is an argument in line with Foucault's, one that troubles the very distinction between form and text. Text might give its readers an impression of finality and clarity, but that impression is a trap into which the reader walks. Language is just as ambiguous as an image. In opening his lectures in 1962, Lacan would declare to his audience, "All I can do is tell the truth" (1981/1973: vii). Only to immediately issue a corrective: "No, that isn't so – I have missed it. There is no truth that, in passing through awareness, does not lie" (ibid). But whereas Lacan follows this declaration of language's opacity with a comment on the

seduction of the fantasy of truth – "But one runs after it [truth] all the same" (ibid) – the surrealists forgo the chase. Rather, they sit with truth's impossibility and play for a while, writing images and painting texts that inhabit the space before the race for truth begins. The surreal is a space of inherent ambiguity that plays with categories, revealing the connections, often affectively and always conceptually unsettling, among things we usually hold apart.

Unsettled and surreal ambiguity is the mode of life for people who pass through mental health courts. The intersubjective orientation of the relational encounters facilitated by mental health court adjudication emphasizes proximity – of people and concepts – often to the disconcerting point of ambiguation and uncertainty. Care serves as a levelling mechanism – *not* from the perspective of outcome. From a functionalist perspective: only one party to a mental health court encounter is subject to surveillance and remand and hospitalization. From a functionalist, outcome-oriented perspective that adopts the terms of the state, one party to these encounters stays in power while the other stays relatively powerless. But that is only one perspective. Surrealism encourages us to question the position from which such assessments are made: what other critical questions must one suspend or hold still in order to tell a narrative with outcomes of an institutionalized power differential? Be more imaginative, says Breton (1969/1962). Be more imaginative, said Judge Manley. Manley asked for imagination in the name of justice, Breton in the name of a critical freedom. But for their divergent aims, both implore: what else is out there?

What else is out there? What else that does not subscribe to the bounds of reason? What else that is not predicated upon there *being* an outcome? What experiences can we call upon to suspend the terms of the accountability to pursue something *else*? What happens when we embrace the intensely surreal aspects of everyday life – even those

bordering on the mad, those illegible to the unimaginative – as equally powerful as the strategic rationalism more commonly associated with liberal governance? When we try to analytically and affectively accommodate incommensurable forms in their melded and marauding amalgamations? Approaching the intersubjective relationships that come to comprise mental health court adjudication from this surrealist perspective, in which there is no position from which to even ask questions of truth in individual cases, subverts the state's half-hearted attempts to impose systems of evidence, assignation, accountability and accesses surreal spaces of alternative politics illegible to the unimaginative.

4

Imagine a mode of social encounter in which the ethics and politics of interaction do not reduce to distributions, designations, takings, denials of accountability. A mode of social encounter in which responsibility does not obtain. Or rather, in which responsibility or accounting for is beside the point. The conceptual vocabulary of surrealism defies accountability. It takes it upon itself to begin a different, unending task, a different sort of "activity" (Clifford 1988: 117, citing Breton) that is always destabilizing and unsettling. Settlements, within surrealism, are never reached. Responsibility can never be assigned. Surrealism sits in the messy murk of it all, allowing connections to multiply, overflow, exceed the traditional boundaries that we impose on them.[53] Games of similitude, as Foucault (1983/1973) would have it, foil any attempt to distinguish and assign, thereby demanding a different ethical rendering than the typical equation of liberalism and individual responsibility. [Who is responsible for stabbing, boiling, and eating Marian Leatherby?] After all, for the surrealists, "the individual" is one such category that cannot be carved out, isolated, disambiguated. And without a concept of the individual, a very different ethical terrain comes into view: an ethical terrain that is obviated by attempts to explain, delimit, and diagnose it, an ethical terrain that is as undetermined as sociality itself.

Striking out on this surreal path that is disinterested in responsibility and accountability, then, is one way to chart a course differently than the state, to challenge the

[53] See also Michael Taussig's discussion of "epistemic murk" (1987: 130-131) and his later engagement with the surreal (1992e).

function and functionality of criminal law as a mechanism that assigns responsibility. A surreal inquiry rejects these terms, or, at a minimum, sees their internal limitations and ventures into a social space beyond. It delves into the space in which my interlocutors find themselves, together: a space in which form cannot be discerned and, therefore, a stable function cannot be assigned. A space in which delusion and fact look the same. A space in which care and control look the same. A space in which individuals cannot be understood as pried apart from their social relations, even as the language of liberal accountability attempts to do so. A similitudinous space of the surreal. And while our interpretations might differ, I follow my interlocutors' lead in letting these mirrored forms sit together, as one, as amalgams, without trying to cleave them apart, expose one for the other, or to otherwise explain. Explanations elude, concealing as much as they reveal, covering their tracks. Of course, all hermeneutics do this, participate in a game of exposure that also masks. But my concern is that critique as explanation stamps the same tracks as the state, reifying an understanding of politics and power as circumscribed by contestations of accountability. Explanations are only one more way of taking account, something that the surreal refuses to do.

In the course of my fieldwork, my interlocutors did little to explicitly explain their worlds to me. They did, of course, describe them. And I observed them. And I participated in them, becoming a part of the social worlds through which my interlocutors defined themselves, and they became part of my social world through which I came to understand myself, an experience that was often unsettling. My interlocutors evoked, invited, conjured, ranted, railed, chortled, protested, acquiesced, succeeded, failed, wept, wailed. For me to attempt to *account* for these shared experiences would undermine my interlocutors' insistence on the limitations of explanation and the elusiveness of truth in a similitudinous

space. It would pervert that ethnographic essence of "being there." And so, instead of seeing my task as one of taking account or as one of explanation, I would like to instead question the *meaning* of indistinction, the *meaning* of my interlocutors' inability or refusal to draw lines, to give form.

To follow my interlocutors, I move analytically from the outcome-oriented practice of individuation to the intensely affective, excessive, and uncontained space of the social. I explore politics and ethics *here*, in a space that is anathema to stable signification, clear individuation, responsibility and accountability. I do so by taking psychic phenomena – dissociation and trauma – that were described, discussed, debated, and deliberated within relationships that emerged in the course of mental health court adjudication and preserving them, analytically, in the emically intersubjective space in which I encountered them. What might it mean to critically interrogate psychic phenomena – usually understood as transpiring within the minds of particular individuals – as social phenomena? What happens when we afford critique no position from which to assess truth, falsity, or contradiction, but instead ask ethnographic critique to participate in the emic game of similitude so as to conjure its presence, rather than explain it away? Ethnography itself might become yet another circulating simulacrum, engendering critique by extending an invitation to yet another surreal encounter.

Part Two

DISSOCIATION; or, On Multiplicity

Similitudinous Signifiers

1

It was about a month or two before the cops were called and he was handcuffed and carted off to the same psychiatric floor within the Santa Clara County Main Jail from which he had been released only a couple of years earlier that Dragomir fell in love. Her name was Tamar. She was all he wanted to talk about when I went to visit him in jail. She was all he wanted to talk about ever.

I had been putting it off, going to visit Dragomir in custody. He and I had spoken by phone. His mother had wanted me to go visit him in person. I had stalled, using logistical challenges as excuses. Inmates are only allowed two visits a week, so you need to coordinate with everyone else who might be trying to visit them in order to ensure that you won't be turned away at the door. I had to get a background check; that took several days to go through, even though I was technically an intern for the county and had already been through multiple security clearances. Visits are only an hour long, but you have to arrive forty-five minutes early: arrive forty minutes early for your visit and the guards will turn you away, a rejection that I watched multiple potential-visitors experience from the waiting room in the jail. I expected someone, anyone, to protest and try to get the guard to allow entry. No one did. No one even looked angry. They looked used to it. At long last, a guard shuffled myself and the fourteen other women who had shown forty-five minutes in advance into a large elevator – one woman pointed to a sign hanging in the elevator that declared that it could not hold to weight of more than twelve people at once, the guard shrugged – and each of us rode to our designated floors.

The elevator doors opened on to a room bifurcated by a thick, plastic window, divided by into individuated segments, like telephone booths lined up in a row. And that is what they were: telephone booths. Inmates were seated in locked cells on one side of the window, guests in small cells on the other, still separated by that plastic window, with heavy black telephone receivers attached to the wall. The guard who had shrugged off the elevator certificate led me to a stall, in which I took a flimsy plastic seat, and the guard closed the door behind me.

There was Dragomir. He had metamorphosed, if only in small ways, since I had seen him last. Seated across from me, he looked sturdier, stronger, more physically stable. When he would collect call me from jail, during that time that we did not see each other, I was made glaringly aware of how *looking at him* had been an integral aspect of our time together, back when it was in person. Though I had never been cognizant of doing so before, when Dragomir would call me, it struck me as so strange, challenging even, to not be able to see him, to not be able to see if his duct-taped and jerry-rigged leather belt was a notch tighter, to not be able to smell how soiled his clothes were, to not be able to see if his face was looking increasingly gaunt—little things that I had apparently been recording, unbeknownst to me, as parts of my always-changing impression of Dragomir and his welfare. Until he was arrested and relocated to the jail, he had been living out of his car, homeless for the past year or so. He had little access to food, refusing to eat much of what his mother was able to procure for him from the county's food pantry because he said it wasn't vegan or ethically-sourced, preferring instead to forage, which was an iffy proposition in the middle of the most severe drought California had seen in a century. And it wasn't until he was taken away, such that I could no longer see his belt, his clothes, his

face, that I realized that I had been taking in those sights as evidence, of sorts, of how he was faring, if he had enough to eat, if he was losing weight. Suddenly, I had only his voice.

Until, at once, he was in view, seated across from me, on the other side of a thick pane of plastic, sturdier, stronger, more physically stable than before. He smiled. He waved, indicating that he needed to dial from his end to access my phone. It rang. I answered. I said hello, and that I was happy to see him. He said the same. I had been worried that small talk, those initial scratchings at a conversation, would be uncomfortable, but there was no need, as there was no small talk. Dragomir began in the middle of a conversation that we had been having by phone for the past several weeks. Not a conversation so much as me listening. He wanted to talk about Tamar.

He wanted to talk about Tamar because all he wanted to think about was Tamar. They had met, he had told me over and over and over again, at the café at which he hung out before he had been arrested. She had been there with her daughter, Ava. Dragomir said that it was simply love at first sight. She was married, Dragomir said. Her husband was abusive, Dragomir said. The husband worked in tech, was wonderfully wealthy, Tamar had everything that she had said that she ever wanted, but was miserable, Dragomir said. She was incomplete without him, and he without her. He would spend time at their house in the hills when the husband was at work, he had told me. The husband had come home, once, mid-day, Dragomir said, and had gone around the house smashing glass doors; Dragomir said that he had picked up the glass and babysat Ava when Tamar had gone into town with her husband after he had turned violent. He had been thinking about her for the entire time he had been in custody. She had not been to visit him, he reported. I worried about the intensity of Dragomir's descriptions. I had been worried about them before he

was rearrested. I worried more now that he was saying that he was "just fine" with his incarceration "because" it gave him months to think about Tamar.

But of course he was thinking about Tamar. What else was he going to think about? He was locked in a single cell, only let out for, at most, two hours a day. Thinking about her, he told me, brought him joy, even if it was joy through pain. I worried about the pain part. Sitting across from Dragomir, in our split cell, I felt overwhelmed and paralyzed. He wanted to talk about Tamar. I did not want to hear about her. I did not know if she existed. And, while I had heard Dragomir talk about plenty of people whose existences I doubted, this felt different to me: he was making plans around her, plans that he declared himself willing to defend by violence if need be. He had told me of his readiness to hurt Tamar's husband to defend the woman he loved, though it was unclear to me if Tamar, should she exist, would actually want to be defended in such a way. I worried about Dragomir's violence: bludgeoning someone in the head with a heavy, camping flashlight was what had precipitated this most recent arrest. *That*, the bludgeoning, according to Dragomir, had been precipitated by Tamar telling him that she did not want to see him anymore.

But I did not want to tell Dragomir to *stop* talking about Tamar either. The only other available options of things to talk about were things he found upsetting and I felt as though diverting the conversation away from Tamar and towards those other things – his arrest, his incarceration, his mother – would bother him. How often does he get to say these things aloud? I wondered. How frequently does he get to talk to someone else about being in love? I sat there, letting Dragomir continue, but I stopped listening.

"So, you said that the last time that you were in jail, you liked reading? Reading anything good now?" I finally interrupted.

Dragomir swiftly assimilated to my interjection, "Oh, yeah. I am. Last time, I just was reading the Bible. I picked up some novels, but couldn't finish any of them. But I just finished the first novel ever—I can never finish novels. This one was great—it was a murder mystery. Set in World War One. A lover murders his soul mate's husband."

He pivoted, without much difficulty, to talking about Tamar for a while longer. Dragomir's mother had told me that the last time that she had been to visit, he had been, in her words, "delusional." She had called me the day before my visit to update me, "He told me a story about when he was twelve and his father was teaching him to fly a plane into buildings using a flight simulator. The reason was that his father was a secret agent for the CIA MK Ultra program. After talking about his father, he said that had chosen at birth to be a sleeper agent….Then he started talking about his multiple personalities. I never know what to think of that…Can you ask him about the psychiatrist? Just see what he says."

Without words of my own to engage Dragomir, I used his mother's. I interrupted again, "So, um, your mom tells me that you saw a psychiatrist in here soon after you were booked?"

"Oh, Jesus, don't get me started. Yes. She was an idiot. She misdiagnosed me as bipolar."

"What do you think the right diagnosis is?"

"Obviously dissociative identity disorder. Obviously. Any psychiatric professional worth her weight in salt would know that. I clearly have dissociative identity disorder. She misdiagnosed me because I was on a caffeine withdrawal—because I hadn't had caffeine, I was acting like someone who had overdosed on caffeine, talking too fast, and all of that. Hopping about. She misdiagnosed me and put me on Abilify and I had a really bad reaction to it—it just exacerbated my psychosis. I was going nuts in my cell – walking back and

forth, pacing, talking to myself. I looked totally insane! Look – like this." Dragomir slammed his phone receiver down on the metal sill, stood from his chair, and ran in circles. "Doesn't that just look insane?"

"Sure."

"But it was incredible! Because this psychiatrist fucked up with the diagnosis and the Abilify, all of my personalities came out! All five of them were there at once, in the room with me. Together, I call them the Committee, because sometimes they need to agree on things before I can do them. But they were all out at once, which has never happened before. It was pretty gruesome, actually. Limbs flying off, them chopping and biting at each other, I saw some bloody handprints – they were really going at it. At first, it was scary. But Jessica! I think that it was great! Harriet and Dragomir killed Evan, Otam, and Alex. All of my childhood traumas were murdered! I mean, I guess that they might be back, you can never be certain that you've actually killed someone off. But I think that I did it!"

The person seated before me continued, "I'm Dragomir now. I've been Dragomir for the past several months, for the most part. Boy, Harriet is sure pissed that I'm in here. She's sore about how I was behaving with the flashlight, she could smell trouble….she is pissed to be back, but Dragomir doesn't give a shit. I'm just fine. I'm strong. I'm powerful. I've been feeling like a man ever since I met Tamar. It's easier now."

I asked Dragomir if he was being treated all right by the guards, reminding him of how terrified he had been, or how terrified one of him had been, at the prospect of being returned to jail just a few months earlier. And that was before three Main Jail guards murdered someone whom Dragomir knew in custody. Dragomir shook off my question, "No, no, I'm not scared. When I was a woman locked up in here, then, I was scared. She was the one who was arrested the last time around—she was in here the whole time. And

she hated being with men. But now that I'm Dragomir, I'm just fine. No one scares me, because I'm a man. I have no memories of the six months that I spent in here, none at all—that was *her*. I left part of myself in here, and I had to come back to reclaim it. It's like a totally new experience." Dragomir paused, leaned forward toward me, and grinned. "Since Tamar left me," he intimated, "I've become such a badass."

His mention of Tamar got him back to speaking of her, and I let him continue, uninterrupted, wondering when this would end: "Tamar is my equal and my opposite. We're identical in all of the ways that we're not opposite. We're soulmates. I've never felt this way about someone before." He cycled through stories he had told me time and again, "After she broke my heart, I tried to take two days of space from her, but then I used those two days to take care of her, to babysit Ava, to pick up glass shards from around her house. I love Ava. I want her to be my own. Tamar is the first woman who I have wanted to father a child with. I want to see her carry my child. I want to move into a home with her and our children. Jessica, Tamar didn't hear this, because she's self-absorbed and disinterested, but one day, we were at a café and Ava called me 'Daddy.' It meant so much to me.

"I accept that we are never going to have a physical relationship. Tamar wants me to take her and I'm never going to do that without her saying that she wants it, and she's not going to say that she wants it because she just wants me to do it. So it won't be physical. But I still want to be with her. Because I realized the other day! When I look into her eyes – we're both black holes. We repel one another. We're so attracted to each other that we repel one another. But that's still attraction! And I can't explain this to her because she's too stupid to understand it, but you'll understand it, though, the physics behind it: atomically, we can't touch. When we're in our dissociated states, we get along really well, but when we're stable, that's when things go wrong. My spirit animal, the raven, gets along

so well with her lion. They're very compatible. But she and I drive each other nuts. I can't stand some of the things that she does—when we're stable, I'm schizotypal and she's histrionic. We set each other off. I saw her change once, from the lion into Tamar. She turned her head and one eye was blue and the other was green and I caught her, changing.

"I've been analyzing her from my cell. She's a psychotherapist, Tamar, did I tell you that?" He had, but he didn't pause for me to affirm that he had, "She's the worst psychologist you'll ever meet. She can't analyze herself at all, so I've been doing shadow work for her. From custody. It's how I spend my time, analyzing her for her. I've been making a stack of notecards with my thoughts. I don't usually do psychoanalysis, because I'm not a Freudian, but I've been doing some psychoanalysis. I think that Tamar was traumatized when she was a child, that's what caused her to split. Her father probably molested her, but she won't agree with me. I was raped though, so I can tell that she was molested. It's the same split. So I've been doing some psychoanalysis, but it is also a social analysis, yeah, I'll call it a social analysis."

I felt myself flinch as Dragomir explained this, "Basically, I study how Tamar interacts with her environment, and how different social factors combined to make Tamar who she is." He rephrased, with authority, giving me another lens into his process, "It's a contextual understanding, based on how she interacts with her environment and the people in it." A social analysis.

When I had met the woman who would become Dragomir, a year prior to my visit with Dragomir in jail, we had sat on a bench together, just outside of the mental health court in which she was a client while her mom went to go get the car and pull it around to the front of the courthouse. I had introduced myself, saying that I was an anthropology graduate student studying the mental health court. "And what methods do you use as an

anthropologist?" she had asked me. I had offered a description of ethnography as method: the attention to context and local meaning; the idea that the categories through which we make our worlds are connected; the need to examine experiences and encounters relationally; the idea that people are defined through their social relations. A social analysis.

The phone receiver buzzed. A recorded voice informed us that the line would be disconnected in 15 seconds. Dragomir and I said goodbye. A guard opened his door to lead him elsewhere, back to his solitary cell, I suspected. I stayed seated for the moment while he walked out. He turned away from me slowly, looking at me as he turned. Dragomir and I had had conversations before about how he thought his eyes would change color, like Tamar's, experimenting with different shades of blueish-green. That day that I visited him in jail, they looked solidly green to me. Green like mine.

2

I was in the San Francisco courtroom the day that Danny Stone took his plea, accepting the crimes with which the state had charged him, and I was in the courtroom the day that Danny completed his mental health court probation. Three years passed in between. It was unusual for me to see a case from start to finish: most people who I watched accept state charges in order to enter into mental health court adjudication were still undertaking said adjudication by the time that I left.

Unlike many of the clients in San Francisco, who were lacking in family support, Danny was accompanied by his grandparents on both of these occasions, an elderly man with a cane. Like most of the other clients in San Francisco, Danny was having housing problems. His support system and housing issues were connected. In fact, the court had kept him on probation *in order* to sort out his housing problems. On that first day, when Danny was led into the courtroom from the pens, the cages where inmates are kept while awaiting a court appearance, by Stu, the court's bailiff, when Danny was wearing neon orange sweats with XXL scribbled in thick sharpie along the side, was walking in the jail's standard-issue orange gym socks and flip-flops, was holding his hands, handcuffed, behind his back—his grandfather and grandmother had beckoned Kelly, Danny's public defender, over to their bench in the gallery, just behind the short bar separating the area of the court's work from public seating. Kelly had gone over, shaken hands, there had been smiles and head nods. Kelly had gone up to the judge's bench to retrieve copies of a brochure distributed by the San Francisco chapter of the National Alliance on Mental Illness that the

court kept on hand. Perhaps they would be interested in some of the family support groups? Until his incarceration, Danny had been living in his grandparent's home. They had raised Danny and his brother, who was also diagnosed with schizophrenia, and the two men in their twenties continued to reside in the home. The grandparents had decided that Danny needed to live elsewhere. That the grandfather had been the victim of the assault to which Danny would plead guilty was not the reason why. "I'm getting old," the grandfather had told Kelly, "I can't watch both boys."

Bianca, the district attorney, had determined that Danny would need to find stable housing elsewhere as a condition of his probation; until he had done so, he would not be able to complete mental health court and he would have to come to the courtroom weekly for oversight. Finding Danny what the court considered appropriate housing took longer than finding him what the court considered appropriate mental health treatment. It took longer than the duration of a jail sentence for most assaults like the one that Danny did not deny perpetrating against his grandfather. The case dragged on, and the attorneys knew it. The mental health court team had considered graduating Danny twice before they actually decided to do so—a deliberation that stemmed from the court's acknowledgement of Danny's compliance with his court-developed treatment plan, his willingness to take an antipsychotic injection, the sentencing cap for people who had plead guilty to an assault not in mental health court. Each time the court considered graduating Danny, Bianca returned to the housing issue. Danny wasn't going anywhere until he had a place to go.

That was easier said than done. Unlike many other San Francisco clients, Danny was fortunate to have been approved for Social Security Disability Insurance (SSDI), bringing in a little over $850 a month. Danny had not been working prior to the federal government's approval of his SSDI application; once it was approved, he understood his

status as "disabled" to mean that he could not work. Ruth, the county's lead clinician, disagreed with Danny, who pointed her to the language he had learned from the public officials who had processed his application: that disability meant that he was *unable* to work. Ruth understood it to mean that he was unable to work *fulltime*, and encouraged Danny to find part time employment. He did not try to do so. And, much to the court's frustration, even once he was regularly receiving his SSDI payments, he spent the money in ways that the court staff felt amounted to squandering his rare government benefit. A courtroom psychologist had grimaced when telling the team about what was needed: "Danny is doing well in that he stays in touch with his psychiatrist and receives his shot regularly, it isn't that he needs a new psychiatrist. He needs a specialist, or something. Someone who will tell him to stop spending his disability on…he calls them his 'girlfriends,' but they're sex workers in the Tenderloin. I've tried talking to him about it because it is impacting his nutrition. He doesn't have any money for food. But he says that his girlfriends are more important than food, so I'm kind of at a loss…."

There were other barriers to managing Danny's benefit. A local social service agency contracted by the court had helped Danny, by the end of his time in mental health court, find subsidized housing. But subsidies could only go so far: one of the court clinicians told me that the average rent in a single occupancy residency hotel, housing that was far from stable, was $1500 a month (see also, Knight 2015). Only a decade before, the cost of living at a daily rent hotel was a third of that amount. In the interim, tech startups had moved into the downtrodden neighborhood and daily rent hotel owners realized that they could "slap on a coat of paint, buy some Ikea furniture, and jack up prices," in Ruth's words, to rent to the droves of mainly young white men entering the city to work in the startups. The hotels, many of which had been built during the Gold Rush to house male

miners moving to San Francisco, returned to their original usage as temporary waystations for those who intended to strike it rich (Tracy 2014). The marginally-housed people who had taken up residence in the hotels after World War II were sent packing in order to make way for those who could pay higher rates of rent. Even with his subsidy and benefit payment, Danny did not have much money left for food, transportation, or anything else. As Ruth acknowledged, housing was the "unsolvable problem" facing their problem-solving court.

In the course of the three years that it took for the court to find Danny a subsidized apartment, Danny spent close to a year in custody, broken up into multiple, shorter stints. Danny was well known to the court team, not just because he had what Kelly called a "bad case," in the sense that the team generally agreed that he was being kept on court probation for "housing reasons" and not "legal reasons." He was known for his personality, or personalities, depending on your perspective. The court first got to know Danny how he presented himself on the day of his plea, a presentation of self that struck the court as consistent over the course of the next six months, a presentation of self that the court came to know as "Danny." Then came "Paul McCartney Danny," a guy who swung his broad shoulders back and forth as he approached the podium, a guy who walked with a swagger, a guy who spoke with what sounded to be a British accent, a guy who addressed Albers as "Sir Ronald" and "mate" rather than "judge." Then came "Rapper Danny," a guy who let his pants – jeans, when out of custody, orange sweats, when in – sag down to his knees, inviting admonishment from the judge and the bailiff alike, a guy who wore sunglasses and had a penchant for cheetah print, a guy who spoke in single word sentences. Every time that Danny's name appeared on the calendar, the team collectively wondered "which Danny" they "would get" that day.

The Danny that most rattled Judge Albers was the Danny who made an appearance a month after he declared it all bullshit, a month later while he was still in custody. Albers addressed Danny first that day, usually it was the other way around. Albers told Danny that he was "doing everything right in jail, taking his meds, signing a new treatment plan." Danny nodded. He opened his jaw, mouthed the word "yes," but did not give it any sound. Albers squinted while nodding, as if to prod Danny into verbalizing his mouthed word, "Yes?" But Danny repeated the silent gesture and turned to the bailiff, who turned to the judge, who nodded, and then the bailiff walked Danny out of the courtroom and back to jail. Albers's eyes darted around the courtroom, to me and then to the court team. He looked bewildered, announcing, "That was really, really weird. Did you all see that? Danny's usually so verbal, no matter which Danny it is. He's usually so verbal, to a fault. It's usually 'Judge Ronald' this, 'Judge Ronald' that. But there was nothing coming out!"

Ruth looked nonplussed, and said with a shrug, "It's just the stress of being in jail…."

But a jail psychologist, Elena, disagreed, while still seeming lackadaisical, "Nah, he's been in for a few months. I think that when he's more confident – when he is like, 'mate?,' like Paul McCartney – that's when he's more psychotic. He's just on his meds now."

Albers nodded, slowly, still looking ask though he were processing the encounter, "I guess that I've just never seen him fully medicated…." Which Danny was the "true" Danny was an assessment that constantly changed as "new" Dannys made their appearances over time.

It was several months after the medicated Danny was released from jail that one Danny or another beckoned me over to him. I had just walked into the courtroom and put my coat on my usual seat in the jury box. Danny began to wave, I pointed to myself, he

nodded, I went into the gallery to speak with him, "Hey, how's it going?" He slid his sunglasses down his nose and positioned his face so that it was close to mine. After a second, he asked, "Are you the jury?" Danny and I had spoken to each other before, but it was months prior, before his rearrest. I reintroduced myself, "Oh, no, I'm not the jury. There isn't a jury for this type of court hearing. I just sit in the jury box. I'm Jessica, I'm a researcher." I put out my hand and Danny shook it, "I'm Danny. Well, they call me Danny here, but normally I'd introduce myself as Miguel."

"And why is that? Why would you normally introduce yourself as Miguel?"

"Well, my girlfriends call me Miguel. Danny is just a fake name, but that's how they know me here."

"Why do your girlfriends call you Miguel?"

"It's like the contender, it's an equalizer. It's a way of introducing me to someone else. Everyone uses fake names. Jessica is your fake name. There's no such thing as a real name. They're all fake."

I returned to my seat in the jury box and watched as the person with whom I had been speaking responded with ease to Judge Albers or "Sir Ronald" calling him to the podium by the name "Danny Stone." Watching Danny or Miguel interact with Judge Albers or Sir Ronald, I thought back to a different conversation, with someone else, a person who had introduced himself to me as Kaushik. Kaushik had been a client of the courtroom down in the Santa Clara, where a different judge, Judge Manley or the Pirate Judge, not Judge Albers or Sir Ronald, was at the helm of the program. Kaushik and I first met when he had arrived at court looking for services and had invited me to attend an Indigenous healing ritual with him the next day. We had gone for a walk in the expanse of land behind the church where the ritual was to take place. I recalled being surprised by

Kaushik's outfit: a tweed, three-piece suit. Leather loafers. A newsboy cap. A pressed blue shirt. A tie. I had wondered where he stored these things, where he was able to keep them clean while living his life out of a backpack and on the streets.

Kaushik had stopped in his tracks on the top of a hill. He had stepped out of his shoes. He had taken off his cap. He had bent down and tucked his folded cap inside of a shoe. And then he had turned to me: "Most people, they only see you as a PFN.[1] It's all masks." Kaushik had stepped back into his shoes and had held the cap in his hands rather than putting it back on his head, as bailiffs in court remind visitors to keep their caps off. Kaushik was imitating someone standing before a judge, "Yes, sir, hello, your honor. I'm my PFN." He had turned his eyes from the sky to me, "Everyone coming before a judge wears that mask. We're all wearing fake masks all of the time. All fake. All of the time, Miss Jessie, do you hear? *All of the time*. But there is a special one for coming in front of a judge."

Kaushik's masks, Danny's names. All fake, all of the time.

[1] PFN stands for "personal file number," though I have never heard anyone use the complete phrase in conversation. Santa Clara County gives each person who is arrested a PFN. That number is supposed to be attached to any files generated from future interactions with the criminal justice agencies or law enforcement. Each case filed by law enforcement has its own "case number," with the idea being that PFNs can generate a complete history of one person's interaction with law enforcement. Sometimes, however, multiple PFNs will be erroneously generated for the same person which breeds confusion.

3

All time was erratically partitioned within Judge Manley's courtroom and was, in some sense, all fake. Until the move to the new courthouse, that clock in the back of the old courtroom never ticked according to any predictable rule, the hand managing to always slide back and forth along the orb of digits. It was "about ten minutes fast," Andie once told me, throwing her arms at it, but the actual measure of the clock's deviation from the time noted on all of our cell phones depended whether you caught the arm in its ebb or flow. The "fakeness" of time within those four walls became a problem, when court clerks had difficulty submitting forms for overtime payment and no one could agree on what time it actually was. The "fakeness" of time seeped into the improvised rhythms of the courtroom, as those same clerks watched their lunch hours shrink and disintegrate in the face of all of the filing that would need to occur following a hearing. Time multiplied and then disappeared, never holding itself as a stable object to which people in court could refer or on which people in court could rely.

Release dates followed suit. When signing a release order that would be sent to the Department of Corrections, Judge Manley would specify the particular day that the Department of Corrections was to release a particular client. That month when the clerks were on strike because, in part, of the fakeness of time in Judge Manley's courtroom, the forms did, in fact, make it to the jail. But that did not ensure that the guards would do as they were told. Most frequently, the Department of Corrections would push the limits of time, waiting until as close to midnight as possible to release the client. Releasing people

from jail means paperwork, and so the guards would procrastinate, leaving it to the people who were working on the last shift of the day. Getting out of jail around midnight can be a problem, especially if you're homeless, as most of the shelters and halfway houses close their doors earlier on in the evening, meaning that you'll be out of doors and liable to be stopped by the cops for trespassing, returning you to the jail from which you had just been released. Manley had observed the pattern, and tried to counteract it: at some point, he started specifying times in addition to dates for release. "Release 9/15 at 9 a.m." He tried. Sometimes, the jail would listen. Not always. Time meant no one thing. 9 a.m. might mean 9:34 might mean 12:57 might mean midnight.

If the meanings of hours and minutes were themselves never stable for anyone within that courtroom, days of the week did mean something to Judge Manley. Behind the jury box, Manley had, at some point, instructed his clerks to hang large calendar sheets for each month, each about the size of a poster board. The days of the week were color coded: Mondays were purple; Tuesdays, green; Wednesdays, yellow; and so on. Manley tried to judge by color: he understood himself to be a different judge each day of the week, clustering clients together. I asked him, once, if this had anything to do with clinical diagnosis: he said no. Vehemently. "Ah, the DSM—a bunch of bull, I don't read it." There were other categories that mattered to Manley. On Mondays, he was stern; this was the day he dealt with "guys who have problems with authority." On Thursdays, he was patient; this was the day he dealt with "people who are cognitively impaired in some way, you know, just slow, like children." On Fridays, he was magnanimous; this was the day he dealt with "people who see things that you and I don't see." Stern Manley. Patient Manley. Magnanimous Manley. "It's like swapping on different hats, or different robes," Manley had explained. Different judges for different days: a very different understanding of judicial

ethics than due process or "equality in the eyes of the law" might lead other judges to believe. This law had more than one set of eyes.

Up in San Francisco, Albers could empathize. He didn't have a color-coded protocol for how he intended to judge, but he described the demands of judging to require him too to wear "different robes," as Manley had put it. Albers, in describing his judging practice, had told me of the imperative to become a different judge for each client, as needed. "You need to judge each person differently," he told me.

"And how do you know how to judge each person? Does the client's diagnosis matter to you, for how you judge?"

"No, no, it's not like I remember the diagnosis for each client. But the clinicians, they give me pointers."

I asked the clinicians if they gave Albers "pointers." Sometimes, they said. If they knew a client to respond more to encouragement than reprimand, for example, they would tell Albers to praise rather than punish. Or if they knew a particular topic to be "traumatic" for a client, they would tell Albers to avoid it. I asked if they gave "pointers" for each client. They said that they did not, only when something happened to come up, not regularly. But still, Albers understood his judging practice to entail changes in robes, based on cues he received from clinicians.

How different are Albers's and Manley's "different robes" from Danny's different accents and names, from Kaushik's "different masks," from Dragomir's "different Committee members"? I do not understand them to be *the same*. Dragomir, I knew, felt like he could not always control which committee member took command of his body when. I also suspect that Albers's and Manley's intentional robe changes got the best of them sometimes, that, on some Thursday, Manley had intended to put on his "Patient Manley"

robe and found it impossible, found himself shorter with clients than he might have liked. Danny's names are not replicas of Kaushik's masks are not replicas of Manley's robes – but there was something about them that strikes me as similitudinous. I think back to Danny's insistence that *there's no such thing as a real name*, Kaushik's that *We're all wearing fake masks all of the time*. In their views, there was no original, authentic iteration to depart from, no multiple that could take on a relation of resemblance. There was no coherent understanding of self that controlled the others in order to provide order. It all unspooled.

But is it not the job of law to spool? Is it not the task of criminal law to make order out of conflict? Has a primary contribution of a century of legal anthropology not been the demonstration of law as that privileged site – for better or for worse – for the making of social order? If law is not the reflection of morality, is it not still a primary space for the colliding of various interests that, eventually, produces an order, even if the order is always contested?

To understand the "critical ironies" that she observes contemporary legal anthropologists to employ in separating legal from social orders, Carol Greenhouse (2012: 439) suggests a return to an earlier reading of law offered by Durkheim and Malinowski. Snipes issued by Malinowski toward Durkheim's work aside, Greenhouse reads neither man to offer an account of law as the "de facto expression of collective values," even as mid-twentieth century legal anthropology would go on to emphasize the "continuity between legal rules and social norms, reading the one as the evidence of the other" (433, 432).[2] Greenhouse patches over Malinowski's disagreement with Durkheim by rectifying his "caricatures" and reveals Malinowski to "approach Durkheim even as he opposes him (433, 435). Both figure law as an interpretive, rather than empirical, project whose claims to authority "swim in a normative soup with other rules, norms, and commandments" such

[2] Think to Karl Llewellyn and E. Adamson Hoebel's justification of their application of the term "law" to the Cheyenne on the basis that law is "part of the going order" of society and functions as something "good-enough" to maintain the coherence of social order (1941: 283). Or Max Gluckman's (1955: 19-23; 1965) turn to Lozi courts as the sites where the ordering of "multiplex relations" were to be ordered and arranged, also in the name and to the effect of social cohesion.

that law is "a particular register of social cohesion, but not the only one" (434). Developing this "missing conversation" between Malinowski and Durkheim provides footholds for understanding "the anthropological investment in legal institutions as the locations of a particular sort of accountability" (436, 437).

A lot has changed. Greenhouse identifies the legal anthropology of the 1980s as the moment in which the mid-century conflation of law and social norms was "called into question" by the ethnographic demonstration of strategies and hierarchies of power within the law, such that legal conclusions may not be normative at all, depending on who you ask (432).[3] And now, legal anthropologists, Greenhouse reads, tend to begin with "neither of these beginnings" in the interest of forgoing any "unifying theory of power" (ibid). Still, while contemporary legal anthropologists may reject a "unifying theory of power," they maintain an interest in accountability and align ethnography – as method, as moral critique – with "claimants' protests against state actors" (438). Hence the need for a return to "mend[ed] relations" between Malinowski and Durkheim, for in aligning anthropological research with a project of accountability through the critique of law, legal anthropologists split law from the social and, like Durkheim, locate the social as the "locus of moral constitution" (437).

Reading alongside Greenhouse's assessment of the trajectory and the changing stakes of legal anthropology, I find myself interested in her beginnings, her ends, and the

[3] Think here to Clifford Geertz's (1983: 172) adamancy that law *makes* the facts that it mobilizes to produce order. Or Sally Falk Moore's (1978: 186-190) insight that social norms are not stable propositions, but *claims* that are strategically mobilized by parties in legal settings to advance their interests. Or John Comaroff and Simon Roberts's (1981: 29) identification of Tswana dispute processes as the "main forum" in which people "talk daily among themselves about the organization of their society, the nature and content of their normative repertoire, and the attributes of their culture," thereby rendering them as, also, the main forum in which people strategically advocate for social orders that advance their personal preferences. Or Lawrence Rosen's (1984) understanding of the legal processes as the spaces in which people haggle over the categories that come to shape their social worlds.

thread of ethics-as-accountability that she teases between them. I follow Greenhouse's reading of current trends in legal anthropology as a diagnosis of both the rejection any such thing as a "unifying theory of power," and a sustained interest in law– as an empirical project, perhaps, rather than an interpretive one – as one site of power among others, akin to Malinowski's "normative soup." The sustained interest in law suggests that diffusions of power do not negate the ordering work of law; anthropologists' moral and methodological alignments with those who use the law as a tool to protest the state suggest that legal processes *do* order, even if without moral authority, even if without hegemony.[4] Law, on these accounts, is coherent, if not cohesive.

Law's coherence returns us to Greenhouse's beginnings, to Durkheim, and a reading of *The Division of Labor* that Greenhouse offers after a visit of her own to a jail in the northeastern United States. Greenhouse (2004; see also 2011, 2014) is clear that Durkheim does not offer an image of law as the collective conscience of a community. Punishment and penal law, she clarifies, are, for Durkheim, "the hallmarks of an authority *claiming* to act in the name of collective opinion," with punishment thereby standing is as "the palpable confirming sign of an order of authority" (2004: 276, emphasis added). Per Durkheim, law – penal law in particular – orders through symbolic production. "Crucially," Greenhouse adds, "Durkheim treats social order as constituted in signs (by which society becomes thinkable for individuals) rather than as an institutional apparatus with particular effects" (276-277).

But what *type* of sign is law? Greenhouse's reading of Durkheim's symbolic order treats signs as relatively, if not completely, coherent; coherent *enough* to make society

[4] See, for example, Clarke 2009; Clifford 1988; Conley and O'Barr 2005; Richland 2008; Terrio 2009; Ticktin 2005; Valverde 2005, 2009; Yngvession 1993.

"thinkable" (ibid). But what about other types of signs, signs whose meanings are unsettled, surreal signs, signs that represent incoherence and instability, fragmentation and fracture. What about the surreal and similitudinous signs of Magritte's pipes, Carrington's characters? Recall Foucault's rendering of similitude as a genre of sign that "circulates the simulacrum as an indefinite and reversible relation of the similar to the similar" (1984/1982: 44). The infinite circulation of signs refuses the conditions of possibility for making affirmative or ontological claims, in that no meaning contradicts another (30). Meanings multiply to the point of indistinction and incoherence, unable to settle.

The type of symbolic relation against which Foucault poses Magritte's similitude is resemblance. If resemblance meant something in particular for Foucault, as a component of an episteme with a genealogy dating back to the seventeenth century, it too means something particular for law. Resemblance, instructs Edward Levi (1949), is the way in which American legal reasoning works. Rules are not fixed, he writes, but they have histories that establish precedents which bind future legal actions. The law's job is to commensurate through resemblance, to ask whether A more resembles B or C and then *decide*, with decision implying a negation: if A resembles B, A does not resemble C, and vice versa.[5] This is not to say that meaning is obvious or uncontested. It is to suggest that the law makes meaning settled-enough through the analogic comparison of categories through resemblance.

Does law always do so? Foucault's reading of Magritte distinguishes resemblance from similitude on the ability of the former and the inability of the latter to make

[5] Lawrence Rosen (1989: 55; 2006: 134-135) invokes Levi's primer on Anglo-American law as an example of how legal reasoning is connected to broader cultural logics; legal reasoning as analogic reasoning within common law cultures speaks to cultural norms about how to stabilize categories.

propositional claims. Resemblance "makes a unique assertion," he writes, while similitude "multiplies different affirmations, which dance together, tilting and tumbling over one another" (Foucault 1984/1982: 46). Signifiers, in mental health courts, make no such unique assertions. "Danny" refers to "Danny," "Paul McCartney Danny," "Rapper Danny," "Miguel." Judge Manley's scrawl of 9 a.m. on a release order means 9 or 9:34 or 12:57 or midnight. All fake, all of the time.

How, then, are we to approach law when no coherent or stable signification is produced at the end of a dispute process, like a criminal hearing within mental health courts? When legal processes fail to commensurate difference? When differences remain unsettled? I am not suggesting that there is a void of meanings in the course of mental health court adjudication. I am suggesting that there are overflowing meanings, meaning after meaning after meaning, that coexist, alongside each other, with no position from which to orchestrate order. This is not the absence of signification but the overflow of signification and the implied subversion of an authoritative position – even an authoritative position *without* moral authority – from which to reconcile multiple meanings.

Speaking of signification within mental health courts as similitudinous is a different claim than suggesting that the legal process means different things to different people. Emphasizing the similitudinous qualities of signification shows how Albers maintains no one meaning of law, how Kelly maintains no one understanding of rights, how Bianca maintains no one meaning of district attorney, in addition to all of those conflicts or variations that one might expect by professional role or social position. In revealing the multiple, incommensurable meanings actively and simultaneously maintained within and among positions in the courtroom, mental health court adjudication subverts fundamental premises of liberal law: that individuals are self-contained; that individuals are consistent

enough that they can be held accountable for their actions; that the law is one tool to be mobilized in the labor of categorizing, ordering, and accounting.

1

The multiplicity of meanings that I encountered during my time in California's mental health courts made it impossible for the courts to authoritatively hold clients – people who had been convicted of criminal charges – accountable. The courts could punish, in the sense that the judges could write arrest warrants that may or may not send clients back to jail, depending on whether or not the warrant went through and whether or not those clients were stopped or found by the police. But, if punishment, pace Durkheim, is the ultimate "sign of an order of authority," clients were never certain that their arrest was for that purpose (Greenhouse 2012: 276). Clients might also be arrested and returned to jail to detox, to receive medication, to receive shelter, to protect them from the brutalities of life on the streets. Incarceration did not clearly mean punishment, it could also mean care. And it was not just that understandings were differently distributed – that clients experienced incarceration as punishment while professionals intended it for care, though that was the case frequently enough. Rather, professionals were usually unsure, themselves, as to whether an arrest was for punishment or for care, the two meanings eventually indistinguishable. Albers might be hesitant to remand a client, uncertain of whether or not his infractions warranted punishment, and then be pushed over the edge and decide to do so on the basis that jail could provide care that the client was not receiving on the street. Manley might be inclined to remand someone on the basis of his infractions, and then decide against it, knowing that simply being in jail could endanger the client. It was

impossible to settle on a particular meaning when incarceration meant multiple things at once. All propositions were undermined by their equally-viable alternatives.

The multiplicity of meanings that I encountered during my time in California's mental health courts made it impossible for the courts to authoritatively hold clients accountable. That's not to say that the professionals staffing the courts didn't try. How could they do anything but? The language that they had at their disposal—the language of law, its categories, its implied ethics of accountability – was geared toward inculcating that very lesson.

On its face, the most obvious mechanism of accountability was the requirement that clients account for themselves and their criminal conduct: that they take a guilty plea in order to participate in mental health court adjudication. To enter Judge Manley's courtroom, clients had to have been convicted of criminal charges in a different criminal court – either by a guilty finding on the part of a jury or, more commonly, by taking a guilty plea. But that did not happen in Judge Manley's court; the finding of guilt happened elsewhere, with the case then sent over to Manley to oversee the client's probation. From that point on, Manley could modify the sentence, remand the client, extend or terminate the client's probation. In contrast, cases were sent to Judge Albers's courtroom *before* clients took guilty pleas – which meant that Judge Albers took the plea himself. Where Manley took pleasure in improvising lines to gussy his stump speech, Albers stuck to the script contained in a binder on his bench. As with all other clients, Albers read from that script the day that Danny – or Miguel – plead guilty.

The questions asked were standard: You have had a conversation with your attorney about your constitutional rights? You waive your right to a jury trial? You waive your right to a court trial? You waive your right to confront your accusers in person through

cross examination? You waive your right to use the court's powers to subpoena witnesses to testify? You waive your right to present a legal defense for your case and testify, if you choose, on your own behalf? You waive your right to remain silent? You have discussed this plea with your attorney? You are satisfied with the legal advice that has been given to you? You and your attorney have reviewed and discussed all possible defenses to the charges against you? You submit this plea to the court freely and voluntarily? You were not threatened in any way to plead in this way? You did not receive any promises as a result of this plea? You were not under the influence of drugs or alcohol or anything else that would impair your ability to think clearly while taking this plea? You're of clear and sound mind? Did you discuss with your attorney the implications of taking this plea for your immigration status? (Answer, but don't tell say what that status is.) You can read and understand English? You don't need the assistance of a translator? How do you plead to the charges against you?

Like the questions, the answers never varied. Yes. Yes. Yes. Yes. Yes. Yes. Yes. Yes. Yes. Yes. Yes. Yes. No. Yes. Yes. Yes. No. *Guilty*. Clients tried to answer differently, of course, to elaborate or comment or clarification, not knowing what some particular question meant, but Kelly would put her hand on the client's shoulder and lean in to whisper something in their ear and they would go back to the Yeses or Nos and that final Guilty that they were supposed to provide. Kelly would have spoken with clients about the plea ahead of time. If they had questions in the moment, during the taking of the plea, sometimes she would stop the questioning and whisper with the client. I could never hear and the whispering implied to me that the conversation was meant to be private but I asked her once, generally, what she and clients would discuss in those huddles. "What we've been over already," she told me, "I'm just trying to answer as best I can their questions about

what the guilty plea process is." I asked if she ever advised clients against entering the mental health court – "Look," she replied, "they get sent to us because they're suffering. They're usually homeless or in serious need of mental health services. They're only sent to us if they're only going to get worse. We're the best shot at help they've got." I took that as a no, generally-speaking, if not a no, never.

To what were clients pleading guilty? Charges issued by the District Attorney's office, yes. But for what reason? In what sense were clients *admitting guilt* in reciting the script of the guilty plea? No one with whom I worked understood taking a plea to clearly mean that clients were taking responsibility for their actions. Usually, the plea was approached procedurally, without an implied moralism, as just what needed to be put on the record in order to get clients into court. In reciting the legal language demanded by the State of California for a guilty plea, attorneys in mental health court dismissed the language as being meaningful in a way beyond function. It was, mostly, a means to an end.

At times, though, when Bianca believed clients to be misbehaving in one way or another, she would make a show, in the courtroom, of reminding them that they had plead guilty to committing crimes. Such reminders were usually met with shrugs on the parts of clients and Kelly. Yes, they had plead guilty. And Bianca could and would continue to suggest that that meant that they needed to continue to hold themselves accountable, that the guilty plea was a first moment of accountability that needed to be perpetuated. But that wasn't the only thing that it meant and everyone knew that. If Kelly could only shrug – neither reject nor endorse – Bianca's reminders that pleading guilty to crimes meant that clients would have to practice accountability, Bianca could only shrug – neither reject nor endorse – Kelly's reply that the "point" of the plea was to access whatever mental health

services the court had to offer. Neither meaning trumped the other. The meaning of the plea was fuzzy.

Fuzzy, in part, because that plea contained an irresolvable ambivalence at its core. In order to participate in mental health court, clients had to take a plea. In order to take a plea, they had to assent to being "*of* clear and sound mind." In other words, clients had to attest to already being "of clear and sound mind" in order access the mental health services that the judge reading clients the plea script and the attorney telling clients how to answer hoped would help clients *achieve* a "clear and sound mind." When I asked the attorneys with whom I worked about one line of the plea, one that initially struck me as paradoxical, I was dismissed. "I wouldn't call it a 'contradiction,'" Phil, a prosecutor in Santa Clara, had corrected me when I asked him about the guilty plea using that word, "contradiction." "It's just the language the state says that we have to say. It doesn't mean anything in particular. It's just how we get clients access to services. Honestly, just don't worry yourself about it," Phil advised, seeing that I was not finding his answer particularly satisfying. "Don't think about it. I don't."

I am not, by way of contrast, suggesting that pleas in "normal" criminal courtrooms have singular and uncontested meanings. It is too simple a gloss to assert that guilty pleas outside of mental health courts reflect some stable moral vision in which the uttering of the plea corresponds to an earnest or genuine expression of guilt and accountability – especially when 90-95% of criminal cases in the United States end with a plea bargain in which defendants recite a plea from a script that varies by jurisdiction but is not so dissimilar to the one presented in Judge Albers's courtroom (Devers 2011: 3). Perhaps it is more appropriate to say that, in taking a guilty plea, the defendant admits that the state has amassed enough evidence against him that it is not in his interest to contest the charges.

Phil had been a prosecutor in adversarial courtrooms for years before making his way to the Santa Clara Mental Health Court and I asked him if, in those other courtrooms, he would "think about" guilty pleas, in the way he was encouraging me to avoid doing in the mental health court. Quickly, he replied that there was "nothing really to think about there" either, but then paused, and said that "there was something different though." Phil puzzled for a moment and said that he would have to get back to me about what that difference was – he couldn't put a finger on it.

Like Bianca, Phil would sometimes issue reminders to clients that they had plead guilty before arriving in the mental health court and that they needed to continue to "take responsibility for themselves or there could be consequences." Like Bianca, Phil was usually met with a huff from Katie, the Santa Clara public defender, but Katie and some of the psychologists who sat next to her in the courtroom, across from Phil, would go farther than Kelly, who would mainly shrug. When Phil spoke to clients in a language of accountability, asking them to remember the responsibilities that they had assumed through their admissions of guilt, a public defender or one of the psychologists would inevitably roll their eyes and audibly groan. Sometimes Katie would interject, insisting that Phil was wasting time with his speeches and that everyone should just move along. Eventually, someone scribbled "SHUT UP" on a Post It note that Katie and the psychologists kept on their shared desk and someone would raise it for Phil to see when they felt that he was going on too long about the meaning of the plea that clients had accepted. From what I could tell, no colleagues of Phil's in the adversarial courtrooms had ever held up Post Its that said, "SHUT UP." Phil and I never directly circled back to talking about that difference between pleas in Judge Manley's court and elsewhere, but I suspect that the Post It had something to do with it. When Phil reminded defendants who had plead guilty in adversarial

courtrooms, at sentencing perhaps, about how their admission of guilt meant that they would need to be held responsible, first, by the criminal justice system and, then, on their own, it would go unchallenged. The defendant and defense counsel might not agree that the defendant's guilty plea meant *guilt* in any moral way, but the moralistic rendering, with implications of accountability, stood. It was the controlling narrative. Controlling-enough, at least, that others would not hold up Post Its to say "SHUT UP."

Controlling narratives were not to be had in mental health court. The procedure by which clients became clients was multiply and incommensurably understood as an admission of guilt within a framework of accountability and as vacant speech that was a step toward getting clients clinical and social services that did not, in any ethically meaningful way, assign or signify responsibility. Both understandings could be mobilized, but only to the point of impasse. No one meaning controlled the other. All Kelly could do was shrug. And while Kelly night sometimes go so far as to tell Phil to shut up, he would never listen, and she would eventually have to lower the Post It, sticking it back on to the table to save it for future use.

2

Judge Albers tended to move quickly through the court calendar. Manley liked to put on a show. He would begin each hearing with a monologue. It was pedagogical: as much as Manley was intending to impress upon clients that he and his team would hold them accountable, so too was he attempting to teach clients to hold themselves accountable.

The monologue would go something like this: "Good morning, and welcome to Department 64, Santa Clara's Mental Health Court," he would boom, through a microphone clipped to his neat tie knot, after the bailiff had called the court to order and the clients gathered in the courtroom gallery (out of custody) and shackled in the jury box (in custody) and their families fell quiet. "We have some newcomers with us today, even though many of you have been in this courtroom before, so I'm going to go over what this court is as usual. This is important. This courtroom is unlike any other that you've ever been in. This is not a program designed to keep returning people to custody. I let everyone out of jail. The hard part is staying out of jail. You have to stop committing crimes and you have to stop using drugs. These are the basics of how to make it in society. You can all do it, you just have to have the drive. And if you don't have the drive, you have to find the drive. You have to *think* and constantly watch yourself. That's what's missing from our society. Think: do I really want to get in that car? Do I really want to hang around those people? This is the key. There's no need to be ashamed to talk about mental illness. It's not a dirty word. It's like diabetes. Addiction, mental illness, it's not something we can't talk

about. I wish there was more treatment, I keep asking for it, but there isn't any in this county. This is all about changing you. The world is not going to change. Jobs aren't going to change. Housing isn't going to change. So you need to change. Don't look for the easy way out. There is no easy way out of this system. Patience is not how fast you can get out of jail, it's how long you can do what you need to do once you're out of jail. Think about that."

He would pause with dramatic effect, thinking up an example for clients to remember. He told me that he liked to include examples from court so that clients could see that "people like them" – a phrase by which Manley distinguished clients from himself, without providing any detail as to what it was that united clients – succeeding. "Just yesterday," for example, "a man came in. He had been hit by a car. But he worked with his doctors to figure out what medication would be good for him, so he wouldn't go back to using or get hooked on pain killers. He hasn't used, he hasn't had a drink. He's struggling, and that is courageous. This is life. These things happen. People get hit by cars. We can't guarantee the future. But that's not the point. The question is what you're going to do about the problems you face. And this man is handling his life with immense courage."

Another pause would transpire before Manley transitioned to the end of his spiel, "In this courtroom, we have a few rules. Follow them, or you'll get kicked out. The deputies will either take out of the courthouse or back to jail. Here they are: One. Be polite. Two. Tell the truth, don't lie. Lying is not going to get you anywhere in here. Maybe it is not what worked for you in the past, maybe telling the truth has gotten you in trouble, maybe you had to lie to survive, but here, that's not what works. No, telling the truth is what works because I'm not interested in the reasons why you didn't do something, I'm interested in whether or not you did it. Three. Stay out of trouble. Four. Don't make fun of people, even

if they see things that you don't see. And five. If I send you to treatment, *stay there*. Make your appointments and do what the doctors say. Do as I tell you. This is sort of like being in school. You get graded on whether or not you get things done. F's mean that you'll be in jail. A's mean you'll never go back. Follow those rules and I'll make sure that you don't see the inside of a jail again. Alright, let's get on with our business. Ms. Scopa, why don't you call the first case?" Judge Manley's turn to Katie Scopa, the public defender, would kick start the court stenographer into gear: no one employed by the court ever wrote down Manley's introductory musings.

Were you to only be in the courtroom for Manley's monologues, you might think that the entire operation was about accountability. Manley's instructions seem clear: become a responsible subject. He was not subtle – "This is all about changing you." Manley presented an understanding of the world centered on an internal locus of control – "The world is not going to change…So you need to change." Even if not typed into the official legal record by the court stenographer, Manley's speeches were addenda to the contracts that the clients listening to his speeches had signed in order to have their cases moved into the mental health court: it was by speech that Manley instructed clients on what they would need to do to succeed in his courtroom. Though I never once witnessed nor heard tell of Manley's courtroom kicking a case off of his docket, the instructions he provided clients, as he told them, were supposed to detail what clients needed to do to graduate, to finish his program successfully.

If only the message of Manley's speech was not unsettled by the rest of the court proceeding. Sitting in court, day after day, watching Manley's team at work, speaking with Manley about his practices, it quickly became apparent that his monologue was spoken in the same idiom in which he had once spoken to me about how his court operated. It was

aspirational. Manley's monologues seem to me to be akin to the type of therapeutic contract described by Elizabeth Davis in Greek psychiatric clinics, contracts that Davis describes as "asserting ends as if they could produce them, while actually producing effects that do not correspond to those ends" (2013: 11). Working with Lawrence Cohen's (1999) notion of "ethical publicity," Davis (2013: 8) suggests that therapeutic contracts "emulate" legal contacts in attempting to settle on the terms of transaction while the conditions of possibility for the transaction are "pushed outside the frame of ethical consideration." Davis sees this "perpetual deferral" as indicative of a "fundamental" disparity between "the ethics of contract, which end in fulfillment or violation, and the ethics of care, which accommodate perpetual and mounting debt" (8, 25). Manley's monologues were uttered in the transactional, "legalistic" language of contract. Using Davis's definition, although not Albers's, we might even say that Manley's instructions were legal, in that they were indeed backed by the power of the state; as Manley warned, disobedience could, if not would, result in criminal sanction, such as remand. But what would come after he turned the cases over to Katie, each day, would reveal his acknowledgement of that ethical disparity that he could not surmount.

Manley would tell clients to "tell the truth," but he would tell me that truth was not such an easy thing to pin down in his courtroom. The counter to the truth-telling directive was "don't lie," an easier proposition for Manley to sustain, if only because he was rarely convinced that people *were* lying to him. But what about the world in between truth and lies, a discursive space that took up most of Manley's time on the bench? Manley did not believe Thomas, a client, to be lying when he reported to the judge that he had won the lottery and bought himself a spaceship, but nor did Manley consider those claims truthful.

It was a grey area into which Manley let Thomas nudge him, asking Thomas how much the spaceship had cost and what type of fuel its engine ran on.

Manley would tell clients to "stay out of trouble," but then tell me that he understood doing so to not be entirely within clients' control. Visibly-homeless clients and clients of color were bound to get stopped by the police for reasons for which Manley did not feel like they should be held accountable. I asked Manley about racist policing one day after he had reminded one client, Bill, to "stay out of trouble." Bill was in custody and Manley was telling him that he was signing a release order; he would write "release at 9 a.m." on the bottom but, of course, that was no guarantee. Bill was homeless and black and, accordingly, stood out on the streets of Palo Alto where he preferred to spend his days. Hardly a day would pass without police contact of one sort or another, hardly weeks without a new arrest. "Bill, promise me," Manley had said, "*stay out of trouble*." Bill, beaming, had agreed.

I caught Manley heading back to his chambers that day, bothered by the interaction that I had seen in the courtroom. "Judge," I asked, "how can you just tell clients like Bill to stay out of trouble? Police…."

Manley had known where I was going, before even having to formulate the question, "Are racist?" he finished for me, catching me by surprise.

I walked back, not sure what Manley was assuming about my perspective, "Well, maybe not *personally* racist, but policing practice….your clients of color have different standards for staying out of trouble….."

"Policing is a racist business, Jessica. Bill is going to get stopped and hassled no matter what he does. He's black and living under a tree in the middle of Palo Alto. Most days, he's stopped for public intoxication, when he's probably just talking to himself, not

hurting anybody. But the police aren't going to stop being racist tomorrow, which is when I said for Bill to be out of jail. It's better for Bill to *try* to stay out of trouble, to be on his best behavior so as to not draw any more attention, any more police contact. Realistically, he's going to get stopped. Best not to make it any worse."

Unlike a contract, mental health court adjudication is not an artifact. Manley's deployment of legalistic language so as to imprint accountability was – within the course of a single hearing, through his interactions with clients, and after, in his conversations with me and his staff – undone in the course of attempting to provide care for the clients in his court. The social conditions of possibility that law pushed "outside the frame of ethical consideration" were immediately brought back in (Davis 2013: 8). Racist police profiling, for example, excluded by Manley's directive for Bill to "stay out of trouble," was brought back in with Bill's next arrest, Bill's declaration, to Manley, that he hadn't caused any trouble, and Manley's agreement with Bill – only to be followed by yet another directive to "stay out of trouble." Instructions for clients to account for themselves – to behave responsibly – were immediately belied by the acknowledgement, in a register of the ethics of care, that such labor of accountability undertaken by clients themselves or the court would not materialize the image of justice imagined by liberal discourses of accountability. To be sure, Judge Manley spoke of accountability. Frequently. And, in part, he knew that doing so was only spinning his wheels, taking him and his clients no further down the path towards relations or material circumstances that Manley would recognize as just. The legal language of accountability was at once offered and undercut by Manley's acknowledgement that its pursuit would not bring about justice. That changing oneself would not change the world.

3

"The world is not going to change. Jobs aren't going to change. Housing isn't going to change. So you need to change," Manley would tell the clients who gathered in his courtroom. *The world is not going to change*. But was changing the world not the task that Manley had set for himself when he founded Santa Clara's mental health court, all those years ago? Was Manley not trying to change the world and the ways in which he found it to be unjust when he involved himself in issuing recommendations so as to reduce racial bias among the police force? Or when he and Abby, his program manager, would attend Board of Supervisors meetings and make public comment after comment after comment about the need to develop social services for the county's homeless to the point that, as Abby shared with me, she and the Judge were, more than once, kicked out of the meeting for being too vociferous? Or when he led the county's commission on reforming mental health services within the jail? At each pace, I see Judge Manley as trying to change that world that he tells clients is not going to change. In the broader context of Manley's engagements with the clients in his courtroom and his reform efforts with county politicians, the Judge's monologues about accountability cannot be captured through the narrative of liberal responsibilization and individual accountability. His instructions for clients to account for themselves – *Tell the truth. Stay put. Change yourself.* – were belied by a parallel belief that accountability had its limits. His attempts to hold others accountable, whether clients or other county offices, by his own measure, failed as frequently as they succeeded.

Attempts at control authored through a language of liberal accountability rarely produced circumstances that the judge recognized to be just.

I understand Judge Manley to maintain, in part, accountability as an ethical means to just ends – if only he could teach clients to behave responsibly, if only he could hold other county offices accountable for their injustices. He was a judge, after all, and understood his position to be one of holding people accountable. But Manley would also tell me that accountability was insufficient – that a world in which holding people accountable for their wrongs produced justice was over the horizon. In his view, the necessary conditions of possibility for a system in which mechanisms of accountability produced justice – a world in which people had homes and healthcare and family and basic resources – were always going to be aspirational. Manley saw it as his life's work to try to bring that world however much closer to existence as he could, all the while acknowledging that it was, in some sense, a lost cause.

Just look at the design of the courtroom that Manley established: the entire operation centered on relationships between clients and professionals. On the one hand, these were relationships gauged to accountability. Clients were legally required to meet with the clinical team hired by Manley. These relationships could become sites of oversight, through which clinicians attempted to hold clients and other service providers accountable. In other words – to coordinate care. But Manley, along with Andie, Martha, Roberta, Katie and Phil knew that there were not services to go around. Think back to that other line of Manley's stump speech: "I wish there was more treatment, I keep asking for it, but there isn't any in this county." Perhaps it was because of the *unavailability* of accountability –Judge Manley's courtroom demonstrated inability to hold service providers responsible for providing care for courtroom clients – that Manley repositioned. It generally came right

after that disclaimer – that care was not to be had – that Manley would add, "This is all about changing you." In the sense that it *had* to be, because nothing else was going to change. But changing people in light of a failure to change social services was not Manley's ambition. Or, rather, it wasn't the entirety of his ambition. And it was not a path, he imagined, that led to justice. Because even if a client was accountable in the manner that Manley attempted to inspire – even if they met all of their appointments and came to court on time and met regularly with a psychiatrist and took their prescribed medications – they would likely still be homeless and struggling and they would likely still be stopped by the police and likely still get arrested and likely still end up in the criminal justice system. As Manley had put it to me, after telling Bill to "stay out of trouble," he believed that, even if Bill were to follow through on Manley's instructions, "Realistically, he's going to get stopped." Accountability was a red herring.

But relationships between clients and professionals were not only defined by their success or failure at coordinating the provision of public services, successes or failures that the Judge's monologue implied were connected to accountability but that he understood to escape the coordinates of accountability that he was able to muster in his courtroom. Miguel's swagger when approaching Sir Ronald; Judge Albers's speechless concern for Danny when Danny unexpectedly went mute; Judge Manley's efforts to try to make life better for Bill, even as he knew that it would not be good enough; Kelly's efforts to find Sam and Gloria places to live; Abby's passing a ten-dollar bill to Chandra to ensure that she could find a bed in which to detox -- these we have already been through. I have yet to mention how Shanae, one court client, would bring her infant daughter with her to court on the few days on which she was allowed visitation to visit with Martha, even though Shanae never had court on those days; just to visit, because she wanted Martha to know

Faith. Or how Lilia sobbed upon finding out that she was graduating, not because she was relieved, but because she did not want to leave. Or how Judge Manley would intentionally call Marc's case last because he knew that Marc was uncomfortable in his halfway home and just sat in front of the television and Marc had expressed wanting to do more with himself but Manley knew that Marc did not have anywhere else to go and sitting in court, a smile on his face in the back of the gallery, allowed him to stay out of the house and feel useful. Or how Anthony brought in pictures of his wedding for Judge Manley to see because, he said, "I wish you could have been there to see how happy me and my bride are." Or how Judge Albers brought in some cans of cat food, after his own cat passed, on a day that he knew Michael to have court because Michael always talked about volunteering at the San Francisco Society for the Prevention of Cruelty to Animals and how much Michael liked petting the cats and Albers thought that he might like to be able to bring in a donation. Or how Manley would ask clients who brought their small children with them to court up to the table so that he could talk with them and ask which parts of school they most enjoyed and give them a stuffed animal from a basket in which he collected these things on his bench. Or how, once, Manley announced that Sal, a client in his courtroom, could graduate and how Sal had laughed aloud he was so happy and then how Manley descended the bench to shake Sal's hand and give him a hug – he hugged all clients on the days of their graduations, even though he wasn't a particularly touchy-feely man – and Sal had specifically expressed excitement about getting to hug Manley and then, when Sal stood, everyone could see that he had wet himself, piss all over the front of his pants and on the seat in which he had been sitting, and Manley kept walking to wrap Sal in a close embrace while the deputies slapped on gloves and found paper towels to sop up Sal's

seat and, only later, once Sal had left the room, Manley's robes. None of that care could be distilled to discussions about service provision or accountability.

Care is not, of course, antithetical to accountability, but social encounters inflect care and accountability differently. Care, as affective engagement, troubles the distinctions and certainties upon which determinations of accountability depend. In giving rise to long-standing relationships between clients and professionals that consistently displayed care, if not its provision through services, mental health court adjudication ironically entailed social encounters unaccountable to law and the parsing out of responsibility. Taking a guilty plea, following Manley's instructions: these were demands that asked individual subjects to account for themselves and their conduct, ostensibly in the interest of justice, though even the judges cast doubt on that being the ends of law. But the relationships that ensued after someone took a guilty plea and became a court client, in their care, displayed the impossibility of ever being able to extract someone from their social relations so as to determine an autonomous and coherent liberal subject. Caring relations could accommodate incoherence and incommensurability and ambiguity in a way that relations of legal accountability could not. Care could embrace the capaciousness of those similitudinous signifiers in a way that relations of legal accountability could not. Caring relationships obliged multiplicity in a manner that confounded the individuating language of law.

I am not arguing that the mental health courts in which I worked succeeded, in a sense, in transforming relations defined by a discourse of accountability into relations defined by care. As with those other similitudinous signifiers, encounters of care and accountability coexisted, neither asserted priority over the other and justice fell into the gap between. To align justice solely with a discourse of legalistic accountability, an

understanding of justice against which mental health courts positioned themselves, would be to invest in those hard-and-fast distinctions, between self and other, guilt and innocence, that care troubles. But to align justice solely with care would be to accept the material conditions that persisted in the face of care – homelessness, arrest, incarceration – as compatible with justice in a way that none of my interlocutors would tolerate. In the surreal world of mental health courts, on the varied terms of my interlocutors, the meaning of justice multiplied, and then bottomed out.

Infinite Regress

1

You could describe the mental health courts in which I worked as being "out-of-place." The professionals with whom I worked – people like Ruth, Kelly, and Judge Manley, people who had helped to carve out the edges of institutional infrastructure to make room for the mental health courts that they would design and build – understood their courtrooms in such terms. Recall professionals' objections to "the criminal justice system" as such, objections that encouraged them to try to do criminal justice differently. Jails and prisons, they argued, those unfortunately inevitable termini to the "normal" criminal justice system, were not the right *places* for a population they understood as mentally ill. They were trying to create a different type of space: a space in which people had a chance to receive mental health and social services that were otherwise unavailable. Still, this new space of which the professionals with whom I worked dreamt, designed, and constructed—they imagined it within the criminal justice system, as evidenced by the continued possibility for reincarceration should the court determine that clients were not abiding by treatment plans. As much as the professionals with whom I worked tried to make their courtrooms more like clinics, the accoutrements of criminal law – the robed judge, the armed bailiff, the stenographer typing a public record, the handcuffs, the back passages to the county jail through which shackled people walked – remained.

Still, in one of my first interactions with Judge Albers, one of those access-seeking conversations in which I declared my intentions for my research, Albers had asked me why it was that I wished to study his courtroom, to which I had given an answer that included

the phrase "legal anthropology." Albers had snorted. "And why is it," he had asked me, from behind his desk in his judge's chambers, his black robe hung on a coatrack, bound digests of law on bookshelves behind him, "that you think that you will find law here?" In San Francisco, the staffing meeting in which clinicians and lawyers updated each other about their opinions as to clients' progress was held in the Law Library down the corridor from Albers's chambers. The room had bookshelves lined with legal codes and opinions. They remained unopened: the information on which attorneys and clinicians relied in the course of their conversations was to be found in an online database to which clinicians and attorneys would add "case notes." One book of California code was taken off of the shelf: when the heavy and automatically-locking door to the library needed to remain propped open, Bianca would pass me the Vehicle Code to place on the floor, as a doorstop. One day, Bianca brought a thick, green book with her into the Law Library from her office: *California Penal and Evidence Codes*, read the cover. Albers jabbed a finger at it, "The law? What's that doing in here?"

I do not see it as my role to determine whether or not the mental health courts in which I worked were, in fact, "practicing law." I find it interesting that the judges were the most likely to reject their practice as "law." I understand Albers to have been making something of a joke when he had teased Bianca about her legal reference book, but, as jokes do, it was a crack that revealed a more grave meaning. Albers was not joking when he would tell me time and time again that he felt himself to be dismissed by his colleagues on the San Francisco bench, judges of criminal courts that weren't mental health courts, as a "nanny judge," a "sissy judge," a "social worker." I find it interesting that Albers's quandary – "The law? What's that doing in here?" – coexisted, without contradiction, with events that would transpire later that day, when Albers would sign arrest warrants for clients who

had not shown to court, when Albers would authorize the remand of a client in court whom the team believed to be noncompliant with his treatment plan. And I will note that Albers's disavowal of law did not resonate with all of the members of the court team, especially with Bianca, the court's District Attorney, who saw herself to be practicing a more humane criminal law, but criminal law nonetheless. I do not intend to expose Albers as "actually" practicing law, in the face of his denial, nor do I accept Albers's interpretation over Bianca's. The concept of law itself fractionated so as to inhabit multiple and frequently incommensurable, but notably *not* contradictory, meanings. The multiplicity of meanings attached to law, or, put differently, law's dissociation, stymies an analytic attempt to render an "emergent formation of law." Law was a suspended category, a category, itself, in question. And it is precisely that suspension invited by multiplicity on which I would like to focus my attention.

I am not arguing that mental health courts practice law despite the self-understandings of those at their helm. And I am not arguing that mental health courts *do not* practice law. Rather, I am foregrounding the ways in which law itself was a category available for questioning by practitioners within mental health courts. This is not about transformation, emergence, or metamorphosis: this is about multiplicity, coexistence, noncontradiction, and dissociation. "Law" opened up to mean many things, as did the category of "judge," as did "lawyer," as did "clinician." In trying to create a courtroom that would do things differently than other criminal courts, the professionals who worked within mental health courts had to do things differently. And that usually felt uncomfortable. As it turned out, moving to a new location – displacing – was not such an easy thing to do, even if the professionals with whom I worked broadly believed that doing so was necessary for there to be even a chance to achieve justice.

So expressed Kelly Leary, the public defender in the San Francisco courtroom. "Sometimes," Kelly told me, over coffee, as was usually the case, "I don't feel like a public defender. I know that some of the other attorneys in my office, they don't think of me as a public defender. They don't respect what I do. They think of my job, the judge's, really everybody associated with the mental health court—they just think of us as social workers. And then I wonder what it all means, to be a public defender." I asked her what she meant – what did it mean, to her, to others, to be a public defender? She answered the question obliquely, "I suppose that it comes down to rights, to liberty. For us over at the Public Defender's Office, we try to fight for people's liberties. That's what you're taught to do. That – *liberty*—is supposed to be the be all, end all. But what does liberty mean? I've struggled with how to balance this and work this courtroom. Here I am and my job is to protect liberty and sometimes I do things to keep people in custody, or technically infringe their liberties. I struggle with this, everyday. Every single day. And the best that I can think about it is, well, people are too focused on short-term liberties. That is what the normal system is designed to do- to think about a short-term liberty. But we also need to think about long-term liberties. Like, I had this client who was so impaired. And he was in on a misdemeanor, so I could have just gotten it dropped. There had been a technical error at the DA's [the District Attorney's], the whole charge could have just been dropped. But this guy was so impaired. So what? He gets out [of jail] and then what happens? He's going to go jump off of the Golden Gate? Or other people – they could get out, but then they're just going to come right back in if they're not treated. This revolving door is serious. They'll come back in and then add another line to their rap sheet because they were let out too early. Is letting that happen really protecting their liberty? I don't think so."

Kelly's lament over the multiplicity of meaning – the multiple meanings of public defender, the multiple meanings of liberty – ended with an expression of multiple meaning of her own: "I don't think so." To my ears, the phrase is double. On the one hand, she expressed disagreement with what she took as her colleagues' understandings of liberty, in that Kelly "do[esn't] think" that "add[ing] another line" to clients' "rap sheet because they were let out too early" is "really protecting their liberty." But Kelly's phrase – "I don't think so" – revealed an uncertainty, a sense of discomfort. I don't *think* so. She wasn't sure. Making sense of multiple meanings, categories in suspense, that lack solid referents, is something that she "struggle[s]" with, "[e]very single day." Her meaning of liberty did not supplant her colleagues'. Nor did it exist in a relation of contestation to her colleagues'. One did not control the other, no meaning was authoritative vis-à-vis the other. They coexisted, trapping Kelly in between.

Kelly thought that the ostensibly nonadversarial nature of work within the mental health court – a labor of collaboration among herself, Judge Albers, the district attorney, and the many clinicians who staffed the courtroom – was difficult to sustain. She and Bianca were frequently at loggerheads, in disagreement over how to approach one client or another, disagreements that were only ended temporarily, by using the need to move on to other cases due to time as a reason to kick the disagreement down the road, defer it to another day. Kelly had laughed when I had asked her, privately, about moments of disagreement within the collaborative court – "It's taken ten years for us all to get along" — but then agreed that it was "no laughing matter." Kelly and Bianca were trying to, as Kelly put it, "do criminal justice differently," most usually in opposition to the professional ethics to which they had been accustomed before beginning to work in the mental health court. To be blunt, each attorney knew that as much as they were in disagreement, often

insurmountably, with one another, they were facing far more disagreement from others within their respective offices than within their professional relationship.

While Bianca and Kelly would mollify conflict with one another by deferral, conflicts between each attorney and clinicians maintained a more heated tone, evidence of the persistent disquiet of displaced social roles. One day, Kelly had grown testy with Casey, a jail psychologist, during staffing. I did not follow the tiff as it played out during the staffing meeting, so full of eye rolls, stunted sentences, calls to just "stop talking and move on because we've already talked about this," belied by an inability to do so, as calls for to "stop talking" perpetuated the conflict, but I asked Kelly about the interaction after the fact. "Ugh, God, I was so pissed, could you tell?" Kelly asked me. I said that I could. Why had she been angry? "I was really pissed. Casey gets so ridiculously offensive. I respect her. But she gets so defensive. So you see? Teamwork issues, right?" Kelly continued, "So, this client. He's in custody. Casey calls me and tells me that he's in his cell, that he's sitting in his feces. Masturbating. They want me to come look into it. Okay, fine. I get there. They [the jail psychologists] 5150 him.[6] After he's been 5150'd, I go talk with him. I ask him some questions. He seems competent to me. Impaired? Sure. They all are. That's why they're here. But he seemed competent to me. He knew who I was, he knew where he was, he knew who he was. All good things. But Casey was adamant – 'He's not competent, he's not competent.' So I agree to let the psychiatrist look at him. And, believe it or not, the psychiatrist says that he's competent and Casey's still over there freaking out. People have so many different understandings of what competency means. The clinicians have a hard

[6] As described earlier, §5150 of the California Welfare Code allows for the imposition of 72-hour psychiatric holds on individuals who have been deemed dangers to themselves or others. As is clear here, lawyers, clinicians, and clients alike usually use "5150" as a verb to refer to this process.

time understanding that it is a legal category." When I asked Casey about the spat, she disagreed with Kelly's understanding of competency as a legal category. "It relies on a clinical assessment," she told me. "It might be legal language, but it's substance is clinical." So they disagreed. And, within the mental health court, those disagreements stood on equal footing. Kelly might have understood the competency as "legal," Casey might have understood the competency as "clinical," but there was no way to adjudicate between the multiple meanings. They coexisted.

On a different day, it was Bianca's turn to try to hold Casey to task. Casey had presented a report on a man who was incarcerated at the time to the team during staffing; Casey had conducted a psychological assessment on the man from his jail cell and was presenting her findings of that assessment so as to help the team decide whether or not to admit the man to the mental health court as a client. Bianca grew frustrated with Casey because Casey was reading out her findings – that she thought that the man should become a mental health court client – without disclosing much of the substance of her interview with the man. "Yes, Casey," Bianca said, "I understand your conclusion but *what* did he [the man whom Casey had assessed] *say to you*?" Casey demurred, not wanting to reveal the specific contents of the man's speech. Bianca interrupted Casey's rambling reservation, "Look, I get the distinct impression that you're uncomfortable with the criminal justice system." Casey blanched, Bianca continued: "You seem hesitant to share information. But don't you understand? I need to report back to my superiors at the District Attorney's office in order to move the case into the mental health court. I have to *convince* people who aren't in this room right now that the case belongs in mental health court. So you're giving me *your conclusion*, but I need *your evidence*, because I'm going to have to make this case *elsewhere*." As Bianca was trying to impress upon Casey, for a case to be moved into mental health

court, first, the client would have to be deemed clinically appropriate for participation through an evaluation like the one Casey had just conducted, then, the mental health court attorneys would have to agree that the case "belonged" in mental health court, and then, last, Bianca would have to get approval from her supervisor at the District Attorney's Office. The site of argumentation was displaced from occurring between Bianca and Kelly, as attorneys from offices who oppose one another in criminal cases but who were called upon to collaborate in mental health court, to occurring between Bianca and her superiors, many of whom were more skeptical about the public safety implications of moving a case to a courtroom whose mission was to release the client from jail.

Bianca carried on, "I get that you're coming from a different perspective, a clinical background. But I have to convince my colleagues and you're not helping your clients by keeping information from me. I understand that that doesn't sit well with a clinical perspective. But you're here. And that's the system. And you're hurting the people you're trying to help by making things more difficult for me." Casey scowled. In Bianca's assessment, Casey's reports did not much improve after her scolding. As had been the case with Kelly, Bianca's disagreement with Casey centered on an unarbitable multiplicity of understandings about social roles and ethics. What Bianca took to be participation in "the system," Casey equated to being a snitch. What Casey took to be maintaining clinical confidentiality, Bianca equated to being subversive. Neither perspective was authoritative in relation to the other.

It is in no way surprising that disagreements populated everyday life within courtroom working groups that understood themselves to be "collaborative." How could there not be? The nature of collaboration was to bring together people with different training, backgrounds, perspectives. Kelly's aside – "It's taken us ten years for us all to get

along"— along with her laughter reveals the sense in which the same court professionals who designed what they understood to be a collaborative system knew that it would be difficult to implement. The idea had been that gathering to "problem solve," a problem that mental health courts framed as a problem of mental illness rather than a problem of criminality, would commensurate different perspectives. Tasks could be divvied, labor differently assigned, so that Casey could determine the clinical substance of a competency assessment and Kelly could argue for its legal implications. The idea had been to take professionals' expertise and ask them to employ it in a slightly different manner than the way to which they had been accustomed. Easier said than done, of course. In designing a process of criminal justice by which Casey was asked to perform an assessment of people in jail and then invite her to the staffing in which the lawyers would make sense of her assessment, the court structure provided Casey an opportunity to express her stake in the interpretation of her assessment. In designing a process of criminal justice by which Casey would call Kelly to request her presence at the jail while the clinical team performed different sorts of psychological assessments, the court structure provided Kelly an opportunity to express her stake in how those clinical assessments were conducted. On the accounts of the professionals who staffed mental health courts, the structures that they designed for themselves asked Bianca and Kelly to think a little bit more like clinicians, and asked Casey to think a little bit more like an attorney.

What interests me, then, is not so much the many instances of disagreement or the fact that asking professionals to do different types of work was in and of itself difficult but rather the type of difficulty experienced by professionals regardless of social role. Professionals within mental health courts understood themselves to seek a loosening of the strictures of ethical professionalization in the name of redirecting roles to take on new tasks,

to collaborate, to "do justice differently." But once those "traditional" parameters had been loosened, the courts had difficulty redirecting social roles. Professional roles overflowed their boundaries and entered new terrain with new stakes – terrain that could not be stably carved out and assayed. Multiple understandings of the ethics entailed by their shared "different" system circulated among those who collaborated within mental health courts, with no one vision taking control of the others.

In much the same way, Dragomir was uncertain of whether he had succeeded in "killing off" the multiple members of his Committee who had suddenly appeared in his jail cell – he hoped that Evan, Otam, and Alex were dead, but held open the possibility that they might return, in one form of life or another. He had been relieved that Dragomir, his present self, might have commandeered some control over his other selves, but acknowledged that his sense of control might be mistaken. Bianca, Kelly, and Casey used a different language than Dragomir, but I understood them to express something similar. In imagining new professional roles for themselves, they had little control over the forms that those new roles would take: they dissociated, fractionated into multiple visions of the same role. And the emergence of new social roles only questionably "killed off" the older roles: they too could circulate, lay claim to being the proper instantiation or meaning of such terms as "public defender," "district attorney," or "clinician." The desire to "do justice differently" gave rise to multiple imaginations of what that different justice might look like, with no authoritative position from which to insist upon coherence or alignment or control.

2

If professional roles were displaced within mental health courts, so too were the people whom the courts judged. The displaced courtrooms were filled with displaced persons. Both judges, Albers and Manley, estimated that eighty to ninety percent of the clients with whom they worked were homeless or marginally housed – staying in shelters, crashing on couches, cycling through single residency occupancy hotels – during the course of their adjudication.

I commented to Ruth, the San Francisco courtroom's lead clinician, early on in my fieldwork, upon the prevalence of discussions about housing during staffing meetings; strategizing around placing people in beds dominated discussions among the working group. I had been surprised, I told her, expecting psychologists and social workers to spend more time talking about "mental health" in the "mental health court." "It might as well be called a homelessness court," I had remarked, and Ruth had chortled, "Well, that sure is the hardest part. Keeps getting worse and worse and worse. Fewer and fewer beds. It's just impossible." Years later, on a trip back to the field in September 2017, Ruth caught me up over lunch on what had changed in the year since I had left the field and I asked, "So, housing? Still the biggest problem?" Ruth laughed without comment, picking up chopsticks, and then looked up, surprised, it seemed to me, that I had not asked a different question. "Oh, seriously?" she asked, "Yes, of course. Is that even a question?" Housing was her proof of how "the more things change, the more they stay the same." What had changed was that Ruth and the rest of the mental health court team had actually secured

a multimillion dollar grant to provide housing for some of the court's clients. What had stayed the same was that there was still nowhere to house them.

Even with the grant, single residency occupancy hotels were loath to enter into a contract with the state – the contracts were too long, at six months to a year, and too cheap. The landlords could make more money renting on shorter term contracts at higher prices on the private market. The multimillion dollar grant could not compensate for the sheer absence of space on San Francisco's small, forty-nine square-mile tip of the peninsula. There was literally no place to put people. The money sat in the bank while the clients sat on the streets. The grant that Ruth told me about in September 2017 was larger than most that the court had received in the past, but the court had long been in the business of soliciting state and federal agencies, along with public-private partnerships, for funding. The problem was that each cycle of funding had its own timeline, disappearing in a year, two, or three. And so the housing services that the courts were able to provide had sunset clauses to them. They could provide six months of housing. Maybe a year. And then the client would need to relocate.

The constant churning of the housing market made it so that the dynamics of clinical relationships were swept into the economic tide of social service provision. As soon as a client was placed in a short term (two week) psychiatric facility or a long term (ninety day) psychiatric facility or a court sponsored single residency occupancy hotel room (six months), it was time to begin looking and planning for what would come next. If there were wait lists, they were long. In Santa Clara, a social service agency that tried to provide housing for indigent and ill seniors had a waitlist a decade long. When the waitlist for Santa Clara's Section 8 public housing hit fifteen years, the county employees told me they just stopped taking names. The list was closed. Most places that provided people with beds –

whether shelters, single residency occupancy hotel rooms, or residential clinics – would not take women if they were pregnant or had children. Most places would not take people if they had been charged with arson, one of the most common charges in the mental health court. Most places would not take people directly from jail, if the client was in solitary confinement, as many mental health court clients were, saying that the clients were liabilities to the facility because they had not been "observed in a social milieu." People convicted of sex crimes, including the indecent exposure charge racked up by homeless people urinating and defecating on the street, precluded placement at most facilities, and, even if the facility didn't explicitly exclude people who carried sex offense convictions, most of the facilities were located within a certain radius of a school or a public park and therefore, should a person with a sex offense conviction accept shelter at one such facility, they would be in violation of the law. Beds were hard to come by.

But even though beds were hard to come by, most clients were, in a general sense, used to having shelter. Even though many had been homeless for years, homelessness had come as and remained a shock. As Bruce O'Neill (2017) observes in his work among homeless men in Bucharest, other ethnographic accounts, such as those offered by Robert Desjarlais (1997), Teresa Gowan (2014), and Kim Hopper (2003), tend to treat homelessness as a dominant existential condition, such that all other experiences in the person's life are defined in relation homelessness.[7] Homelessness comes first. But O'Neill's interest in boredom as an "ordinary affect" (x) of homelessness leads him elsewhere: part of

[7] In conversation with Robert Desjarlais's (1999) understanding of the essential nonlinear and, therefore, in his read, non-experiential features of homeless life, Anne Lovell's (1997) work with a homeless man whom she calls Rob suggests that pre-homeless life might be difficult to access methodologically. Rob's speech meanders to and fro, without referencing a clear trajectory of particular places or times in his life other than his time moving about the streets of New York, thereby stymying Lovell's attempt to reconstruct a pre-homeless life history.

the reason the men with whom he worked were so bored, he concludes, is because they had acclimated to a consumerist, capitalist economy prior to becoming homeless. Despite their many years on the streets, no one with whom I worked understood themselves to have adjusted to homelessness. It was not something to be gotten used to.

Harriet told me that she would never get used to living out of her car. That day that she called me while on her way to court, with her mom driving her to court, the day that she was worried that her IBS would waylay her, increasing her chances of rearrest, that day that she had wailed, *It's not fair! It's not fair! It's not fair! It's not fair!*, I understood her to include her homelessness as part of what was not fair. Her complaint had been directed at the mental health court, but transcended the court to encompass the unfairness of her everyday life. She had grown up middle-class. Her mother, Rebecca, who had driven her to court, who was also homeless, who usually parked her Camry alongside her child's Prius, had raised her children in a house. Rebecca's ex-husband had been in technology securities. Rebecca had been a stay-at-home mom, until there was no longer a home to be stayed in. Rebecca and her husband had separated years before the bank repossessed their home, on a quiet cul-de-sac in a sleepy suburb in Santa Clara county, and, in the interim, between the marital divorce and the dispossession, Rebecca had taken up part-time work.

When Harriet was arrested and locked up on the psych floor in the county jail for six months of her life, when she was in her early thirties – that was the first time that she had ever lived under a roof that was not her mother's. While she was in custody, her mother had to move out the home in which she had raised her children, the home in which her daughter was arrested, the home upon which the bank had foreclosed. From jail, Harriet collect-called her mother daily. Those calls were managed by a private company contracted by the county jail; Rebecca told me that they cost up to $20 for a fifteen-minute phone call.

Rebecca eventually lost her part-time job because she was taking so many days off to visit her child. Between the calls and the gas and the loss of income, Rebecca was soon in a financial hole. Part of Harriet's court-mandated mental health treatment was a domestic violence class. She was required to go to fifty-two weeks, though she never completed the program. Rebecca, the legal "victim" in the case, was paying for it and it was $20 each session and, at some point, the money just ran out. The money ran out. The house was gone. Rebecca had few other options. By the time that Harriet was released from the county jail, Rebecca had managed to rent a small apartment for which she would soon be unable to pay rent. The mental health court offered Harriet assistance with finding a spot in a homeless shelter, but Harriet refused because no shelter would allow her to move in with her beloved cats, three of them in all, entrusted to her mother during her incarceration, but to whom Harriet was desperate to return. "They're my family," Harriet told me. Harriet would camp in a friend's mother's yard for a while, the three cats prowling about the yard, but that living situation soon became a problem, and so she and her mother and the cats took to living out of their cars, side by each.

I asked Rebecca, once, when we were alone, driving to court to go visit Harriet after she had been arrested again, if she had ever thought about not answering those phone calls for which she could not pay. "It's funny, I don't really like talking to her on the phone in jail. I don't listen. It's a waste of money. Because I can't listen to her and what else are you going to do on the phone? I pay to zone out. But I haven't ever considered not accepting the call." Court that day had been distressing for Rebecca. Harriet's case had been assigned for a preliminary hearing in a regular criminal courtroom, not Judge Manley's, as Harriet was insisting to her public defender that she wanted to take her case to trial rather than accept Judge Manley's program. Rebecca had thought that the deputies would bring

Harriet into the courtroom. By the time that we arrived at court, the case had been moved and we didn't see Harriet. The jail only allows visitors a few hours a week, and each inmate is only allowed two visits per week: Rebecca considered seeing Harriet waiting for the court to call her case, Harriet in shackles in the jury box, a bonus visit, even though the two couldn't talk. It was a connection. And a connection of which Rebecca felt deprived that day.

We stopped by the entryway of the jail for Rebecca to add money to Harriet's commissary account. She fretted as she pushed buttons on the machine that looked like an ATM: "You think that she'll know that we came, right? She won't think that we just didn't show?" I tried to assure Rebecca that her daughter knew that the courts would rearrange calendars all of the time, that she would know that we had tried. The commissary accounts are managed by a private company contracted by the jail. Rebecca deposited a crumpled $20; a full quarter would go to the private company to pay for processing fees. Rebecca had been looking for change on the sidewalk as we had walked from my parked car to court that day, looking for coins that she could use to buy gas. She had been saving that rare $20 for her daughter. As we left the jail together, Rebecca kept huffing. My assurances had done nothing to soothe her. She was out $20 and a visit. I stayed quiet on the drive to Rebecca's parked car, trying to give her space. She interrupted the silence: "Your children, you are who they are. You don't get to pick them and you have to help them through their lives, if you have any decency in you at all. Any love in you at all. You get stuck with them and you can't leave. It's like having a part of myself in there, in jail. As much as I want to just leave, that's a part of me. I'm stuck because she's stuck." Love stuck them together and tore Rebecca apart, fractionating her self, displacing part of her to jail, displacing all of her from her home.

I understand Rebecca's description of love to be a gesture of what Anne-Maria Makhulu (2015) calls the "politics of home" that Makhulu observed as motivation for the various strategies of life undertaken by people living in squatter settlements on the outskirts of Cape Town. Makhulu's invocation of "home" is polyvalent, simultaneously registering home as the precariousness of the material conditions of life in shantytowns where "poverty is a politics," home as an "affective" experience of "belonging," and home as the "privileged" site of kinship (14, 1, 2, 86). Rebecca's turn to love strings together Makhulu's components of home – her love for her daughter made it so that she could not do anything but answer those exploitatively priced calls from jail, visit as frequently as she could, lose her job, lose the house, lose the apartment. Part of her was elsewhere and that part needed tending.

Displacement, for Rebecca, could not be understood solely as the physical eviction from a property in which she had lived, although the material consequences of that eviction fed back into the gestures of care needed by her child. Displacement was at once material and affective – a "politics of home"—whereby she was double displaced: first, from her house, and second, from the part of her that was her daughter. The doubleness of this displacement coincides with Harriet's description of loving her cats, with Dragomir's description of loving Tamar. Displacement from home was all the more unbearable because of the displacement from loved ones – other parts of oneself – that it entailed. And when Rebecca, Dragomir, Harriet, among others spoke to me of the unbearableness of a life on the streets, I heard them to be speaking to their inabilities or refusals to acclimate to the disquiet of seeing, on full display, the ease with which the self can fractionate, section off into other pieces, and be taken away – either by way of incarceration or by way of the mobility demanded by a life on the streets in which the police were constantly telling people

that they could not camp in parks for more than however many nights, could not park their cars in public lots overnight, could not set up campsites in visible parts of town, breaking down campsites that cropped up along river beds and train tracks and fields. Considering homelessness in the Bay Area through the vantage of Makhulu's "politics of home" widens the scope of inquiry and attends to the affective aspects of displacement to which the loss of shelter, however materially immediate, might be secondary, thereby affording an understanding of politics and freedom that depart from the account espoused by "formally organized politics" (2015: 10).

As evidenced by Ruth's insistence on the "intractability" of homelessness for mental health court operations – *the problem that our problem-solving court can never solve* – the professionals who staffed both mental health courts widely understood themselves to be trying to problem-solve the Bay Area's housing crisis, however futile their attempts. They broadly bemoaned this role: even their shuffles in professional roles that they had intended could not address the gap in housing. They understood homelessness as a social problem to have been displaced *into* mental health court adjudication, out of its proper place as a problem to be solved by other city agencies, unlike the criminal justice system, that had originally been designed to provide services rather than punish. More than one clinician and lawyer told me that they were "only in this position" because the Departments of Public Health and Mental Health had "abdicated their duties." But in "picking up the slack," as these many professionals described their response to the other Departments' "abdications of duties," the courts were left to attend to the multiple frames of displacement using the language of liberal accountability. Clients were, first and foremost, individual persons, not dissociated across social relations, who could be held responsible for their own actions in

the past and taught to behave responsibly in the future. And in their engagements with clients, professionals would try to impose this worldview, however unsuccessful the attempt.

And still, mental health court professionals frequently felt this hermeneutic to fail them. As was the case with the diagnosis of mental illness in the courtroom, in which professionals' willingness to gloss the population with whom they worked as "seriously mentally ill" while refraining from offering an etiology of behavior on an individual level, professionals could not think in other terms than a liberal language of accountability in general, while questioning its applicability to individual cases. Remember, cases proceeded one by one, people were called to the podium to engage with the judge one by one, individual bodies were incarcerated and released: the courts dealt with individual defendants. But time and time again, upon signing a release order for a client to be released from jail to a residential facility, Judge Manley would mutter, "Josh is going to run straight back to that bad fiancée of his. They can't do anything other than shoot up together." Or, "Caroline is never going to stay put. She's going to immediately leave residential to go to her mom's place to be with that baby of hers."

In court, when Manley would tell an incarcerated client that he was signing an order authorizing their release to a residential facility, he would make the client promise to "just stay put." "I'm signing an order for your release," he would say, "Promise me that you're going to stay there. Just stay put. That's all I ask of you. It's only ninety days. It won't kill you. You need to put yourself first. Take care of yourself. And that's what you'll do at the residential program. I know that you have nowhere else to go. Residential will give you a roof over your head for a full three months. Just stay put." Clients would always agree, usually with adamant nods and professions of gratitude, sometimes with tears. And yet, when the court received word that, lo and behold, Josh or Caroline had left the facility,

taken to the streets, no one was surprised. Of course, they did. There was the bad fiancée. The baby. The mother. Even if it meant living in a tent or on the streets or out of a car, they wanted to be with the people they loved. They were parts of themselves, just displaced, living outside of their bodies. The liberal language of accountability articulated by professionals through adjudication stood no chance. Love was an experience of self – an effervesced self, an overflowing self, a displaced self – for which the court's articulation of responsibility and its mandates could not account.

When Anne Allison (2013) refers to the homeless people with whom she works in Japan as "ordinary refugees," a term that brings the displaced-ness of homelessness to the fore, what type of displacement is evoked? It seems simple to conceive of homelessness as displacement from one's house. But displaced *where*? As with the displacement of social roles within mental health courts, displacement was an open-ended affair that could not be controlled, giving no final place for placement to occur. The displacement of people who passed through mental health courts was made manifest by homelessness, but the materiality of the loss of home was only the start. Homelessness and the court professionals' efforts to problem-solve what they took to be a crisis, efforts that did not take as client after client left whatever transitional housing the court was able to cook up, to be with family. The displacement of people from their homes illuminated deeper displacements of self, the transience of homeless people and their refusal to "stay put" acting as dye or a stain to illuminate a different type of subjective cartography, people moving around to be with kin, with those parts of themselves displaced from their bodies. Material displacement invites a displacement of the self. It is displacement all the way down.

3

What kind of challenge does displacement pose to order? And what is displacement without a place to land? Anthropological theory has long understood the displacement of a person, an object, a concept from the expected order to be socially troublesome, frightening, dangerous. Consider Mary Douglas's (1966) classic argument of pollution as danger. Being out-of-place is a place unto itself. Of course, one can imagine infinite deviations from a perceived order: the place of the out-of-place is not specific. The defining characteristic of matter "out of place" is its relation of negation to matter "in place," or within the social order. Douglas adds to the emic understanding of pollution, suggesting that the out-of-place is, in fact, a place within the social order: the availability of pollution as a social category maintains the emic sense of order. Without an out-of-place, there would be no in-place. And while Douglas identifies the "out-of-place" as a social category that creates order, an emic understanding sees matter out-of-place as contradictory to matter in-place. Emically, something cannot be both in and out at the same time.

Combining Douglas's work on pollution with Arnold van Gennep's (1909) discussion of liminality, Victor Turner (1969) presents a circumscribed place of displacement in his investigation of ritual processes among the Ndembu. As is well known, Turner's model of ritual entails three phases: the separation phase, in which the initiate is removed from society; the liminal phase, in which the initiate is "neither here nor there"; and a final phase in which the initiate is reincorporated into society (94-95). Turner's take on liminality modifies the type of displacement that Douglas observes in her writing on

kashrut laws, purification rituals, and other practices to expel impure matter from the social order in that he emphasizes the inherent "ambiguity" of those initiates within the liminal phase (94). Their danger stems from their location "betwixt and between the positions assigned and arrayed by law, custom, convention, and ceremonial" (95). But all of Turner's initiates are eventually reintegrated into society: the ritual entails three phases, and the liminal phase is not the last. In the context of initiation rituals, liminality ends, succeeded by reintegration. Displacement itself is contained, given its own place within the social order.

Douglas's and Turner's work on classification, displacement, and reintegration has proven to be an enduring cornerstone for anthropological theories of social order. Order is preserved through the emic expulsion of pollutants, filth, ambiguity. In displacing deviance, the social order stands, giving deviance a location at once outside of the social order and within, in the sense that the social order is made operational by this act of expulsion. More broadly, the understanding of displacement that extends from Douglas's and Turner's work creates the conditions of possibility for ethnographic work that aims to account for the emergence of new social orders; displacement is the premise of emergence.

I am thinking, here, of judicialization. Writing about the "troubled dialectic" of liberal law and criminal disorder in postcolonial South Africa, John and Jean Comaroff introduce the concept of judicialization to account for the disappearance of meaningful political protest from the streets of Cape Town (2006: 5). Where has politics gone? Their answer: "politics itself is migrating to the courts" (26).[8] The Comaroffs see something "bewildering" in this displacement of politics from the streets to the courts, by which

[8] See also, João Biehl (2013) and Adriana Petryna's (2011, 2013a, 2013b) work on the judicialization of biopolitics.

"[c]lass struggles seem to have metamorphosed into class actions," entering into a judicial sphere in which the courts favor deregulation and corporate capital (28, 27, 29). The displacement of politics, in their view, from one space to another, from the streets to the courts, is problematic for the vibrancy of politics. The change in site *does something*: displacing the site of political activity from the streets to the courts minimizes the political activism of class struggle out on the streets. That form of politics – street-based, class-oriented – is snuffed out as another, judicialized form, with different interests, emerges.

Among the professionals and clients with whom I worked, displacements – of professional roles, of people, of law – only revealed further displacements; there was no commonly understood ground on which to settle. Displacements upturned existing meanings, but did not redirect those meanings to a different site that still expressed something commonly understood. Rather, displacement in mental health courts revealed the arbitrariness of the initial order, giving rise to multiple alternatives to that old order, and then refused an authoritative position to adjudicate among multiple meanings. The shared meanings of "public defender," "district attorney," "judge," for that matter, "law," were challenged but not redirected or re-emplotted. Bianca, for example, could animate both traditional understandings of "district attorney," as the advocate for the interests of public safety within the courtroom, and new understandings of "district attorney," as a team-member to whom clinicians must disclose confidential information about their clients. No meaning won out over or marshalled control over the others; meanings circulated without a vantage from which to prioritize one interpretation over another. Meanings multiplied and overflowed, uncontrollably.

I understand these movements in which meanings are multiply displaced, haunted by the old order that has not been entirely supplanted, not as displacements, but

dissociations. Remember Dragomir's invocation of his other selves: Alex, Otam, Evan. Who is the real self and who is the alter? Remember Danny's "other fake name," Miguel, "Paul McCartney Danny," "Rapper Danny": who is the real self and who is the alter? Remember Patient Manley, Stern Manley, Magnanimous Manley, all in different robes: Who is the real self and who is the alter? "Dragomir" was not displaced by Alex, Otam, Evan. "Danny" was not displaced by Paul McCartney or Miguel. As Kaushik put it, "They're all fake, all of the time." There is no original, no authority. Older meanings circulated alongside new ones, with no mechanism to distinguish among them. The multiplicity of meanings could not be curtailed or controlled. When a displaced meaning is denied a location to land, when displacement only serves to reveal further displacements, with no settlement to be had, with no controlling position from which to determine a settlement—then, at that point, meaning is not merely displaced, it is dissociated.

4

Dissociated relations are relations of similitude. Meanings refract, bend, circulate, engage, all without settling on any singular interpretation. There exists no position from which someone can mobilize one meaning to control the others. Incommensurable meanings coexist, without contradiction and without situational reconciliation.

Thinking with dissociation lends a different edge to contemplating surreal life in mental health courts than does displacement. Meanings were mixed up and jumbled, leaving people circulating roles without commonly accepted referents. The disquiet of displacement came not just from the challenge of learning a new professional role, or adjusting to a different way of life, but from the inability or refusal of that new way of life to control others; the disquiet of displacement extended from the obviation of any position from which to authoritatively discern, describe, and interpret displacement. The challenge posed by any immediate displacement -- of social role, of self, of home – was not one of acclimation or nascent emergence to a new placement, a new order, but rather the sinking sense of the impossibility of imposing order, any order, at all. The initial displacement revealed the arbitrariness of whatever order had been formerly imposed, orders that dictated that judges should be impartial arbiters, that district attorneys should protect public safety, that public defenders should protect defendants' rights, that clinicians should protect the confidentiality of their patients, that everyone should be housed, that people should be individual persons, disaggregable units from those other individual persons

whom they love. And that revelation of initial arbitrariness, and the willingness of people involved in mental health courts to challenge old orders and traditions on the basis of their perceptions of the injustices that those ways of thinking and doing produced, ironically undercut the courts' capacities to create a place, an emergent order, a coherent system of their own.

Once everyone agreed, as was a conceptual precondition for working in a mental health court, that being a judge did not *have* to mean being an impartial arbiter, that being a district attorney did not *have* to mean prioritizing public safety over other interests, that being a public defender did not *have* to mean protecting defendants' rights, meaning escaped, let loose from older confines. But just because these roles did not *have* to entail these commitments did not mean that they *must* not. Multiple understandings were operationalized at once. And the courts' explicit acknowledgement of the capaciousness of meaning – the meaning of social roles, the meaning of social relations, the meaning of law itself – pulled them away from controlling the new meanings that their discussions and practices animated. Dissociation speaks to this sense in which mental health courts pulled the rug out from underneath themselves, ironically denying themselves a position from which to adjudicate among multiple interpretations.

The dissociation of social roles waged a game of mistaken identities in which there was no position from which to designate a mistake as such. Each identity took on a life of its own, following copy after copy. There was no original against which to check the simulacra. Unsettled and incommensurable meanings floated in suspense, never touching down on the ground of veridiction. No one could leverage truth claims to organize various meanings.

Andie, one of the psychologists in Santa Clara, generally speaking, was huffy. She wore her reactions on her sleeve, exaggerated eye rolls and shrugs and winks and a frequent sarcasm betraying her spoken insistence that "everything is fine, alright, going well." Andie liked to mutter, especially if she had an audience, and I, usually only an arm's length away from her in the courtroom, quickly assumed that role. I found Andie both amusing and informative; I appreciated her enthusiasm and warmth to newcomers, like myself. Andie had a particular knack for introductions and I quickly learned that sitting with her meant that she would take the lead on making me known to people who were coming into the courtroom. Andie usually introduced me as "the intern," sometimes "my intern," sometimes a "student," sometimes "Manley's helper." I usually let Andie call me whatever she wanted to call me, unless I was interested in following up with the person to whom she had introduced me, which would necessitate a different conversation in which I could establish myself as a researcher on my own terms. Or, perhaps, I should say, I could establish myself as a researcher on the terms of the Princeton Institutional Review Board. My terms were not entirely my own.

My own notice of, initial discomfort with, and typical acquiescence to the terms Andie invoked to describe me to others encouraged me to pay attention to Andie's reaction to the titles others would apply to her. I recall, one day, in particular, when the private attorney to whom Andie was introducing me had, by her side, a college-aged man whom she introduced to Andie and myself as her "intern." He gave no indication that he disagreed with this title, though neither had I when Andie had applied the label to me. The private attorney introduced Andie to her intern as "one of Judge Manley's social workers." "Oh yeah, okay, sure," Andie had said with the kind of off-kilter enthusiasm that she was known for, a performance of effusiveness that somehow managed to flag its own performativity,

leaving the person on the receiving end unsure of what it meant. But Andie had muttered a more specific meaning to me, in a volume that left me wondering whether the aside was meant for me alone or whether Andie intended it to be overheard by the attorney and her intern, "'Social worker,' huh? I prefer 'psychotherapist.' I guess I didn't need to go pay and study for that fancy graduate degree if I'm just going to be a social worker…"

Up in San Francisco, Judge Albers matched Andie in the frequency of his eye rolls and sarcastic intonations. He too liked to huff and sigh, dramatically, for some effect. Except for Danny's turn to "mate" and "Sir Ronald," everyone called the judge, to his face, by the title etched into his nameplate on the bench – "Judge," "Judge Albers," "your honor." But Albers suspected that some of the people who employed that term of address did not mean it. "My colleagues on the bench, judges in other courtrooms," he told me, "they don't really think of me as a judge. They think of me as a nanny judge. A sissy judge. A social worker judge. They don't think that I'm a real judge." I asked him if that assumption offended him. He did not answer the question that I asked, instead saying, "Well, it's supposed to be a pejorative."

As someone swept up in the overflow of meanings in mental health courts, I felt this experience of dissociation, of people producing images of me that did not align with my self-understanding but images projected within a context that afforded no place from which I could challenge their veracity. "Intern" was the most common title, used by many to give my presence meaning. Even a year into my fieldwork, Albers called me a "technical assistant," a term referring to a type of research service offered by think tanks contracted by the state to issue recommendations about how to improve service delivery. When I tried to clarify, to insist that I was not, in fact, a technical assistant and that I would not be offering a report that evaluated service provision, Albers responded, "I know that's not

what you call yourself" – a gesture to the constant possibility for multiple meanings, beyond what someone might call themselves. What someone might call herself had no more authority to represent than what someone else might call them. In Santa Clara, I was seen as a social worker, by people like Rodrigo who had come in search of assistance and by other social workers who would appear in court.

Andie might "prefer" to call herself a psychotherapist, but she spent most of her time in court conducting brief assessments of clients and writing referrals; there were no therapy sessions happening at court. As Roberta, one of Andie's fellow psychotherapists, said to me when I asked her, a few months into fieldwork, to describe her job, "You might have noticed that our jobs aren't that difficult. We're basically paper pushers," though she then went on to describe exactly how "difficult" it could be to engage with clients, if not to write the referral. Albers might prefer to call himself a judge, but he spent most of his time working with clients in a manner that he himself said that he hoped to be "therapeutic." And I might have preferred to avoid labels like intern, technical assistant, and social worker, but I wore an official county badge that said, in large letters, "INTERN," I spoke with Albers about his readings of the technical assistance literature with the hopes of establishing some sort of common language, I sat in Abby's empty desk, writing referrals myself, calling the Housing Authority on clients' behalves, trying and failing to coordinate services. Contestation of self-representations happened all of the time – Andie tried to insist on her preferences, Albers on his, me on mine – but there was no shared platform on which to stage that contest. Selves multiplied and coexisted, however uncomfortably.

Dissociation was like quicksand: there was no way out, no external position of authority of which to grab hold in order to stabilize oneself or the swirl of meanings. In the middle of these California criminal courts, truth dissociated, fractionated, not just meaning

multiple things, or different things to different people, as one might associate with relativism, but dissociated, so that it meant all of these different things at once. Attorneys, judges, clinicians, and clients did not turn to truth as a resource for convincing others or marshalling authority, despite the judges' spoken imperatives for clients to be truthful Perceived truths provided no edge with which to distinguish meanings, in this surreal space where multiple truths simultaneously coexisted to the point of their indistinction.

When Andie and I were first getting to know each other, before she began calling me *the* intern and long before she began calling me *her* intern, she slipped me her business card from her private practice, work she did on the side to be able to finance home ownership in the Bay Area. The card had a diagram of small squares at the corner, the squares gathering in closer proximity to one another as the diagram approached the card's edge. "See that?" Andie asked, pointing to the design. "You can't tell if they're coming together or falling apart. It's beautiful."

1

There is a word for this – that sense of being out-of-place with no better place to go, that sense of order imploding, that sense that escapes reason – and that word is abjection. The abject lacks a place. It is neither subject nor object and refuses the conceptual stability and order that comes along with a binary. In acting as the term that is itself out of place, the term that unsettles the dichotomy of internal and external, subject and object, the abject, writes Julia Kristeva, "drags me toward the place where meaning collapses" (1982/1980: 2). For Kristeva, the abject refers to the external exposure of what is normally interior or hidden: a corpse, a fetus, a severed limb, rot, wounds with maggots, filth. I want to expand the dynamic that Kristeva diagnoses beyond the images that she describes, always with an eye to their ability to induce queasiness. Other experiences of "matter out of place," to recall Douglas (1966: 35, 40), induce nausea, disease, discomfort, by calling meaning into question. What can meaning be when exclusion includes, when the "jettisoned" recalls its former presence, when the discarded reappears, when nothing stays in place (Kristeva 1982:1980: 2)?

Like Foucault's reading of Magritte's surrealism as similitude, Kristeva presents abjection as refusing the preconditions for contradiction or negation. Distinguishing herself from Lacan, Kristeva argues for the abject as a form of life "not sustained by desire," and, therefore, unmotivated by the pursuit of objects to fill "the inaugural *loss* that laid the foundations" of subjectivity (1982/1980: 6, 5). On her read, Lacan's subjects are "articulated by *negation* and its modalities, *transgression, denial,* and *repudiation*," where the

impetus for desire is initial understanding of separation (ibid). *That* is not *me* and *I* pursue *it*. Kristeva explores abjection as a challenge to the "dialectic of negativity" offered by a Lacanian psychoanalysis (7). The initial cleaving of object from subject is unsatisfied within the abject, and without a distinction between subject and object, desire is meaningless. Or, turning to Freud, Kristeva insists on the continuity of disorder, distinguishing the abject from the uncanny on the basis of a repression; if the uncanny is the experience of the return of the repressed, the abject is the revelation of the incompletion of repression in the first place. In place, then, of a discussion of psychoanalysis predicated upon the initial separation of the mother so as to facilitate the ego's embrace of paternal law, Kristeva proposes the "unnamable otherness" of the "feminine" as connection that is uncontained by "identity" (58-59).[9] The abject reminds us of the artificiality of separation, a separation on which subjectivity and the symbolic is predicated. It nags. It is not a recognition of artificiality that can be accepted and moved on from. The abject distracts, drawing attention to the construction of order, and the ease with which that construction can be toppled, never settling down.

Abjection, then, obviates subjectivity, such that, for the abject, the question – just the *question*, not even an attempt at an *answer* – "Who am I?" is nonsensical (8). Lacking a position from which to even ask a question of subjectivity, Kristeva's abject can only ask "Where am I?" – a question of location, of placement (ibid). The abject might ask this question of placement, but there is no answer to provide a foothold, for the implosion of the subject is, at the same time, the implosion of the world made by signification, likewise premised upon distinction, the capacity for something to mean *this* and *not that*. In asking,

[9] Elaine Miller (2014) emphasizes the role of the maternal and the feminine in Kristeva's work, with pregnancy as the ultimate example of indistinction between self and other.

"Where I am," the abject discovers a morass of "fluid confines" a space that is "never *one*, nor *homogenous*, nor *totalizable*, but essentially divisible, foldable, catastrophic" and that forces the abject to "constantly question his solidity and impel him to start afresh" (ibid). Meaning – of the self, of the world – collapses in on itself.

Collapsing in or implosion is a different type of disorder than the absence of meaning. Writing alongside Bataille, Kristeva suggests that abjection is a symptom of "*the weakness of that prohibition*, which, in other respects, necessarily constitutes social order" (64, emphasis in original). Abjection forces us to reckon with that unsettling possibility that the categorical contrasts that comprise order were never so sturdy to begin with. The abject, Kristeva writes, is "what disturbs identity, system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite" (4). Kristeva's argument is *not* that signification is meaningless because it is impossible to generate; meaning is impossible to *specify* because of the overflow, the "effervescence of object and sign" to the point of "intolerable significance" (11). Kristeva describes a world in which meanings multiply such that "they tumble over into non-sense," where sense is predicated on the affirmation and distinction of the sign made impossible by the floating signifiers of abjection (ibid). The multiplicity revealed by abjection, writes Kristeva, "makes sport" of Law (17).

What type of "sport" is this, the gleeful evasion of Law that multiplicity invites? And on which coordinates does the "sport" tromp on Law before fleeing the scene? What ethical aspects of legal relations are trampled by the effervescent flight of signifiers away from stable meaning? What comes undone?

2

Clara was growing tired of Willie's refusal to stay put, in his seat, where he had been told, time and time again, to stay still. "Willie, can you stay in your seat, please?" Clara asked, redirecting Willie, a San Francisco client, from his walk over to the warehouse window and back to his plastic chair around the table. Clara, Willie, myself, six others who had cases before the San Francisco mental health court, and another social worker, James, who was co-leading with Clara, were piled into a small conference room, the largest room available at Services for All. The group therapy session, specifically for mental health court clients, met twice weekly. At some point, each hour-long session, the white light would crack through the fog and overflow through the large windows overlooking the alley behind the building and beckon one client or another over to take a look, eliciting a request that they return to their seats from either Clara or James. More frequently than the sun, a scream or a holler or a wail or a shriek from the alley below, where other homeless people – people without places, not even Services for All – would go would make its way through the window and into the conference room. Clients usually seemed unperturbed by those; the sounds of distress from below would beckon Clara or James, instead, to the window, to, without comment, draw the glass pane shut. For the moment, Willie heeded Clara's request, but it was not the first time that he had been up and out of his seat that day, nor would it be the last. He was bouncier than usual.

After returning from the window, Willie popped up to take a trip one seat down the table, to the seat next to mine. He made a move to toss a plastic plate on which he had a few Cheetos – snacks that were provided by Clara and James at the beginning of class – and then quickly snapped his hand and the plate away from the trash, holding it out to me instead. "You offering me a Cheeto?" I whispered. He shrugged, with a smile, "Dunno, I thought you might like my scraps." "Your scraps?" I whispered back, teasingly, "You're offering me your scraps?" "No," he said, "that would be unprofessional." Clara did a loop around the table, silently guiding Willie back to his seat with a hand to his shoulder. The next time, Willie raised his hand to ask to go to the bathroom. Then, to the water fountain. Then, back to the window, but without a handraise for permission.

Following a few more silent interventions, gently placing Willie back in his seat with a pat of her hand, Clara asked the other clients to get started on a worksheet talking about feelings and announced that they could ask James or me for help if they had any questions. Clara crouched down next to Willie's chair and began a whispered conversation herself, "Willie, it seems like you're having trouble focusing today. Is everything alright?" Willie blinked heavy eyelids; it seemed like all of the energy had been instantaneously sucked out of him. "Willie?"

He took a deep breath, "I'm just tired. Sorry."

"Why are you so tired today?"

Willie looked to the window, letting the silence dilate. "I can't sleep because of the bugs at the hotel. They're everywhere, biting. It's impossible to get any sleep."[10] Willie had

[10] The bugs to which Willie was referring were most likely bedbugs, a persistent and virtually ineradicable problem at the city's daily rent hotels, even those that received contracts from and co-management by the county. As one social worker who helped to manage the hotel in which Willie was living told me, the county has sponsored many different programs, such as free laundry and free showers in the event of an infestation,

been on the streets for a few years after his mother kicked him out as a teenager and then his sister had kicked him out and then he had had nowhere else to go; the mental health court had arranged a room for him on a floor in a single residency occupancy hotel where many clients lived in court-funded rooms. Clara asked if he had anywhere else to go to get away from the bugs for a night.

More silence. "I'll go out on the streets to sleep just to get away from the bugs, but it's hard to sleep out there, too. With everything. When I'm in the hotel, I sit up in the middle of the night. It's like I'm going to have a heart attack, like my heart is going to blow. People say that I'm young, that I've got a lot of life to live. People say that, that I'm young. But I'm *old*. I've been reincarnating for *eons*. And for what? I've had eons of suffering. I might be young but if that's true, if it's true that I'm young, it's overrated. My body can't stand this much longer. If this is being young, my body can't stand it any longer."

"But you are young, Willie. You just had a birthday this week. How old did you turn?"

"Nineteen."

Clara rubbed his back encouragingly, "See? Willie, that's young. Nineteen is young. I wish that I were still nineteen." Clara was in her early thirties.

Willie stayed silent and closed his eyes.

Clara cajoled, "Did you do anything special to celebrate your birthday? Huh?"

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to try to get rid of the bugs, with little effect. Most hotels co-managed by the county have a policy about residents bringing in objects from outdoors in the name of quelling infestations: homeless people who gain access to a room are not allowed to bring in more objects than the amount that can be held by two trash bags, meaning that the hotels end up insisting that residents discard the numerous items that they have accumulated in bags and shopping carts before accepting a room. The fight over property – homeless people insisting that they don't want to give up things that they have worked hard to hold on to, social workers insisting that they need to because of the bugs – led many people to refuse the beds offered to them in the name of holding on to their belongings. For more, in the context of the American Midwest, see Carr 2015.

His eyes slowly opened, "No. The hotel isn't friendly. I don't have any friends. I'm all alone and no one is helping me. The burden is all on me and I can't handle it. My body is going to cave in, just like my head. Just collapse. It's all on me and I can't handle it."

"Well, we're really proud of you for coming to group today. That's a big deal. What else can you do for your birthday? Listen to music?"

Willie stayed silent.

Clara tried again, "How about getting yourself a treat to eat? You deserve a special treat. What do you like to eat? From the corner store?"

"I can't pay for food."

"What about going to Glide? Or St. Anthony's?" These were churches that offered free meals. In light of Willie's continued silence, Clara tried yet again, "Or prayer? Sometimes, when I'm really sad or feeling overwhelmed, it is a good time to pray."

"I don't do that."

Clara was out of options for ways that Willie could celebrate his birthday. She rubbed his shoulder again, "Okay, Willie. Well, like I said, we're really proud of you for coming to group today. But if you need to go, if you feel like you can't stay put, you can leave today. You don't need to stay for the rest of class. Do what you need to do to take care of yourself." I understood Clara to be excusing Willie as an act of kindness. The seven clients enrolled in the group were required to come; too many absences and they'd be kicked out, reported to court. I understood Carla to be telling Willie that it wouldn't be held against him if he left; that he'd still get credit for coming.

Willie turned to face Clara for the first time in their conversation – "But where should I go instead?" – but she was standing up and pivoting away, regrouping the others to review their worksheets. Willie stayed put for a moment, even though he hadn't

completed his worksheet. Then he scooped up his backpack and walked out the door, perhaps having thought of to a place to go instead, perhaps not.

The affective trouble with abjection, according to Kristeva, is its revelation of the multiplicity of meaning and the arbitrariness of any single interpretation: it irrevocably calls the symbolic order into question. From how Willie interacted with Clara when she crouched beside him, from how she rubbed his shoulder, from how she tried to brainstorm solutions to his plight, from how she asked him questions about his feelings and his needs, from how she noticed his antsiness in the middle of leading a group with seven other people, from how Willie answered her questions about what was on his mind: I suspect that Willie understood Clara to be kind to him. I never got a chance to ask Willie about that particular interaction with Clara, but the vast majority of clients with whom I did speak about their interactions with case managers from Service for All understood their case managers to care for them and to try to help them, even if the attempts at assistance were not always successful. One interpretation was that Clara was trying to provide care for Willie. Another is that she sent a client to the street, with nowhere to go. No meaning settles so as to conclusively signify.

In place of stable-enough signification, abjection performs and spectacularizes, "as in a true theater, without makeup or masks, refuse and corpses *show me* what I permanently thrust aside in order to live," thereby pointing to "the border of my condition as a living being" (Kristeva 1982/1980: 3). Thinking of Clara's willingness to let Willie leave group *only* as care "thrust[s] aside" the reality he described to Clara in their conversation: that he can't stay calm in his room because of the bugs, that he has nowhere else to go, that he finds the streets stressful. The interaction is abject not because of the return of the aspects of Willie's everyday life that had been thrust aside, and not because the thrusting aside of

Willie's life on the street would disqualify Clara's care; rather, the inherent ambiguity of the interaction, in which care *can* mean, among other meanings, the turning of a person out to the street, out to nowhere.

I asked Clara, weeks later, if she happened to know Willie's psychiatric diagnosis, wondering if diagnostics did anything to stabilize meanings within Services for All. Clara shrugged off my question, "No, I don't remember the particulars. I mean, Willie has to have been diagnosed with something at some point, otherwise he wouldn't have been admitted to the mental health court program or ended up in that group [therapy class]. Most of the people who come in [to Services for All] through mental health court have psychotic symptoms, usually some trauma, many are slow." I asked if Services for All maintained files for their clients, which Clara "mm-hmmm"-ed, but expressed no faith that the files contained meaningful things, like diagnoses. They *did* contain diagnoses; the diagnoses just weren't particularly meaningful.

When I asked a more specific question, targeting whether or not the files would contain diagnostic information, Clara again shrugged it off, "Sure, of course. But you should see the diagnostic summaries. They list codes from the DSM, usually, I don't know, five, ten codes all at once.[11] Most of the clients who come in from mental health court were diagnosed through a psych eval in jail. You just get a list of diagnostic codes, one after the other. The psych evals in custody—they're necessarily compromised. You can tell whether someone is in need of mental health services or not, sure, whether someone would benefit from coming to a place like Services for All, but it's a quick assessment. And they're in

[11] I did not have access to case files in San Francisco, hence Clara's description of what files would contain. I did, however, have access to multiple sets of case files in Santa Clara – those maintained by the clerk's office, those privately maintained by Judge Manley, those other sets maintained by the psychologists on site – all of which fit the description provided here by Clara.

custody—stressful conditions, not necessarily in a social milieu, perhaps detoxing, off meds or on new ones. You can't figure all of that out in the half hour or hour or whatever it is that they're with the psychologist. So the psychologists in jail just write down their best guesses, what they think might be going on, and that's how the client gets into mental health court and to us." I asked if Clara and her colleagues at Services for All amended the diagnoses as they got to know clients better. Another shrug, "I guess we might be supposed to? I mean, ideally, that would be how it would work, right? But no one really looks to that diagnostic paperwork. We just get to know the clients on our own. And we do our best to meet their needs, connect them to services, help them with housing and support. We just go with what we've got, and what we've got is the client."

Clara looked bored, asking me, after I stayed silent once she stopped talking to see if she would say anymore, "Does that answer your question?" I tried to ask a more general question – if there was anything she thought that it would be helpful for me to understand about how Services for All treated diagnoses. Yet another shrug, "No, that's about what I've got. But you can ask me more if you think of other questions. But you're there, in group. You see what we see. They've all got addiction issues. It's safe to assume they're psychotic – you hear how they talk, but who knows why, starvation, loneliness, just living on the streets, whatever. They're all traumatized. Do you need to go look at a file when Kayla talks about being repeatedly raped while homeless or Stan talks about his sister kicking the shit out of him and threatening him with a gun when he was living at home? What's the point of taking the time to go to a file to find a laundry list of diagnoses? We're just going with what we've got."

Clara's blasé responses, a tone that bordered on annoyance at my continued questions, presents a slightly different understanding of the utility of diagnosis for the

orchestration of truth games than the turn to diagnosis as evidence in the negotiation of social membership and claims to citizenship that Adriana Petryna observes in post-Chernobyl Ukraine or the turn to diagnosis as method for inaugurating therapeutic relationships sustained by suspicion that Elizabeth Davis analyzes in post-psychiatric reform Greece. As with Clara, the patients, clinicians, and bureaucrats with whom Petryna and Davis work operate in conditions saturated by "overwhelming uncertainty and unknowability," that Petryna (2002: 14) ties to the instability of scientific evidence, or the "question of 'the unknown,'" that Davis (2012: 60) ties to the unreliability of mad speech. Both Petryna and Davis distance themselves and their interlocutors from the proposition of the truth of diagnosis and redirect their inquiries to other ends – Petryna, to citizens' blackboxing of questions of diagnostic truth in the name of mobilizing those categories about which truth could be claimed in to petition the state for compensation; Davis, to clinicians' witting participation in an imperfect and protracted process of coming to know a patient and her illness so as to best provide care.

Clara's understanding departs from the formulations recounted by Petryna and Davis not at the diagnostic question of truth but at the ethical question of what forms of relation might be sustained by proceeding as if diagnosis could correspond to reality. As with several other of her interlocutors, Petryna describes how one man with whom she worked, Lev, understood that "it was futile to pursue truth," and devoted himself instead to learning how to manipulate his symptomology "like an abacus" so as to acquire diagnoses that the state would recognize as deserving of higher compensation (2002: 138). Davis, for her part, relates how the clinicians with whom she worked were "well aware of the disputation over the truth of diagnosis," an acknowledgement that implied, in kind, an awareness on the parts of clinicians of a disagreement over their "authority to practice"

(2012: 57). Throughout the duration of diagnosis, then, Davis's clinicians were "ethically engaged in a conscious deliberation on the truth of their practice," a process that typically led them to confirm the "efficacy" of diagnosis, if not "their own good faith" (ibid).

In her "mm-hmmm," her shrug, her disinclination to remember or retrieve the diagnostic profiles of the people for whom she was providing care, Clara bracketed the question of diagnostic truth – it may be true or it may not be true – and answered my questions on the ground of efficacy. She did not believe that committing to the truth of diagnosis or mobilizing diagnoses as if they were true would bring about any therapeutic benefits for her clients. Diagnosis, at the level of population, effectively served to bring clients into mental health court, but Clara and her colleagues did not believe that knowing which diagnoses any particular client possessed would serve to bring about either knowledge about the client or services that might benefit him. Diagnoses circulated, doubly, outside of a regime of veridiction; first, in that clinicians neither affirmed nor rejected the truth of diagnosis, determining, instead, that it was broadly not relevant, and second, in that clinicians doubted that *claims* to the truth of diagnosis, independence of their veracity or their good faith, could mobilize circuits of care to provide for clients' needs. As such, clinicians conveyed that they understood diagnosis as unbracketed from claims to accountability. Clinicians doubted that the veracity of a diagnosis or a claim to the veracity of a diagnosis would hook the state into providing more resources or improved care to court clients. And clinicians, like Clara, doubted that the veracity of a diagnosis or a claim to the veracity of diagnosis would hook clients into becoming more responsible subjects. Participating in a diagnostic truth game, clinicians suspected, would fail to incite any ethical effect.

3

There is, for Georges Bataille, a word for this – a mode of life in which multiple, incommensurable elements coexist, refusing to fit into a rationalized framework that gives them sense through order and its achievements, a space beyond truth game. Actually, true to form, Bataille has multiple words for this, refusing to settle with the implied stability of a single term: heterology (1985a, 1985c), informe (1985b), sovereignty (1989/1967, 1991/1976). Following Kristeva's reading of Bataille as critically important for understanding the "weakness" of "social order" (1982/1980: 64), I wonder why she stops short, cutting off her engagement with Bataille before he rounds the corner to sovereignty. In turning with Bataille to sovereignty, how might we track the relationship between abjection, power relations, and accountability?

Perhaps as indicated by his concept work in triplicate, Bataille declares himself disinterested in the specificity of definition. Rather than identify and analyze, he says that he would prefer to "squeal like a pig," an emittance of shaky signification, that says *something*, to be sure, but *what exactly* is less clear (1985a: 28). The formlessness of the squeal is precisely the point. And it points to a fundamental tension with which Bataille acknowledges his work to be complicit. How does one write about excess? How to represent that which is not representable? How to harness form to express formlessness?[12] Any attempt at a squeal,

[12] As Mazzarella (2017) notes the homology of older discussions of mana with present discussions of affect theory, so too do Kathleen Stewart (2017: 196) sees contemporary theories of affect as akin to Bataille's surrealism. It is not surprising, then, to encounter Durkheim as inspiration for Bataille (1985c; 1985d; 1991/1978).

declares Bataille, must traverse heterological ground. Heterology – as the "science of what is completely other," what cannot be assimilated within a scientistic frame, that "takes place in an area where, it seems, everything slips away" – is an oxymoron, a gesture toward incommensurability but without the logical coordinates to avail contradiction (Bataille 1985c: 102 n.1, 93). As Nidesh Lawtoo (forthcoming: n.p.) suggests, Bataille's heterology, as sounded in the squeal, rejects rationalism in favor of a mode of communication that is "openly in touch" with "contradictory 'emotional currents.'"[13] It is an unsettled oxymoron that persists, that revels in the ambiguity that Bataille, following Durkheim, associates with the sacred. Bataille's heterology is coterminous with ambiguity, insofar as both move with a similar tempo away from their being an idea of an end-point at all (Weiss 1994). The sacred, for both Bataille and Durkheim, implodes ins and outs, unsettling distinctions such as subject and object. And while Durkheim dwells with the unsettled ecstasy brought about by collective effervescence, and Bataille dwells with such indistictions in a language that he identifies as the perversity of one's orientation toward real desire, Kristeva reads the collapse of subject and object with a different tenor: horror.

In their writings on abjection and heterology, then, despite different affective orientations, I understand Kristeva and Bataille to be describing similar processes. How might Bataille's later reconsideration of heterology as sovereignty – not a revision so much as a recoding – inform Kristeva's abjection? Undertaking such a query pushes Kristeva beyond the descriptive and hits at the ethical and political stakes of the aesthetics of abjection. What can ethics be when the separation between self and other dissolves?

[13] "Emotional currents" is Lawtoo's phrase. In invoking emotion's ability to be carried by "currents," presumably across the distinctions between self and other that Lawtoo reads Bataille to trouble, I understand Lawtoo to be more properly referring to affect than emotion. Bataille's refusal of individuation denies a discussion of emotion.

At the outset of his sustained examination of sovereignty in the third volume of his radical exploration of *The Accursed Share*, Bataille declares that he is proposing a concept of sovereignty that has "little to do with the sovereignty of States," as "define[d]" by "law" (1991/1976: 197). Bataille's concept is deeper; it undoes the order on which law is predicated, through which law is produced, and in whose reinstallation law participates. Sovereignty speaks to "useless consumption," as distinct from the "servility" of rationality and production (16). It is excessive. It serves no purpose. It is not the means to anything else's ends. It is, writes Bataille, "an end in itself, that is meaningful as such, that doesn't need to justify itself by pleading its usefulness for something else" (112). The ordering of rationality, argues Bataille, exposes the intrinsic servility of knowledge, a project away from which Bataille attempts to move in his attempts at attempts at "canceling, or at least neutralizing, every operation of knowledge within ourselves" (202-203). Knowledge orders, with order being a servile practice.

To counterpose knowledge, Bataille suggests the epistemological suspense of "strong emotions that shoot off, interrupt, or override the flow of thought" (ibid). Bataille's is no simple juxtaposition of emotion and knowledge, feeling and thought: he specifies. Affective encounters have the sovereign potential to subvert the order of knowledge because of their inherent and multiple incommensurable elements. Tears are examples of the "miraculous sacred" – the sovereign – because they have no stable semantic referent (206). They equally signify joy and sadness (204). They are inherently ambiguous. Ambiguous, but not contradictory. Embracing ambiguity is to open the world of the sacred; rendering ambiguity as contradiction – to demand a single meaning or dismiss that which cannot be made to mean something as nonsense – is to live in the world of the profane (214).

We have encountered this concern with contradiction before, with Deleuze and Guattari (2011/1987). Bodies without Organs, they write, are non-contradictory because there are no logical coordinates upon which to base a claim to contradiction. BwOs, Bataille would say, in a different lexicon, are sovereign, sacred, consumptive. "What is sacred," Bataille writes, "not being based on logical accord with itself, is not only not contradictory with respect to things but, in an undefined way, is in contradiction with itself. This contradiction is not negative: inside the sacred domain, there is, as in dreams, an endless contradiction that multiplies without destroying anything" (1991/1976: 215). Sovereignty, then, for Bataille, is the sacred space of positive contradiction, a condition that I read as, terminology aside, analogous to Deleuze and Guattari's BwOs, a space where contradiction multiplies rather than negates, a space that "cannot be settled (*reglée*)" (Bataille 1991/1976: 49). But what of transgression? In what way does Bataille's singular preoccupation with transgression come to bear on his theory of sovereignty?

Transgression becomes the ethical imperative. *Not* for the purpose of negating any given order; transgression aimed at the thrill of breaking order only serves to settle and reinstall the order it desires to transgress (Land 1992). Bataille treats transgression differently. So reads Foucault, who understands Bataille's turn to transgression as "an action which involves the limit," but not through a relation of opposition (Foucault 1977/1963: 33). For Foucault, Bataille's transgression and limit are "mutually dependent concepts" whose relation "takes the form of a spiral" (34, 35). I read Foucault to invoke a spiral so as to emphasize the non-binary nature of Bataille's transgression; transgression, as Foucault understands Bataille, is working with a concept of transgression that "overflows" (34).

Foucault's invocation of the spiral is a helpful image with which to understand the play of transgression and limit – their interaction, not through negation or trespass, but through a constant engagement, such that transgression "forces" the limit "to find in itself what it excludes," to disintegrate boundaries and foil the delimitation of subject and object until one reaches "the subject's disappearance" (35, 45). Foucault's spiral attempts to represent the multiplicity of Bataille's sacred, that final destination of transgression, where lives "an endless contradiction that multiplies without destroying anything" (1991/1976: 215). Foucault's spiral of positive contradiction "opens onto a scintillating and constantly affirmed world, a world without shadow or twilight, without that serpentine 'no' that bites into fruits and lodges their contradictions at their core" (Foucault 1977/1963: 37).

Transgression, for Bataille, does not negate order; it subverts order by shaking out multiple other ways of living, ways of living that exist in a relation of "contradiction that is not negative," in Bataille's phrasing, or in a relation of dissociation, in mine. Dissociation entails the same type of spiral movement in which incommensurable elements do not negate one another, only serving to avail new sites of encounter that reveal the capaciousness of the limit. Sovereignty is accessed by sliding down the spiral of transgression, a spiral that sustains encounter while disintegrating distinctions between subject and object. Sovereignty, on Bataille's read, is a surreal space of positive contradiction, where incommensurable realities do not negate their alternatives. It is a space where, without a binary or negative contradiction, transgression fails to create order, only serving to multiply encounters and expand limits.

4

Andie had told me to come and find her in her office after the end of the court hearing. She and the other psychologists shared a small room up in the front of the courthouse, by the bathrooms; "Mental Health Assessment Team," read the sign on the door. She had an assessment for competency scheduled for that afternoon—she thought that I might like to tag along.

I found Andie in her office, as she had promised, feet kicked up on her desk, reading a dog-eared copy of *Under the Banner of Heaven*, killing time. Martha and Roberta were also in the room, watching random YouTube videos and *Orange is the New Black*, respectively, on their laptops. Andie registered my entrance with a nod, "Running late, I'm guessing, not that anyone has called to say so…."

"Who's coming in?" Roberta asked, glancing up from her screen.

"Jeremy Harvey."

"Jeeeeeeeeremy!" Martha and Roberta cooed, agreeing that they had been wondering where he had been. I asked how long Jeremy had been a client in court, struck by Martha's and Roberta's reactions, but Martha just shrugged, "Oh, a long time. He's just the type of guy, when you meet him, you'll just want to pinch his cheeks."

Andie opened a file, to give me information other than that I'd want to pinch his cheeks. The police had most recently charged him with a crime eight months prior to Andie's scheduled assessment, though Andie did not know what for. He had already been a client when he was stopped by the police for one thing or another. Andie said that she

was doing an assessment to see if Jeremey was mentally competent to proceed with the mental health court. "How is that?" I asked. "Jeremy has multiple cases before Manley's court, right? So, if he is found to be incompetent on one case, is he considered incompetent on all of them? Is it like a hold?"

Andie stared at me, blankly, "Sure? I guess? I don't know."

Martha laughed, "These are good questions, Jessica, really. Keep asking! But we're not going to have any answers. Well about how things work, at least. We can tell you about Jeremy. He's just very sweet. I was standing next to him last time when he was remanded, and when the bailiffs put the cuffs on him, he just looked up at me all innocent, and said, 'But I came to court!'" Martha and Roberta laughed, but I did not understand the joke. Manley would tell clients all of the time that if they came to court, he most likely would not remand them, no matter what slip they had had with their treatment plan.

Andie explained, heavy on the annoyance, that it was "typical" that Jeremy was late because he was staying at a half-way house called Jimmy's. The house is poorly run, she explained, they had had suspicions that Jimmy was abusing clients, but nothing ever came of it. Andie flipped open her binder of phone numbers to try to call Jimmy, but she didn't have the number, commenting, over her shoulder, "There's probably a reason that we don't have that." One reason being that Jimmy wouldn't want the people who had accused him of abusing clients to be able to track him down. Another being that Andie wouldn't want to maintain evidence of a relationship with a service provider they knew to be corrupt. Andie called another phone number on the master list, another provider who Andie also knew worked with Jimmy, to see if she could track down Jimmy's phone number. Someone at the end of that line answered; I could hear them say through the phone that they'd look into it and call back. They never did. After a few minutes, Andie stopped staring at the

phone, returned to her book, and said, thick with sarcasm, "Well, I guess they must be busy."

Eventually, Jimmy and Jeremy arrived. Andie masked any residual annoyance, greeting them both with a sort of casual enthusiasm. Upon seeing Jeremy, I did not feel any compulsion to pinch his cheeks. He looked to be about my age, wearing a thick scarf, despite the fact that it was over ninety degrees that day. Sue told Jimmy that they'd regroup after the assessment and lead me and Jeremy down a hall to a small office, too small for all three of us, but we made do. "Alright, Jeremy," Andie said, to get going. "You know why you're here, right? We're doing this assessment because you're in Judge Manley's court. We're trying to figure out what services you need. You're at Jimmy's?" Jeremy nodded. "And do you cook for yourself or do they feed you?"

"They feed us."

"You look clean."

Jeremy nodded.

"How long have you been with us Jeremy?"

"I can't remember."

"Are you on medication?"

A nod.

"What medication?"

"Something with an R."

"Risperidone?"

A nod.

"Have you ever been told your diagnosis?"

A shake. A pause. "Something with a z?"

"What about benadryl? Do you take benadryl? Or clonzepam? Or zyprexa!"

"Yeah, I think, zyprexa."

"And you get your medicines through Mission Faith?" Andie flipped through the file that she had brought with her from her shared office. Mission Faith was a local religious organization that was able to subsidize prescriptions.

"Yeah." It was quiet for a moment as Andie scanned a page inside the file, until Jeremy added, "No, I'm not on any medicine."

"So you've stopped taking your medicine? You know, that rispiridone might have helped you with your mood swings and tantrums."

Jeremy nodded his head up and down, "I don't take it no more. I don't have a doctor and don't have no more pills."

"Well, who prescribes your medicine? Where does it come from if you don't have a doctor?"

"I'm not sure."

"Do you notice a difference when you're on your meds?"

"Yeah, a good difference."

"Like what?"

"My thoughts, they were straight thinking, not thinking of doing nothing."

"What were your thoughts when they were goofy?"

"I don't recall."

"Do you think that it is because of your drug use that you don't remember a lot of these things?"

"No."

"I'd like for you to consider taking your meds." I heard Andie's voice rise and saw her brow furrow; she seemed alarmed to me about the medication.

"No, I don't want to."

"Well, why don't you give it a hard think because I think that they could really help you. And we could even get you in with the court psychiatrist today probably to get you some more pills if you're out!" Jeremy turned to me; it was awkward. Our knees were basically touching in the cramped office. I did not want to validate or challenge Andie's question. I tried to offer something of a comforting smile, and then figured that I looked ridiculous. Andie continued on, "Okay, well, what happened to get you into trouble?" The "trouble" had been eight months prior; Andie did not know what it was.

"I don't recall."

"Well, what does the judge say to you when you come to court?"

Jeremy paused. "He asks if I'm doing good. If I followed up."

"That's right!" Andie glanced back at her paperwork, I still was not sure what it contained. "Look, Jeremy, this isn't meant to embarrass you, it's just part of the deal. But do you think that being here has anything to do with, well, storing your feces? Storing your feces in jars, maybe? Or Tupperware?"

"No, I don't think so."

"Okay. Do you have a bad memory? Have you ever had a head injury?" Jeremy shook his head. "Do you hear voices?"

"No, nothing like that."

"Okay, it's just that I'm looking at my notes here for a second. I'm wondering what they saw when you were taken to the hospital. I'm just looking at the past for a second. Do

you think that this has to do with your being homeless? Before Jimmy's? Maybe you were living on the streets…and you got in trouble for disorderly conduct…or maybe you went to use the bathroom on the street and got picked up for indecent exposure…I'm just guessing here. Like maybe you got in trouble for panhandling and living on the streets and urinating, someone saw you….." Jeremy shook his head through the duration of Andie's guesses, forcing her to try again, to ask a question, rather than guess, "Well, where were you living before Jimmy's?"

"No, I was staying with friends and family."

"You were staying with friends and family before we picked you up?"

"Yeah."

"So you think that you got a raw deal here, that you got in trouble for nothing." Jeremy nodded. "How long were you in jail?"

"A while."

"Well, maybe why you don't remember is because you were high…."

Jeremy shook his head, "No, no."

Another guess, "Well, do you drink? Or use marijuana? Speed? Spice? Crack? Coke? Mushrooms?"

"I tried marijuana when I was younger, but I didn't much like it. I've never used any of the other stuff…."

"Well, *everyone* tries things, that's not, well, but you don't still *use* it? Or anything else?"

"No."

"Alright, well, what grade did you go through in school?"

"Third. Third or fifth."

"Well, why'd you only go that far?"

"I just didn't want to go anymore."

"And your parents were cool with that?"

"Yeah, it was my decision."

"And you didn't get in any trouble with the police or anything? For not going to school?"

"No, no."

"Alright, then. Let's talk about everyone's job in the courtroom." Talking about "everyone's job" in the courtroom is an essential part of a competency assessment, like the one that Andie was conducting. As Manley had explained the law to me, a rationale for the competency standard is that a client must be capable of participating in building their own defense. Clients don't defend themselves in mental health courts; Jeremy had already been found guilty. But he still needed to be found legally competent to participate in the court's processes, and that meant that he had to pass the test of knowing who does what in a courtroom. "Jeremy, can you tell me what the judge, what Judge Manley does? There is no right or wrong answer here."

Jeremy chewed a chapped lip, "I'm not sure."

"What does he do for a living?"

"He does his work?"

"What about the man who sits next to the judge? The guy who sits over there, who is called the district attorney, what does he do?" Andie's description, an attempt to help Jeremy place the district attorney, revealed part of the trouble of the question. In most American criminal courtrooms, the district attorney had told me, the prosecutor sits at the table closest to the jury box, the tradition being that the prosecutor has the burden of proof

to convince the jury of the defendant's guilt, so they get to be closest to them. But Manley's jury box was filled with in-custody clients, not jurors. And the table next to the jury box was where the defense attorney sat; out of custody clients whose cases were called would come up and take a seat next to the defense attorney at the table that was traditionally the prosecutor's. And the table where the defense attorney would otherwise sit was where Andie sat. So the district attorney had been relegated to the witness stand, next to the judge.

Jeremy shrugged.

"Okay, what about the woman who sits next to you…."

"I am not a sex offender! I don't have to register!"

Andie paused. "Did I say that? I don't think so. So, do you know who's side the lawyer is on?" As a collaborative court, the memorandum of understanding that had founded the mental health court dictated that there were not to be any sides.

"Mine."

"Right. Okay, I don't know if you've ever plead not guilty, but do you know what a jury does?"

"No."

"Yeah, we don't have one." Andie sounded almost apologetic. "Ours isn't a traditional court, but whose side is the district attorney on?"

"I'm not sure."

"Yeah, it's confusing because, in our court, everyone is kind of on the same side, but we need to learn these things, well, just because. But it's okay. You're doing okay. You're going to come back and see me and I'll teach you. It will be like a class. You're not a bad person, but we've got to get you working up to your full potential! Aright, you have an illness, I think, probably schizoaffective. This is the beginning, poor memory,

disorientation, and it will get worse if you don't take your medicines. So let's go have a chat with Jimmy and we'll see if we can get you your medicines today!" Andie smiled and slapped my knee; we all rose. The whole assessment had taken less than twenty minutes. Jeremy asked Andie if he could go to the bathroom on the way out; we took him to the door of the men's room together and, after he walked in, Andie turned to me, puffed her cheeks, and let out a slow exhale, "Jesus. He needs his medicine. Jimmy will make sure he takes them, one way or another." With a shake of her head, Andie shuffled off to find Jimmy, grabbing him by the shoulder and taking him to the other end of the hallway. When Jeremy came out of the bathroom, he looked to Jimmy and Andie speaking in hushed tones down at the other end of the hallway, watched them avert their eyes, and came to sit with me on a bench, out of earshot. Andie came back over with Jimmy soon enough, "Alright, Jeremy. Jimmy and I had a good chat. Nice job today! Take care." With Jimmy and Jeremy gone, Andie turned to me, "Jimmy will make sure he gets the meds. Let's go."

Andie gave me a ride home from court that day; she took delight in showing off her new convertible on the ride up Highway 280, from San Jose up to San Francisco. As always, driving with Andie was relaxing. She had a knack for gossip and storytelling – her son-in-law was moving out of her basement, her grandson was turning three, a crab had bitten her puppy on the nose at the beach the previous weekend – and I settled in for the hour-long ride. But amid the stories, I felt uneasy, unsure of what I had just seen in the courthouse hallway. "Andie," I interjected, in a rare break, "what was that about, with Jeremy and his medicines? And what was the diagnosis?"

"Oh, I wrote down the NOS type, schizoaffective disorder NOS." NOS was the DSM abbreviation for "not otherwise specified." As Andie had explained it, "the catch-all category."

"And the sheet you were looking at in the file folder? What was it?"

"Oh, just some notes from his last hospitalization."

"Did it say schizoaffective disorder, NOS?"

"Yeah, yeah, among other things. I was just adding to the list." Just like the sheets that Clara had described.

The medication question was still bothering me. Andie had seemed particularly insistent about the need for medication. And her insistence seemed tied to a shift in orientation toward Jimmy: before the assessment with Jeremy, before the repeated demand for medication, Andie had seemed dubious of Jimmy. The whole ordeal with his telephone number. Oblique yet snide remarks. Sarcasm. And then, after the assessment, after the demand for Jeremy to use medication, she had touched Jimmy's arm and led him down the hallway, approached him with an air of confidence. "So the medications you were talking about, you think that Jeremy needs to take them to treat his schizoaffective disorder?"

"Well, I don't think that they will hurt. All of it is provisional – we only had twenty minutes with the kid. But medications should help, sure."

"But can't they hurt? What about side effects?" I had surprised myself with the quickness of my question. It wasn't merely inquisitive. I sounded pointed. "I mean," I continued, trying to round my judgment, "in court, when you're talking with Martha and Roberta and Manley about clients' behavior, you say all the time that you can never know whether psych meds are effective, that sometimes, for some people, they just don't work. Or they create other symptoms. So how can you be so sure that Jeremy *needs* medication when he seemed pretty resistant to it?"

"Jess, he doesn't *need* meds because of the psych symptoms. I mean, I think there is a good shot that they'll help, with whatever parts of his…demeanor…are psychotic, but who knows which those are. Or which are from dropping out of school in third grade, for Christ's sake. Or from growing up with parents who would *let* you drop out of school in third grade. Or being so poor you *had* to drop out of school in the third grade... You see these people who grew up dumpster diving, what's that like? What does that do to a person? What fucked up changes do you have to make to your own psyche to accommodate an experience like that...Or maybe Jeremy made all of that up. Besides the point." I was confused. "The point is, the medication…look, he said that he had family. He said that he had been sleeping on couches with friends and family. I doubt that was true all of the time; you don't start collecting your own shit when you're crashing on someone else's couch, if you know what I mean...but he said that he had people. Jimmy's isn't a good place. You don't go to Jimmy's unless you don't have anywhere else to go. So the meds…. People think that psych meds fix psych problems. People. Families. Friends. We know that the research says, 'eh, maybe,' but people really want psych meds to fix psych problems. And people are afraid of kids they think are psychotic. They think they're violent. All of these families, they all have some horrible story, its usually at the holidays, Christmas, Thanksgiving, where the crazy one picks up the carving knife and threatens an old person or a baby…something went wonky. And so the families, they hate doing it, but they don't see any other way – they kick the guy with the carving knife out. And, voila, now they're living on the streets, they're getting worse, we don't have any place to put them….But if you can call up Mom or Dad and say, 'Hey, we got the kid with the carving knife on meds,' they'll usually give them another chance, take them back in. They're less scared, they think the kid is more in control. So the meds, sure, you hope that they chemically help with whatever the problem

is, neurotransmitters and whatnot, but for us, being able to say that someone is on their meds—it's just a way to open doors."

"And Jimmy's? What's so wrong with Jimmy's?"

"Typical shit. You've seen this with other places too – they lose their licenses, they open a new place with a new license that's basically the same, we don't have anywhere else to send people so off they go. But Jimmy, Jimmy's a total sociopath. But he's steering a ship that nobody else wants to steer…..so what can you do?"

What can you do? I got out of Andie's car perplexed. Her articulation of the role of medication, her characterization of Jimmy, her accounting of our time spent with Jeremy: the whole afternoon had felt full of experiences and explanations that tracked to incommensurable worlds. Medication was, in Andie's presentation to Jeremy, needed for his psychiatric symptoms, to me, needed for Jeremy's escape from Jimmy's. Jimmy was both a sociopath and a nobly taking on a project neglected by others. Our conversation in the car, in its dualities, tracked with moments from the psych assessment itself: when Andie had said that everyone tries drugs, but it isn't okay for Jeremy to use them; when Andie relied on Jeremy to tell her what had "gotten him into trouble" over half a year earlier, even though she did not know; when Andie quizzed Jeremy on the roles of a courtroom with which he had no experience, promising to teach him those roles so that he might be deemed competent at a later date, once he could master an understanding of a legal system that he would not encounter. All of these orientations existed at once.

My interest now, two years after that conversation with Andie in her car, is not the mere coexistence of all of these realities. Rather, I wonder about the mode of relation among these multiple meanings. As Foucault demonstrates with Magritte's surreal pipes, one interpretation does not have to orchestrate the others. It is one thing for images and

scripts of pipes to coexist, without any authoritative relation to one another. But what about people? I understand Andie to have been concerned about Jeremy, interested in his wellbeing. But she did not position herself as *accountable* to him: she would do what she could to provide care – what can you do? – and if providing Jeremy medication did not shake any family members out to provide better care, he would stay at Jimmy's, with the "sociopath." Nor, contrary to what one might expect for a space of criminal law, did Andie, as a representative of the mental health court, aspire to hold Jeremy accountable for whatever he had done that some police officer had decided was against the law. No one even knew what that was. Nor did she ask Jeremy, in a different register, to demonstrate responsibility for himself by adhering to a medication. She did make that ask – that he take his meds – but not as a demonstration of his commitment to mental health or self-governance. The meds were mainly instrumental, as keys to "open doors" for those exhausted but misguided family members who believed that mental health court clients could made accountable. Andie turned to medication mainly as an effort to game a system of accountability that she understood to operate independently of claims to truth. It mattered less that medication might actually improve a client's psychic stability or demand a medication regime through which a client could demonstrate responsibility than that family members *might think* these things and, accordingly, allow the client back into the family home. She hoped that the medications would have a chemical effect, she just could not be sure. Amid the swirl of dissociated meanings, footholds on accountability slipped away.

1

As far as I know, Andie made sure that Jimmy got Jeremy the medication that his psychiatrist had prescribed. I never saw him again. I looked for Jeremy, months later, when I stopped by Jimmy's to pick up Dragomir, but I did not see him. In fact, I didn't see anyone other than Jimmy, who pulled up behind my parked car in his gleaming Mercedes SUV, and a man whom I did not recognize who was seated in the doorway to the house in a fold up chair at a card table, counting pills. Dragomir later told me that the reason why I hadn't seen any of the other eighteen or so residents was because they were all locked out of the home and in the backyard, as Jimmy would not allow the men inside during the several hours of the day, each day, when he said that the house needed to be cleaned.

That assessment that Andie had conducted, the twenty minutes that she and I had spent with Jeremy, was, as I have mentioned, intended to assess whether or not Jeremy was competent to participate in his criminal adjudication. Competency, Andie told me, is different legal standard than insanity; competency is an assessment of whether or not a person has the capacity to communicate with defense attorneys to participate in their own defense. As made clear by Andie's questions, the standard was an odd fit for mental health court: there was no defense case to build, as the client had already been convicted. But that did not matter, in the sense that she continued to ask the questions to assess competency, questions about the structure of adversarial courtrooms, anyway. Like the guilty plea, professionals proceeded with a legal script that they understood to refer to practices in which their courts did not participate.

Cases in which clients were found to be not competent were called "1368 cases," in reference to §1368 of the California Penal Code, which was the section invoked when an attorney wanted to declare a doubt about a client's competence and request the type of assessment that Andie conducted. Except that Katie, Jeremy's public defender, had never declared a doubt about his competence under §1368.

I asked Katie about this: how was it that Andie had gone about conducting a §1368 assessment in which she found Jeremy not competent and worked with Jimmy to provide him medication when Katie had never declared a doubt? Katie told me that Jeremy's was a "quasi-1368" case, which she explained, upon my inquiring, as "basically a legal fiction that we created…wait, let me back up." In the course of "backing up," Katie told me that, in normal criminal courtrooms, declaring a doubt by invoking §1368 stops the criminal proceeding until the defendant is found to be competent by a psychologist, like Andie. "Once someone declares a doubt, the case is kicked to a psychologist, who is supposed to come to a finding on competence. If the psychologist determines that the defendant is competent, the state is supposed to continue processing the case as it had before the declaration of a doubt, just on a delay. If the psychologist determines that the defendant is not competent, the state is supposed to send the defendant one of California's locked psychiatric hospitals for treatment until a psychologist determines that the defendant is competent, at which point the case is returned to the courtroom that sent the defendant to the psychiatric hospital.

"But the trick," Katie continued, "is that all of the psychiatric hospitals are backed up. There aren't any beds. So if a defendant is found to be not competent and in need of treatment at a psychiatric hospital, they have to wait in jail, usually for months, for a bed at one of those hospitals to open. It's really painfully, painfully slow, even for us." Katie

paused while I scribbled notes, quietly. I saw her look over her sunglasses at what I was writing. "Oh! Quasi-1368," she reminded herself. "There's a bigger trick to that: the psychiatric hospitals are run by the State of California, right, and the criminal courts are run by the counties—we're the Santa Clara criminal court. Santa Clara, the county, has a contract with California, the state, to send our §1368 cases to state hospitals. You might question that contract, as to whether the state is actually providing the care that it says that it does. You know, at the point where 'providing care' means that you wait in jail for months before you even get to the psych facility and then the care, once there, is.questionable.But anyway, even assuming that that *counts* as providing mental health care, even if you count that as the state holding up its end of the bargain, even then – we only have a contract for felony cases. We don't actually have a contract with the state for misdemeanors.[14] For people with misdemeanors, if you doubt their competence..." Katie's explanation faded off.

"Well," I asked, "what?" I looked up from my notepad. "'For people with misdemeanors, if you doubt their competence...' – what?"

Katie shrugged. "It's just a void. There isn't, legally speaking, an end to that sentence." I was baffled and I am sure that Katie saw it on my face. She smiled and nodded, "Right. So, quasi-1368. That isn't law anywhere outside of our court, it's just a phrase someone in our department came up with, I don't even know who anymore. It's how we refer to cases that are misdemeanors where someone, it might be me, it might be Phil, but it is usually me or Andie or the judge, has a question about the client's competence."

"What happens with those cases?"

[14] Recall that felonies are criminal charges that are more serious, and carry heavier sentences, than misdemeanors.

"What you saw. Andie will do the assessment. If she determines that the client is competent, the issue disappears, but that's not usually what happens. And if she determines that the client is not competent, we'll keep them in court for a while, to see if we can hook them up to services or meds or whatever, and after a while, we dismiss the charges. Manley tells the client that they've graduated, to make them feel proud of themselves, and he gives them a hug and congratulations, the usual, and then they're done with our courtroom. Even though Manley tells the client that they're graduating, they're not really completing the program. Like, it is not noted in their case file that they successfully completed probation or anything like that. The case just disappears once we've dismissed the charges."

Jeremy's case was eventually dismissed. He hadn't come to court, even though his case was set for review. As the court turned to the cases of people who hadn't shown, Martha had performed alarm, exaggerating her concern, "Where's Jeremy?"

Katie had cooed in the same way that Martha had months before, "Jeeeeeeremy! Oh, honey, that kid has a hard enough time getting himself anywhere. I'm sure he's just at Jimmy's, 'sitting around.'" Jeremy hadn't picked up any new police contacts. In the intervening months since his assessment, whenever any of the clinicians asked him how he was doing, they told me, he would just say that he was alright, "sitting around."

"We're not getting anywhere on this one, Judge," Andie had said. "He's not competent and I don't see that changing any time soon. We could wait to graduate him until the next time that he comes to court or we could just do it now, so that he doesn't have to worry about getting here." It was not clear to me that Jeremy did ever worry about "getting here." Manley agreed that it was probably best to just make the case go away.

Phil, the prosecutor, knew what to do: "Your honor," he announced, "I'd like to make a motion to dismiss the charges against Jeremy Einstadt in the interest of justice."

Manley nodded with vigor, "Yes, I grant Mr. MacGrady's motion to dismiss the charges against Jeremy Einstadt in the interest of justice."

In place of the state's "void," the mental health court offered dismissal, a release, a letting go. In the interest of justice.

What was justice's interest? Without Jeremy's name being included on the roster of people whose housing was subsidized by a grant from the court, he would likely be kicked out of Jimmy's. It seemed unlikely that Jeremy would come into any money on his own. Andie had tried to track down those family members with whom Jeremy had said that he had lived, noting that she hoped that they were not "the same fools who let him drop out of school before sixth grade." It didn't matter: no family members were found. Jeremy would likely end up back on the streets, though everyone hoped that he would be able to find a couch to crash on, like he had said that he had done before. In trying to avoid falling into the void created by the absence of a contract between the county and the state for psychiatric services and the perceived nullity of the contract that did exist for psychiatric services, in the sense that Katie and Judge Manley doubted the actual provision of care in light of the extreme delays, the mental health court professionals created a void of their own.

2

"It's just a void," Katie had told me, in explaining the law's silence on what to do about people who had been charged with misdemeanors and whose competence was in doubt by someone on the court team. It is a void that I see the refracted in the solution that the mental health court attempted to implement in response: the dismissal of charges in the interest of justice. Katie had invoked the term in reference to discourse: in the unavailability of an end, "legally speaking," to the sentence, "For people with misdemeanors, if you doubt their competence…" I see the void into which mental health court adjudication opens out when clients' misdemeanor charges are dismissed more materially. It is a void that opens out to homelessness and transience. It is a void that also engages the end of a sentence – a criminal sentence – ambiguously. And, in its ambiguity, it is a void that challenges the parameters and aspirations of mental health court adjudication. The concern elicited by dismissing charges, professionals' concern about a client whom they understand themselves to be relinquishing to homelessness, invited reflection on the inability of the alternative – keeping the charges, keeping the client in mental health court – to achieve other ends. Jeremy, Andie and Katie and Martha sadly agreed, would probably end up back on the streets either way. Quasi-1368 cases occasioned an uncomfortable reflection on the ends of mental health court adjudication, which were frequently indistinct from the ends of no adjudication at all.

I am not suggesting that the void onto which competency cases opened is meaninglessness. And I am not pointing to an utter absence of a symbolic order. Rather, I

am pointing to the instability and shakiness of the order invited by the type of surreal signification that I saw in the unfolding of relationships between professionals and clients in mental health court. Meanings overflowed and could not be pinned down; meanings were not stabilized by contestation and debate and negotiation among court professionals and clients. Those types of contests and debates and negotiations gave rise to more meanings still, but not in contradiction to one another. And, I have suggested, the ambiguity of meaning was sustained by the type of caring relationships to which adjudication aspired and to which adjudication gave rise, even as such dissociation contravened the courts' other stated aims of holding clients and social service providers alike accountable.

To me, there seems to be a connection between "void" and "collective effervescence," as Katie and Durkheim present their respective terms as domains beyond discourses of accountability, for better or for worse. But thinking back to Durkheim's description of the *corroboree*, the description of a ritual that brought about collective effervescence so intense and powerful as to dissociate distinctions between the self and the social, I am struck by that other strand of his argument, in which the excess of categorization is brought about by an intensification of order. The unbridling of passions so as to decimate the category of the individual is, for Durkheim, prompted by "a certain order" that "permits the group's harmonious movements, their gestures and cries are inclined to be rhythmic and regulated, and become chants and dances" (2001/1912: 163). Perhaps a difference, here, is methodological: Durkheim, of course, was engaging in speculative ethnology, drawn from the fieldwork of others, rather than fieldwork of his own.

In the course of my fieldwork, though, I was consistently impressed by the *thinness* of order demanded by the production of affective excess. In a space of dissociated meanings,

selves, and categories, professionals and clients found more to doubt than to know. How little, I found myself returning to again and again, needed to be shared or ordered or agreed upon or even coherent in order to sustain that mode of affective encounter between clients and professionals that pushed their interactions beyond registers of accountability. And that care that was generated, as against orders of accountability, only further voided stable meanings, as the affective aspects of encounter further encouraged clients and professionals to suspect and suspend the categories and meanings through which they were primed to interpret the encounters in which they engaged. I see it as no coincidence that the best that Katie and Manley and Andie and Martha felt that they could do for those clients charged with misdemeanors whom they suspected to be incompetent was to release them from court, much in the same way that Clara had released Willie from class. The abeyance of stable categorization demanded by their relations of care with clients was hardly much material with which to build a stable system of their own. The only *end* of the relational spiral of care and accountability was to embrace the void and simply let go.

3

Only a few months after I went to visit him in custody, Dragomir was released to live at Jimmy's. He had continued to put on weight in custody; by the time I went to Jimmy's to pick Dragomir up to spend an afternoon together, one of the last we would pass together before I left the field, I was taken aback by how much bigger he looked. I had brought my dog with me to go sit in the park with us, as I had usually done before the latest arrest; when Dragomir gleefully plopped down on the sidewalk to play with the dog, a normal pre-custody interaction, the dog scampered behind my legs. "He doesn't know me," Dragomir said. "He only knows Harriet." The last time that I had brought the dog with me had been before Harriet had fallen in love with Tamar and turned into Dragomir. Dragomir looked discouraged.

He perked up upon sitting down for a picnic in a park only a mile or so away. As he had in custody, he quickly and energetically turned to talking about Tamar, though, unlike he had done in custody, he spoke of her, sometimes, with anger. He understood her to have left him, that they would not be together in the future. She had promised to return his CD collection, he said, but she had not done so. She had promised him a life together, in a home, with her daughter, Dragomir said, but that would not happen. She had reneged on all of her promises. I commented on how he sounded angrier than usual to me, to which Dragomir had shrugged, "Maybe." He continued, "Part of my is purely angry and part of me is purely in love. They're different parts." I made a comment about how challenging fighting with people you care about can be and Dragomir corrected me, "No, that's not

quite what I mean. I'm not torn about my feelings for her. There's one of me that loves her and there's one of me that hates her." He fractionated himself, avoiding having to reconcile ambivalence, and letting it sit, out in the open, in non-contradiction. And then he did the same for Tamar, fractionating the "her" of his previous sentence, "She's dissociated too, I know that. Most people are, even if they don't want to admit it. But there aren't parts of Tamar that I love and parts of Tamar that I hate. There's a Tamar that I love and a Tamar that I hate. It's pure." The "purity" of Dragomir's feelings was only made possible by their multiplicity; dissociation prevented the impurity of contradiction.

At some point, Dragomir asked me if I preferred spending time with him or with Harriet. I told him that I was not sure how to answer the question, that I understood that Dragomir and Harriet were different people for him, but, to me, my experience was of interacting with one person. It was like being surprised by someone, I tried to explain, when you learn something new about someone you thought you knew. Dragomir laughed at me and threw the daisy chain that he was working on in my face. "That's absurd," he said, "what is there to be *surprised* by? When someone surprises you, that just means that they have become someone else. When you *know* someone, there is no such thing as surprise." I returned Dragomir's question: did Dragomir and Harriet feel differently about me? He too could not answer. "I can remember some of Harriet's thoughts, in the distance, but I can't feel her. I can't be responsible for how she felt."

Dragomir's insistence on the ways in which Harriet's was unaccountable to him reminded me of a different conversation, one between myself and Harriet, on a different patch of grass, one close to the home that the bank had taken away from her mother. On that day, Harriet told me about how she had been arrested for putting Rebecca in an asphyxiating chokehold. "After all of these years, I still can't remember putting my hands

on my mother," she said, in between bites of Kung Pao tofu. "I remember standing in the doorway and seeing this figure hurting my mother, like really going at her. And when I saw that figure attacking her, I wanted to help her, I wanted to help my mom. I can kind of remember taking my hands off of my mother's throat, but I can't remember putting them on her. Earlier in the day, I remember, I said to my mom, 'Leave me alone, go to my sister's.' I wanted her out of the house. I was feeling really unstable, and she wouldn't leave me alone. I think that she wanted to take care of me…It doesn't really make sense to me? Why would I have attacked my mom in front of an open door? Instead of letting her leave? I guess, I closed the door? After I attacked her. She said that she wanted to leave, that she wanted to go to the hospital because of her throat because she was scared of me and couldn't breathe, even after I had let go, but then I didn't want her to leave. I was afraid of myself. I needed her. At some point, she called my sister and my sister and her husband came over to get my mother. I was terrified of them when they got there. I screamed. I actually hid in the bathroom. And then, when they were about to leave, I ran out and asked them to take me to the hospital. My sister was protecting my mom, she wouldn't put us in a car together, so she called 911 again, thinking that the police would come for me and take me to the hospital, like they did last time. But this time they booked me in the county jail." The Santa Clara County District Attorney had charged Harriet, charged Evan, her legal name, with elder abuse. She could not account, Harriet had said, for putting her hands on her mother, she could not remember. In Harriet's view, it was *surprising* that her body had attacked her mother. Harriet loved her mother. She would not have done that. It must have been someone else.

Once – before Dragomir was released to Jimmy's, back when Rebecca and I were spending time alone together, driving around to visit Dragomir in custody or to wait for a

court hearing or talking by phone, conversations during which Rebecca would update me about what was happening with Dragomir's public defender – I had asked her, obliquely, about "Harriet's arrest." I wanted to hear her talk about what had happened, when her child had choked her, but it felt, in some ways, like an inappropriate thing to want to hear. I approached the topic awkwardly and with trepidation. I stumbled over a few questions with such anxiety that I could not even recall the words that I had used when I sat down to write notes immediately after the fact. But, whatever I had said, Rebecca had caught on. "Oh, the choking," she had said, rendering verb into noun, declining both subject and object. "The choking." I noticed that, however awkward I had become, Rebecca's tone did not change in the least from whatever it had been that we were talking about before.

"Listen, Jessica," she said, "I love my children. If you ever have your own, you will understand. I love them and nothing will ever change that." At the time, I understood Rebecca to be referencing her two children, her son, Evan, and her daughter, Jackie. Now, though, as I write, I wonder if there was not room in her plural – "my children" – for Dragomir and Harriet and Otam and Alex. I had seen Rebecca annoyed and frustrated and furious and despairing and bored and tired with Harriet and Dragomir. None of that contradicted her love. Rebecca continued, "I don't think about it because I can't. And I don't think that I should have to, really. Why hold on to that? How is that any *good* for me? What is good for me is loving my children. And I do. I love my children. And so I just let it go."

Part Three

TRAUMA; or, On Complicity

The Unassimilable

1

It would be the last time that Kaushik and I would spend time together in person, though I did not know that as I drove from San Francisco, down the ridge of the Peninsula, to the flattened strip mall which contained the detox center where Kaushik was staying in San Jose. In retrospect, I am unsure if I would have spent my time with him any differently, had I known that I would never see him again. I am further uncertain of the relationship between our interaction that December day, just before the turn of the new year, and the happenstance that it was to be our last face-to-face encounter. Perhaps our dynamic that day led me away, though I did not process the day's circumstances that way in the moment. At the time, I focused on the road, the drumming of rain on my windshield, the podcast that I had put on to entertain myself, to keep my thoughts and apprehensions at bay while driving the hour and a half from one city to another. Neon signs along the side of Highway 280 warned of perilous driving conditions: even though the rain might not have seemed like such a bad storm, the dirt along the side of the road was unused to any precipitation whatsoever in the middle of California's drought. The absence of any rain leading up to the storm made it so that the rocky soil would push the water back rather than take it in. It couldn't absorb the shock of wet. Beware of floods, warned the signs, pools of water lapping into the roadway, making the edge of the road impossible to discern from the edge of the mountainside. I pushed worries that this drive would not be worth it out of mind to try to navigate the flooding—what if Kaushik was no longer at the detox center, he had left

voicemails days ago, I hadn't been able to reach him by phone, he had a penchant for leaving, focus on the road.

The New Day Detox Center is just off of the highway, located in a single-story ranch style building surrounded by parking lots. It shares the structure with a Medi-Cal office, though the office's shades were drawn and lights were off during that day's business hours, with no posting on the door or window as to when the office would be open.[1] The building is nestled up against the complex that contains the county's public hospital; as I pulled into the parking lot at New Day, I realized the oddity of never having been to this part of town before. Many of the people with whom I worked had spent time at Emergency Psychiatric Services, housed in the county hospital, but I had never set foot in the door. Everyone whom I knew, Santa Clara mental health court clients and psychologists alike, did everything in their power to avoid Emergency Psychiatric Services; I appeared to have followed suit. As I looked at the building from my car, I still could hardly see it. Signs indicated that there was a building somewhere in the mess, but all that I could see were cranes and construction lights and scaffolding, eerily shrouded in a thick mist from the unexpected storm. I recalled hearing controversies in the courthouse hall that the county might not be able to pay to complete the construction. From my parking spot, though, I could see the McDonald's just across the street from the sign pointing to Emergency Psychiatric Services. I recognized the McDonald's as the spot where Cheryl, another courtroom client, lives. She sleeps under the tree next to the golden arches of the drive-thru

[1] Medi-Cal is California's version of Medicaid. At the time of my fieldwork, Medi-Cal was supposed to be expanding to disburse federal monies through the Affordable Care Act to provide health insurance to indigent individuals of any age or gender. Prior to the Affordable Care Act, Medi-Cal only covered children and pregnant women. At the time of my fieldwork, California was just beginning to implement the expanded version of the program, with a particular focus on enrolling formerly incarcerated individuals.

sign. Every week, the employees call the San Jose police to complain about their unwanted and unpaying tenant. Every week, the police arrive and escort Cheryl from her home across the four-lane street to the door of Emergency Psychiatric Services, where they place her on a psychiatric hold, forcing the psychiatrists to keep her for seventy-two hours. At the end of the seventy-two hours, the psychiatrists release her and she walks back over to her tree, and the process repeats itself. She has nowhere else to go. But I was procrastinating: imagining the hospital, remembering the stories that I had heard from people who had spent time there, looking for any of Cheryl's belongings by the tree on the corner. I had driven here; it was time for me to see if Kaushik was still inside.

Two middle-aged women stood behind a reception desk. They were both wearing scrub-tops, as nurses do. When I asked for Kaushik, one of them passed me a visitor's nametag and pointed back towards a guest area. It was a large room arranged with plastic picnic tables. I wandered up and down the aisles between the tables, looking for Kaushik among the groups of people whom I presumed to be visitors. I didn't see Kaushik and returned to the front desk to ask if there was anywhere else he might be. The woman pointed in the opposite direction and directed me to the small kitchen, though the room was empty but for a pot of cold coffee and a carton of orange juice left out on the counter. When I returned for the third time, the woman with whom I hadn't spoken reminded the one who had pointed me to the kitchen that Kaushik had stepped out earlier in the day. The woman told me that visiting hours were to end in an hour and a half, but said that I could wait for him.

I walked over to a drooping Christmas tree and took a seat. People without visitors' passes stared at me; unusual, I imagined, to have a visitor without someone to visit. Several

men whom I came to learn were residents took turns sitting in the chair next to me, asking me about how I knew Kaushik. Soon I was surrounded by company, none of whom I had known upon arrival. Justin, a "friend of Kaushik's," he told me in his only uttered sentence, silently sat across from me and slowly peeled an orange. He got up to plop the meat of the orange in the trash and returned to his seat to eat the rind. Construction-paper candy-canes, Rudolphs, snowflakes, ornaments were taped to the walls around our little group, each decoration slightly askew as some of the tape had unstuck from the wall, each dangerously close to falling off of the cinderblocks entirely and into the miasma of chainsmoke emanating from the carpet. Carl told me that he was at the detox center because his wife was dying of cancer. He had taken care of her for a year and a half before moving her "into a home." She was supposed to die any day and he was worried that he was going to turn to the bottle and relapse. His speech turned in slow circles, "So I'm here. She knows I'm here. It's hard. She's terminal so I'm worried about what my life will be like when she's gone. And I'm, well, I'm ashamed because I was taking care of her but then I couldn't do it anymore. When I went to visit her, it was just so sad to see her, in bed, being taken care of by other people. I wanted to take care of her by myself, but I couldn't. I wish I were there now. She's okay with me being here. She knows that I need to be strong, I need to get strong for her, that's one of the main reasons that I'm here. I don't want to be negative, you know, or give her my negativity when I see her again, but I don't know when that will be. She has to have fluid removed from her chest every few days now. I guess that I just wish that I were more of a help. So I'm here. I'm here." They had been married for thirteen years. A few strands of tinsel beside us glinted in the florescent light as they slipped off the tree and onto the crusted-over, forest-green carpet.

I was in the process of giving up— jotting down the phone number for the payphone on the wall behind the Christmas tree, writing Kaushik a note to pass along to one of his friends—when he walked in the door. He saw me, gave a huff and a roll of his eyes, and then beamed, wrapping me in a hug, "God works in mysterious ways, woman!"

Kaushik was keen. The constant flicker in his eyes made clear that he was, temperamentally, always a step ahead, always scheming and anticipating. I watched him chart a mental course for us, eyes flitting here and there around the room in which we stood, as he decided what he wanted to show me, before we actually embarked upon his tour. He took me first to the kitchen, which I declared that I had already discovered it, "I'm an old pro—I know where the food is, I've made some friends, I'm ready to move in," and he laughed. He jabbed a hand into his backpack and extracted a Martha Stewart Living magazine that was soaked through in only one corner, which he left, without explanation about the origins of the magazine or the partial sogginess, on the countertop next to the orange juice. We wound around the hallway, just past the main meeting room with the white plastic tables, and he opened a door into a small room off of the hall. I saw three twin beds; his was the one by the window. Chests and bureaus were crammed between the beds; the room was hardly big enough to hold the furniture, much less three men. Kaushik cracked a joke about how it was a good thing that neither he nor his roommates had any items to actually bring with them, or else there wouldn't be any space in the room. Before moving into New Day, Kaushik hadn't had a home. He had split his time among street corners, highway overpasses, parks, and sometimes, when she would let him in, his mother's home.[2] Kaushik's only belongings were the things that he could fit into his backpack. One

[2] Treatment at New Day is not free, though it is a county-contracted service and is not considered "high-end" or particularly high quality. Though he is homeless, Kaushik managed to qualify for Social Security Disability

of those things was a tightly folded felt Christmas blanket, which laid, at the moment, on the foot of his bed. Kaushik pointed to it, "When I get out of here, I want you to have that." He turned around to face the visiting area and found us a few seats.

Kaushik and I had met earlier that same year at Santa Clara's mental health court, when he was a client. He began our time together at New Day by gesturing to the inefficacy of the court that had promised to help him. Kaushik had been diagnosed long ago with bipolar disorder; the week before, he said, he had been feeling "manic." He had gone to the courthouse to look for me, but couldn't find me. Instead, he had found Andie, one of the mental health court psychologists. "She tried to help me the best she could," Kaushik narrated, "because I was so crazy! So crazy! Yeah, yeah, yeah, the booze and the crack too, that's like Kaushik. Manic! Andie, she tried to get me into EPS [Emergency Psychiatric Services], but they wouldn't take me. Nothing that she could do. I'm trying to figure out what happened to me for *two days!* I have no idea. And I look wild. You know how I change, right? I'm in such a bad psychotic state of mind. That I'm trying to get help. I even tried to get arrested. To get help, but they wouldn't take me in. See, that's the funny part. That's the funny part. The man upstairs is mysterious. Because he doesn't say how he's going to do things. So I had to call myself and get myself into this place. It was time. I've had to learn. To let him be in charge." He swung his head in a knowing laugh, "But I'll tell you. It ain't been easy."

With a dismissive wave of his hand, Kaushik moved on to catching me up on other things, each item attended to by a small object from his backpack. He took out a small pad

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Insurance (SSDI) because of his bipolar disorder. SSDI pays approximately $850 per month, which is not enough to pay for housing and food in the Bay Area's current housing crisis. Services at New Day are on a sliding scale. Because Kaushik is at the bottom end of that scale, he expected New Day to take approximately 1/3 of his monthly benefits before allowing him to access the remainder.

of paper, where he kept phone numbers for people he once knew, whom he would call during his "night time business," though no one ever answered, lately. He took out a small, folded Xerox of scripture, with his favorite prayers on it, to which he had added a few stickers from Cars, that Pixar movie. He took out a tattered Valentine's Day card – the perforated and manufactured kind that schoolchildren pass around their classrooms every February 14th – that Alyssa, a woman with whom he had lived for many years after being released from prison, had given him long ago.

And then, the conversation took a turn. Kaushik reached across the table to playfully grab my nose, like a grandparent might do with a young child, and then said: "I want to tell you. That you do not. Condemn men. Or condemn women. To life time registration for a sex offense. Because the judicial system, it's all about winning. A chess game. And they use people. Like bait. Like when you go fishing. They use human beings as bait. Male or female, it don't matter, they traffic in people. If a female menstruates, you can excuse that, right. You know, by law, in my convict mentality, you got persons who can be rehabilitated. Who did a wrong. But if you do something to someone who is not a woman yet, there is something definitely wrong with them. Do you understand what I'm trying to say when it comes to that sensitive topic?" He continued, gravelly, eyes and voice low: "I wouldn't want to see nobody violate you. No, I wouldn't want to see nobody violate you. If someone were to violate you. It would anger me. But then, I would take that person out, but then God tells me, you know, my master says no, leave it to me, because you're not judge, jury, and executioner, I am. But if someone were to violate you, Jessie, of course I'd be upset. I might give them a little beat down. But then it's up to God and the authorities."

One of the women from the front desk came over to tell us that visiting hours were almost up. I was relieved to not have to engage with Kaushik on this point, one that I didn't entirely comprehend but that I understood to take my hypothetical rape as its starting point in a way that unsettled me. I stood up and gave Kaushik a hug goodbye and he walked me out through the lobby, through the still-gathered group of guys with whom I had sat by the Christmas tree, and towards the front door. He gestured to the crowd that was mobilizing around us, "You're not one of us." One of us— the indigent, the convicted, the addicted, the unfree. "You're not. You're learning about us by talking to me. I'm giving you *the guts*. Things that aren't going to be in a book until you write it. Trauma. That's what I'm teaching you." I nodded and got into my car. I waved and locked the door.

2

My education in what Kaushik called "trauma" had begun months before Kaushik's lesson. He had introduced his comments through a discourse of vulnerability: he is an addict, he had to learn to submit to God, he had to accept his own powerlessness—an embrace of vulnerability as a form of protection. And then, in one quick clause, he had pointed to my own vulnerability: "If someone were to violate you." Vulnerability and violation went hand in hand.

A few months before, I had been sitting in a park eating bagels and hummus with Harriet. It was early fall then, dry, when rain had seemed unimaginable. The drought suited Harriet's homelessness; at least, she would say, she didn't have to worry about getting washed away. The last time that she had had regular access to food was nearly a year ago, when she was incarcerated. Harriet had lost her driver's license and the county foodbank required an ID to access its stores. I had tried to take Harriet to the DMV to get a replacement license, but she wouldn't let me; she had an outstanding ticket from a trip that she had taken without her probation officer's approval months earlier and she was concerned that applying for the paperwork that would let her in to the foodbank would trigger a notice to her probation officer that could get her in trouble with the court. I noticed that the notches on her belt were no longer sufficient to secure her jeans to her ever-shrinking waist; she had jerry-rigged her leather belt with a piece of duct tape to compensate for the absence of a tight-enough belt hole.

Harriet paused between bagels. Chitchat had run its course. "Did you hear what happened?" she asked me. I had heard. I had been struggling to find other topics of conversation because I had wanted to ask her if she had heard. It was all over the news. If she knew, I wanted to hear her thoughts and reactions. If she hadn't, I didn't want to be the one to tell her. And so I had avoided the question in its entirety. I told her that I knew.

At first, Harriet only responded to my acknowledgement with silence. The suicide attempts would come later. Finally, she again looked up from dipping her bagel in the tub of hummus, "I've been dreaming about him, you know. Sometime it is hard to tell if it is a dream or just…a thought…but he has been in my mind. Did you know that Michael was my best friend when I was in custody? He was such a gentle soul. He was the kind of person…he was always talking to his friends that I couldn't see, and I actually felt badly that I couldn't see them." Harriet partly smiled, and partly choked. She cleared her throat before continuing on. "I can't really believe that that happened to him. But then I don't know why I can't believe it. Maybe it was coming all along."

Something happened to Michael.[3] We know that he was in custody, in the Santa Clara County Jail. We know that he had been there before and that this most recent period of incarceration began in May 2015. And we know that in late August of 2015, a correctional officer would call the facility's emergency staff to Michael's cell, where his body was splayed, face down, in a pool of shit and vomit and blood that stuck to his jail-issued uniform. And while we know that some of the effluvia could be scrubbed from the corpse, the dusk of bruising could not be washed away; his family would have a closed casket at his funeral.

[3] I use Michael's true name as what happened to him was widely publicized in local and national media.

3

Trauma, writes Freud, demands a rethinking of the subject. In a stark departure from his earlier theory of the pleasure principle, that which motivates psychosexual drives, Freud encounters in trauma the possibility that some unpleasant experiences contain "no possibility of pleasure" (1961[1920]: 21). These experiences, linked to traumatic neurosis, are subject to "a compulsion to repeat" and yet, their repetition neither elicits pleasure nor mollifies the strength of the displeasure (24).[4] Freud's reconsideration of the universality of the pleasure principle stems from his observation that, were the pleasure principle "dominan[t]," one would expect "the immense majority of our mental processes" would involve pleasure (5). They don't. And so, in place of the totalizing drive towards pleasure, Freud introduces a countervailing dynamic: the "death instinct" (53). The drive towards pleasure can destabilize the subject as it pushes him through the world; Freud now insists that it is weighed against a drive towards inertia, death, the most profound form of stability and therefore, ironically, self-protection. Thanatos balances Eros. The tension between the two dramatically reorients the image of the subject. Drives and instincts are now, with the inclusion of the death drive, dynamic and responsive, rather than forces that unilaterally and unabashedly proceed towards pleasure. The dynamism of interior drives pivots on a

[4] Young (1996) and Fassin and Rechtman (2009) provide cogent social histories of the concept of trauma. As both note, "traumatic neurosis" conceptually predates Freud's invocation of it, in early development through the work of Charcot. Fassin and Rechtman carry their analysis from these early days to the present, in which trauma is the "major signifier of our age" as it comprises "our normal way of relating present suffering to past violence" (2009: xi).

fulcrum of external reality; in balancing pleasure and stability, the subject must, in turn, respond to his environment and, sometimes, attempt to keep a destabilizing environment out.

Freud describes this balancing act in economic terms (3, 13, *passim*), as a ledger of external positive and negative experiences scaled by their degree of "excitation" (5, 32). In his view, the human psyche is a layered orb, wherein the "cortex" (32) functions as a receptor to both internal and external stimuli. The cortex protects the psyche from overly-exciting external stimuli, but "there can be no shield" (ibid) for internal excitations.[5] The problem, then, is one of "breach" (33): once an external stimulus punctures the cortex and is integrated into the psyche, or becomes an internal stimulus, its destabilizing forces become more difficult to resolve. These external stimuli, the ones that manage to break through into the interior of the subject, are "traumatic" (33). And they are of great effect: traumatic neurosis assumes "precedence" (41) in relation to the pleasure principle, such that all functions of the psyche are "for the moment put out of action" (33) in the presence of traumata.

This is the point of it all, for Freud: traumas are events that become kinks in the psychic system, that prevent a dynamic equilibrium to develop between life and death drives and instead direct the subject to "return to the inanimate state" (46), to shut down. Freud establishes trauma as a relation between interior and exterior, only to delimit his own analysis to the subject's interiority. He draws a map of an environment, of an emplotted subject such that the subject is exposed to external stimuli, and then myopically

[5] Projection, then, is the externalization of internal stimuli so as to numb their psychic impact (Freud 1961[1920]: 33).

reduces his scope to the subject. What of that which lies beyond?[6] That which cannot be contained by a single psyche? Traumata *move*: for Freud, they move through a psychic cortex, penetrating ever deeper and more repressed layers of the subject. They dig down and flair up, sentenced to endless repetition without resolution. But what if traumata were to also move among people and flow through social relations? How might we reconceive trauma as a feature of the social rather than as a feature of the subject?

But, one might object: does Freud not, himself, accomplish his task of scaling to the social? Indeed, one might argue, Freud himself scales trauma to the social, most significantly in *Moses and Monotheism* (1939). And, more broadly, he broaches the relationship between psyche and culture in *Civilization and its Discontents* (1989[1930]). But these are very particular projects in scale. Freud treats culture as a psychic entity, a singular subject, on its own. Just as the ego arbitrates competing drives within the subject to produce singular action, so too does culture, in Freud's view, assimilate internal differences to produce social cohesion. My turn to the social in regard to trauma inverts Freud's orientations; in place of unity and cohesion, let us consider discrepancy. What about

[6] My argument, here, in specific reference to trauma, gestures to a broader critique of psychoanalysis's privileging of the subject over the subject's context, most famously articulated by Deleuze and Guattari (2010[1983]). Their critique of psychoanalysis, like Derrida's (1998[1996]; 2002b), rests on field's overdetermination of the subject. For Deleuze and Guattari, Freud mistakenly privileges the family over the social field as a whole. Derrida, too, critiques Freud for stabilizing his subject: this time, Oedipus, taking aim at the heart of Freud's thinking. Derrida takes issue with Freud's reading of *Oedipus Rex* and the convenient elimination of any consideration of the social context surrounding Oedipus. After all, Derrida observes, Oedipus was not *only* Laius's son, he was also a *king* (2002b: 260-261). Derrida points to Freud's analysis as reductive and draws attention to the multiple other social valences through which Oedipus could be interpreted, his royalty being just one example of many. My reference to mapping, here, draws on Deleuze's engagement with the concept: "Children never stop talking about what they are doing or trying to do: exploring milieus, by means of dynamic trajectories, and drawing up maps of them. The maps of these trajectories are essential to psychic activity […] As usual, however, Freud refers everything back to the father-mother: oddly enough, he sees the demand to explore the building as a desire to sleep with the mother. It is as if parents had primary places or functions that exist independently of milieus […] The trajectory merges not only with the subjectivity of those who travel through a milieu, but also with the subjectivity of the milieu itself, insofar as it is reflected in those who travel through it" (1997[1993]: 61).

trauma is revealed when we approach it as flowing through a system, but with different interpretations stemming from different subject positions? What of conflict that does not assimilate?

As E. Summerson Carr and Michael Lempert insist in their call to consider the "pragmatics of scale," scaling is laborious (2016: 9-11). The work of scaling is inherently comparative, creating the terms of distinction invoked in comparison. Or, as Anna Lowenhaupt Tsing puts it in her turn to globalism as an ethnographic object, a scale can never be a "neutral frame," but instead must be "brought into being: proposed, practiced, and evaded, as well as taken for granted" (2005: 58). Carr, Lempert, and Tsing point to a doubling of scale, in which scale functions as both an emic and an etic category; our interlocutors scale in their everyday lives, as we do in our descriptions of them and, in doing so, they warn, we ought to be mindful of which equivalences we analytically reproduce. In contrast to Freud's assumption of equivalence between the individual and culture as subject, insofar as he sees trauma functioning the in the same way for individual and the collective, I shift to the social precisely to gain a different vantage point on trauma.

In other words, scaling can yield a new perspective. Scaling calls upon "powers of perspective, which unyoke the imagination and allow us to steal, play with, and ultimately manage even the most initially awesome spectacles of our worlds" (Carr and Lempert 2016: 3). I scale to the social to try to look at it anew. As with my earlier discussion of systematicity and coherence, starting points make a difference. Whether you begin with system or non-system, coherence or incoherence, subject or social influences the interpretation that follows, even if what follows acknowledges the significance of work that begins from a different location. I am interested in starting an inquiry into trauma from the perspective

of the social, rather than more common investigations that begin a study of trauma with the subject, because beginning with the social can accommodate the types of dissociated selves that I saw populate mental health courts. Whereas a study of trauma from the perspective of the subject might search for an account of how it is that a subject came to be traumatized, a study of trauma that begins with the social accepts those people caught up in a social flow as they are, declining to ask them to account for themselves. Sociality requires no particular form of subjectivity for flow. Sociality is all-encompassing, there is no way out, and, as such, makes room fractured and unsteady and incoherent selves and meanings.

This is not to contest a psychoanalytic reading of Kaushik, Harriet, Michael, myself, and others as subjects, though that is not the project I announce. Instead I seek a new position and a new perspective, one that plays with psychoanalytic insights, without limiting myself to their spaces or merely applying them to new contexts. Indeed, it is precisely my argument that trauma itself *changes* when it *moves*, here horizontally, among people, rather than vertically, or archeologically, within the subject, as Freud himself might appraise (Gay 2006[1988]). I am interested in scale as position, rather than equivalence, much as de Certeau scales from the streets of New York to the pre-9/11, pre-traumatizing heights of the World Trade Center to afford a fundamentally different view of the city (de Certeau 1988[1984]). In place of similarity, de Certau's interest is *difference*; it is exactly the change in perspective that yields a revised and expanded understanding of the city, his object of interest. What is revealed by a social understanding of trauma?

Understanding trauma from the perspective of a subject renders it as an event done unto someone, yielding stock characters of victims, witnesses, perpetrators.[7] Thinking of trauma as a feature of the social – as something that flows through social relations rather than freezing them – foils the assignation of responsibility.

[7] See Leys (2000, and my discussion below) for an analysis of the ways in which a victim of trauma might come to identify with its perpetrator. Ultimately, Leys works within representation; she is making a claim that the potential for identification within trauma precludes a clear position from which to narrate the events of what transpired. However, in registering this as a critique of representation, Leys implies that there is *an* event with *a* victim and *a* perpetrator; it is just difficult to ascribe the proper social role based on trauma narratives.

4

Responsibility can be difficult to stay. It grabs attention, becoming the lens through which we process unfoldings. The night that Michael Tyree sustained those deep bruises: he was an inmate in the Santa Clara County Jail. His jail pod was locked down for the evening. Inmates were not allowed to move between cells. Cell doors were locked shut. Three correctional officers were the only individuals able to move about between cells.[8] Another inmate in the cell across the hall from Michael watched the three guards enter Michael's room. He heard one voice screaming. He saw the three guards quietly exit the cell, flicking off the light switch on their way out, gently closing the door behind them, practically tiptoeing like parents who had finally put a fitful child to sleep. Not long after, the coroner confirmed Michael's death. Trauma to the spleen. Internal bleeding impeded only by death's arrival.

The three guards were eventually charged with murder. The criminal case is currently underway. The guards' attorneys have suggested in preliminary hearings that Michael died by suicide, maybe, or "an accidental fall from his toilet" (Kaplan 2017). No one is buying it. The guards were convicted in the popular press before they were ever legally charged. A county-wide commission launched after the death took Michael's murder as its point of departure: not a death, but a murder inflicted by representatives of

[8] Inmates moving about on the night of Michael's death has not been raised as a possibility, and I do not raise it for such a point here. However, just a year after Michael's death, three inmates managed to break out of their cells unnoticed and escape the compound (Kaplan 2016). Security within the jail may be less certain than one might assume.

the Sherriff's Department. The week after the murder, a high-ranking bailiff was unusually quiet inside of the county's mental health court. He would usually sit in the seat next to me and talk—chatting about his time in military intelligence overseas, his experiences in the county jail where he trained young guards, the young Iraqi translator he had helped to apply to graduate school in the United States. We would speak side by side, not looking at each other, his eyes focused on the jury box populated by inmates, mine moving about, trying to take in different courtroom encounters. Focus, for him, was not a zero-sum game. I never doubted his vigilance and was always surprised by the specificity of his follow up questions in our simultaneous conversation. He would repeat my words back to me, asking for clarification or elaboration. He paid attention, singularly, to multiple domains at once. But not the week after the murder. That week, he didn't open his mouth, clamped shut, thin as a line. And at the end of the hearing, he escorted the inmates back to their cages and didn't return to court to talk, as he would normally do. After the bailiff had left the courtroom, Roberta, one of the courtroom psychologists, clucked, her own head bowed, as if mimicking the bailiff's anomalous courtroom posture, "He can't talk. Not this week. He trained *those men*. He's devastated."

The violence of Michael's murder is beyond the pale. To speak of his death in any other terms feels almost sacrilegious. His murder chills, catching you with a thud to the gut. And yet: violence and trauma are not synonymous, attaching to different renderings of responsibility. Perpetration is alluring, its effects crying to be accounted for. But trauma, especially a social trauma, one that flows through systems and institutions and relations, is wound that scabs differently. For a social trauma, where does responsibility attach? Perhaps the clarity of the violence that killed Michael, registering in Michael's lacerations, the

bailiff's tight-lipped departure, Roberta's empathic hung head, opens a space in which to think differently. Responsibility only gets you so far: identifying victims and perpetrators only solves one kind of mystery.[9]

[9] In *The Truth about Crime: Sovereignty, Knowledge, Social Order* (2016), Jean and John Comaroff build upon Durkheim's idea that crime is the lens through which society imagines itself. One of the moments in which the Comaroffs see crime as the social sieve of reality is in the use of "divine detection" in South Africa, or the use of occult semiotics to solve crimes (101-124). In other words, they see social processes packing *into* the logics of detection: hence the appearance of the occult in state-run murder investigations. California is not so very different. Certainly, we could examine cultural logics at play in the modes of investigation into what happened that night in the county jail. The point I make here, however, is that the telos towards which the investigation is directed is *also* a culturally circumscribed end. In moving away from a frame of responsibility to understand Michael's murder, I ask after different ends. How might we differently understand the Michael's murder if we do not orient ourselves towards an investigation that results in the assignation of roles and, subsequently, responsibility? A turn towards a socially-embedded trauma asks that we explore this analytic otherwise.

1

Someone had promised to help Michael. It was a promise that illuminated the perspective that Michael was in need of help. The man who made promises: it was Judge Manley.

Before he was killed, Michael had been, like Harriet, like Kaushik, a client in the Santa Clara mental health court, the court over which Judge Manley presides. Michael's public defender and Judge Manley had encouraged Michael to participate in the mental health court, believing that the courtroom could help him. He had been in custody before, multiple times over the past several years, for small things: carrying drug paraphernalia, substance possession, sitting on a sidewalk by a church. And at some point during his times in custody, he had been diagnosed with schizophrenia. The problem, as Judge Manley saw it, was that a homeless man, like Michael, had no chance at successfully managing his schizophrenia. He needed psychiatrists. He needed medication. He needed to refrain from drug use with other homeless men. Katie, Michael's public defender, and Judge Manley had told Michael that they would be able to help him find social services, housing, a doctor, if he agreed to participate in their program. There is nothing to indicate that it was a hard sell.

Michael had appeared in mental health court to opt in at some point in summer of 2015. He had sat in the jury box, alongside other inmates, shackled to one another in pairs. That senior bailiff had watched him from the seat next to mine, his eyes doing due diligence. Michael had signed on the dotted line, consenting to the regime Judge Manley was to prescribe. There was nothing unusual about his case. And Michael would have been

sitting quietly during Manley's opening monologue. "I let everyone out of jail," Michael would have heard the judge declare. "This is a different kind of court, unlike any that you've ever been to. You tell the truth in here. You cooperate. And you will be let out of jail. You don't want to be in jail, that's a terrible place to be. You work with me, do as I say, and I'll let you out."

After Michael's murder, Manley would add a new line to his repertoire: "Our jail is one of the most dangerous in the country." As if the shackled men sitting in his courtroom did not already know.

2

As much as theories of trauma differently attempt to explain the shattering of a psyche, all invoke a particular rendering of knowledge as a constellation of facts that are either present, absent, or hidden: a rendering of knowledge linked to psychoanalysis's focus on the psychic life of singular subjects.[10] Freud introduces his use of the term "traumatic neurosis" with a meditation on war neuroses and railroad accidents (1961[1920]: 10), an initial inclination towards the relationship between the accident and trauma that emerges from Freud's reading of Charcot (Fassin and Rechtman 2009: 30-31). Thinking through the horrors of World War I, Freud ponders the relationship between the psychically destroyed veterans and injuries incurred "without any gross mechanical force" (1961[1920]: 10), an etiological mystery that Freud finds "at once enlightening and bewildering" (11). He turns to railway accidents to illuminate the mysteries of war through the constitutive element "of surprise, of fright" in traumatic neurosis (ibid). In fact, Freud distinguishes fright from anxiety precisely at the point of surprise: where anxiety is "the state of expecting the danger or preparing for it, even though it [the danger] may be…unknown" and fear "requires a

[10] You might object that this is a myopic understanding of psychoanalytic knowledge; after all, psychoanalysis obviously foregrounds (European, bourgeois) families. Psychoanalysis's focus on the family has been the object of abundant critique (Deleuze 1997[1993]; Deleuze and Guattari 2010[1983]; Derrida 1998[1996], 2002b). These critiques, especially those offered by Deleuze and Guattari, make much of psychoanalysis's hubris in presuming the family to be the primary point of social engagement for the subject. However, even if one gives psychoanalysis the benefit of the doubt and, for the sake of argument, agrees that the familial context is the primary site of psychosocial development, psychoanalysis cuts the social down to the size of the subject. The social is only relevant insofar as it bears on the subject's development. The subject is always the primary object, the telos of any consideration of sociality. I make this argument so as to ask how trauma, a concept developed in the context of subject-grounded psychoanalytic knowledge, takes flight when it escapes the individual and is released into the domain of the social.

definite object of which to be afraid," fright demands anticipation's absence (ibid). While fright still registers at the level of unconsciousness, then, it operates within a domain of nonknowledge. Knowledge, even an anxious and uncertain knowledge, inoculates the subject against trauma.

Accidents have become the archetypes of trauma because of their back-dooring of this problem of knowledge, fixing trauma as shock. Cathy Caruth foregrounds Freud's use of the accident as a means to explain trauma's definitional "incomprehensibility" (1996: 6). Caruth's aim is to understand trauma in relation to narration and history; her puzzling pertains to testimony. She interrogates possibilities for history when traumatic events induce "a history that is no longer straightforwardly referential" (11), a history that cannot be experienced as such. A traumatic event's inability to be narrated, for Caruth, stems from the tempo of its occurrence; the psychic wound is inflicted "too soon, too unexpectedly, to be fully known" (3). Caruth's description of trauma as not a "simple knowledge" (5) is meant to deaden it, to put it out of epistemological circulation.

But incomplete knowledge, even nonknowledge, is not such a homogenous domain. It is a starting point, not the end, just as socially transmissible as fact. What happens to shock, and to trauma, if someone *suspects*? Or *worries*? Or *was ignorant*, perhaps, but *should have known*? Beyond the propositional content of knowing, knowledge is an uneven practice with attendant ethical orientations. Scaling to the social invites a different engagement with knowledge, transcending the binary of presence or absence. When does the claim to ignorance, and therefore fright or shock, only hold in bad faith? The pragmatics of a flow of knowledge through social relations provide a normative check on individual claims to knowledge, ignorance, and anticipation.

3

In what sense was Harriet's homelessness unanticipated? Harriet and her mother, Rebecca, had been living together in the house in which Harriet had grown up in a middle-class neighborhood on the Peninsula.[11] Who is raised inside of a house and *expects* to live their adult life in a car? After separating from her husband, Rebecca couldn't afford the mortgage. The Bay Area economy was experiencing a housing crunch, thousands of homes were being foreclosed upon, it was widely covered in the press, how many families were being forced to live out of their cars (e.g., Allday 2009; Fair 2009; Nevius 2008). Everyone knew that this was happening all over the region. And, specifically for Rebecca's home, she had been given numerous foreclosure orders by the bank, told that she and Harriet would have to leave in 90 days and then 45 days and then 14 days and then the police would arrive to enforce the order. Then again, Harriet and her mother did not know that Harriet would be hospitalized, and then arrested, and then incarcerated, and that Rebecca would stop working completely so that she could be available for jail visits to comfort her increasingly suicidal child. They did not know just how quickly the money would run out.

Harriet knew that her homelessness was unlikely to change, though she imagined herself having a home one day. She could not figure out how to get from here to there, how to make herself a home. Or, she could think of ways, but she needed help to actualize them and that help was constantly denied. Harriet was never one to be quiet about the difficulties

[11] For a longer discussion about how Harriet and her mother came to be homeless, see Part Two (pp.225-234).

of living out of her car. She worried about feeding herself and complained about not having access to food. She worried about feeding her cats, who slept in the back seat of the car and on her stomach when she reclines her driver's seat to try to rest. Sleeping in the car exacerbated her preexisting back pain. In telling me about her life, she never applied sheen, never pointed to a single thing that she appreciated about her unhoused life. And who could blame her.

But the conversations in which Harriet's voice would rattle and tilt, when she seemed the most on edge, had to do with her sister, who grew up alongside of her in the house that was taken away from her family. Jackie, Harriet would tell me, was her best friend as a child, perhaps a relationship not unlike the one she had with Michael when they were in custody. They would confide in each other, try to understand one another, care even when those understandings failed. What scrambled Harriet was not only the starvation and the insecurity and vulnerability to others in the dark of night and uncomfortable encounters with the police. It was the knowledge that her sister lived fifteen minutes away from where she parked her car. Jackie lived with her husband and young son and, sometimes, Rebecca in a townhouse—a home, Rebecca told me when I went to pick her up at Jackie's house one day, that her daughter and son-in-law were only able to afford because it had been sold as a foreclosure. It had two stories, a yard, a spare bedroom, heat, a stocked refrigerator, a bathroom, a lock on the door, an elementary school down the street. Harriet told me that Jackie *knew* about her suffering. But Jackie would not let Harriet inside.

4

Remember: for Harriet, dreams are indistinguishable from thoughts. Memory and dream trampled over one another, occupying similar registers in her self-understanding. Sometimes, like in reference to her thoughts of Michael, she will comment on their indistinction. Early on, when we were first getting to know one another, I would spend time wondering if I was listening to memory or dream, and then, if it were a dream, wondering whether the imprecision could be attributed to starvation, or maybe the sleepless nights that Harriet spent living out of her car, her driver's seat-bed exacerbating her chronic back pain. Eventually, I stopped wondering, unsure of the difference that I was trying to afford to thoughts and dreams. For months, she told me, Michael was in her mind, though she herself did not know in what capacity. He was just there, waking Harriet to a reality that she says she ought to have anticipated.

"The other day, I was awakened from a short nap by knocking at my door just before I actually awoke" — a knocking that is first registered in a dream. So Lacan introduces his seminar to one of the dreams Freud analyzed, the dream of the "unfortunate father" (1978[1973]: 56). Lacan turns from his own startle to consciousness to a case, described by Freud (2010[1955]: 513-514), of a bereaved father's startle: a man's young son had died from a fever. Having sat by his sick son's bedside for days, the man wandered into the next room to rest after the boy died. The man left his son's body, surrounded by candles, in the care of an old man. While resting, the man dreamt his son was again alive:

"*his child was standing beside his bed,*" Freud recapitulates, "*caught him by the arm and whispered to him reproachfully: 'Father, don't you see I'm burning*?'" (513, italics in original). The dreamt-child's warning startled the father awake, at which point he saw that the watchman had himself fallen asleep, a candle had fallen, and his son's arm was aflame (514). Freud invokes this dream to service his early theory of dreams as wish-fulfillment: the boy chastises his sleeping father, commanding him to awaken, and yet, the father stays sleeping for that extra moment in order to see his son once again animate (ibid).[12]

But for Lacan, the dream of the "unfortunate father" signifies trauma. Freud employs the dream to dive into a theory of the subject, leaving the nest of social relations in which the dream is articulated untouched; he takes the dream on its own terms, whatever those may be. Lacan's aims are different and invoke a turn to the relational. The dream, he argues, can only be understood with consideration of the relationship between the father and his son. And, in this instance, it is a relation of knowledge as much as of love. The "reproach" of the child's utterance orients the dreamt-child and the sleeping-father around a problem of knowledge; the father *should have known* that his son was aflame. The significance of the knock on the door, the unexpected demands from a dead son, can only be interpreted when couched within the relationship of the two. Lacan follows Freud in attending to that brief moment before waking when the man continues to sleep despite his dreamt-son's imploration to awaken. He stays, for just a moment longer, sleeping. In contrast to Freud's original reading of sleep as wish-fulfillment, Lacan turns the fuzziness of that moment, the half-ness in which one sleeps and wakes, not entirely doing either. In

[12] Though not in specific reference to this dream, Freud later reconsiders his theory that all dreams furnish a theory of wish fulfillment. In *Beyond the Pleasure Principle*, Freud offers the revision that dreams stemming from traumatic events repeat without pleasure or the fulfillment of latent desires (1961[1920]: 37).

place of Freud's question – Why does the man keep sleeping? – Lacan asks, "*What is it that wakes the sleeper?* Is it not, *in* the dream, another reality?" (1978[1973]: 58). Like states of consciousness, reality itself is multiple and its iterations constantly blur, rendering reality indistinct from dream. The dream holds a part of reality hostage, for Lacan, a reality that can only be experienced in the dream. The trauma signified by the relationship between the unfortunate father and the burning boy is a different type of reality—a reality unhinged to truth. Or, as Cathy Caruth reads Lacan, trauma is "not so much an epistemological" as an "ethical relation to the real" (1996: 92).

But Harriet was only in part startled. She had, in a way, been warned. The startle at the moment from sleep to consciousness never occurred, as those states were, for her, indistinguishable. Her moment of belief coincided with a retroactive expectation; her acknowledgement of the reality of Michael's death is met with a sinking feeling that *she should have known.* The unfortunate father's dream delivers a reality that can only be experienced in the unconscious—unconscious, but not unreal. Harriet's visions of Michael, whose relationship to consciousness cannot be established, awaken her to a reality she says that she was partly able to anticipate, if not in her expectations for Michael's life and death, but in her fears that something of the sort would happen to her when she was incarcerated with Michael. The startle was not, for Harriet, that Michael died, but that she survived.

5

I had made presumptions about Kaushik before I got to know him, a self-conscious and shaky knowledge that preceded experience. I knew that I was actively assuming things and the knowledge of my practice of presumption bothered me. I also did not know how to stop. My assumptions acquired no positive content, but nestled, implacably, in the back of my mind as a constant airing of concerns, concerns without coordinates to assess their probability or relationship to truth. That day that I met Kaushik in the office next to the Santa Clara mental health court, the office staffed by Abby, the social worker employed by the court to assist clients, I remember her recoil.[13] Kaushik had knocked at the door, Abby had opened it, she had greeted him, pleasantly, and then had asked him to wait outside for one moment before welcoming him into the office. In that moment when the door was closed, before Kaushik was let in, a tremor passed through Abby's small frame, and I watched as she steeled herself for the impending interaction. She did not say anything to me in that moment, as she girded herself, but after Kaushik had left, she turned herself towards me and said, quietly, "I can never stop imagining what he did. It bothers me every time he shows up." That was all she said, but she hadn't really needed to say anything at

[13] Abby is not, in fact, a social worker. She majored in psychology in college and has no formal training or certification in social work. She is formally employed as a Program Coordinator for the county mental health court, but performs many of the duties as a social worker. Clients come to her with their needs and she addresses them. She helps people find housing. She signs people up for Social Security and General Assistance programs. She researches options for criminal expungements. She doles out bus tokens, allowing a free day of transit. Of all of the social service providers with whom I spoke during fieldwork, Abby was the most knowledgeable about county services, despite her lack of formal training.

all. Her shudder communicated the relentlessness of her daydreamed images of the crime whose commission Kaushik never denied.

I was leery of Kaushik the first day that we passed together, alone, outside of whatever protections or dangers were posed by the court and its personnel. The wariness never dissipated. But the first day, the one where we met at a church and then walked around a suburban neighborhood, together imagining the lives of the people whose picket-fenced yards we walked past, the one where Kaushik stomped into one such yard to pluck me an orange from a tree, where we went to a Starbucks and I awkwardly tried to insist on buying Kaushik food, knowing that he hadn't had anything to eat by that late afternoon, where we went to a group therapy session organized by a Native American social services agency that Kaushik felt an affinity to because of his self-described "indigenous" heritage, where I was smudged for the first time, where we sat for hours in a chapel as Kaushik mused about his spirituality, on *that* day, I had, at some point in our conversation, mentioned my partner, Devon. Kaushik asked me something about Devon and I heard the mistake immediately, Kaushik's use of a male pronoun to refer to her. "Mistake" is wrong; Kaushik didn't know any better. He had no information to mistake. And in that moment, I did not correct him, letting the improper male pronoun linger and repeat. I never used it, always referred to my partner as "Devon," with no pronouns whatsoever. But I did not correct Kaushik's perceptions. I did not want to invite a conversation about sexuality. I made assumptions about the sorts of things that Kaushik might say to me. My assumptions had no more priority in my mind than my doubts that I was fabricating them, but the doubt was incapable of assuaging the assumption, the assumption too meek to muffle the doubt. It was a fundamentally precarious orientation towards knowledge, a knowledge that might

hardly be knowledge at all, with no attachment whatsoever to truth, a belief, perhaps, but one harbored in bad faith.

It was a different night, weeks or months later, but after many other days and nights passed together, when my assumptions announced themselves. We had been wandering in the warm spring night—Kaushik was pointing out the various underpasses and alcoves he preferred to sleep in, introducing me to his buddies, showing me the buildings where the freshest free lunches were offered, the innumerable coffee shops that had kicked him out for trying to use the restroom without buying anything. As we tramped over the San Jose sidewalks, Kaushik would periodically fall behind me and displace our arrangement. I noticed, at some point, that this move would always place him between myself and curb and when I asked him, teased him about why he was displacing me, he said that it was for my protection. He stopped in his tracks and pointed up at the sky, "It's nighttime! You've got to be careful in these parts!"

Around midnight, Kaushik walked me to my parked car so that I could head home. I needed to pick Devon up from her office and I was past late. As Kaushik and I stood by my car, wrapping up, my phone rang and I took it out of my purse, knowing that it would be Devon, wondering where I was. Her picture flashed on the screen of my smartphone. It was a funny photo, one of Devon and our dog. I took the call, told her I'd be there soon, put my phone away, and told Kaushik that really needed to go. Kaushik looked aghast. "*That* was Devon?" He had seen the picture. "Woman, you didn't tell me you were gay! I don't have no problem with that. I got a lesbian cousin. But Jesus, you lied to me! How come you never said nothing?" I could feel my cheeks aglow with shame, imperceptibly under the night sky. I had lied. I had never corrected him. I hadn't the time, the words, the

moxie to answer his question, so I just repeated what we by then both knew to be true back to him: "You're right. I lied. I didn't correct you." Still no explanation.

My car was parked across a broad street from a generic office building, a grey box, even greyer in the night. There were no other parked cars on the side of the road, no cars driving down the thoroughfare, no people socializing in the street. Now, when I think back to those daydreamed images of Kaushik's violence, when they occupy my memory not unlike their occupation of Abby's, I see them unfolding inside of this evenly-windowed box. I imagine the stairwell, the interior of the vestibule, the elevator. I imagine the rooms of the building that I never saw and I imagine Kaushik, moving about within them, following someone, closing the door to the otherwise empty office behind him, locking it. So much of that evening was spent with Kaushik showing me places to pin to stories he had told me about his past, I can even imagine the conversation: I can see him pointing at this office building and telling me it was the place where he had once hurt someone, someone who was about my age, as he frequently liked to tell me. It feels real enough that I have checked. More than once, I have gone back to that notebook where I documented our evening, the day after, looking for a note to indicate that Kaushik had spoken about the office building. It isn't there. It never happened. I noted the building across the street, not because of anything Kaushik said about it, indeed, there's no record of him saying anything at all about where I had parked, but because there was a different man, a man in a beanie despite the heat, pushing a squeaking shopping cart around the perimeter, extracting bottles and cans from dumpsters and clanging them into his cart.

Kaushik wheezed in laughter, "Jessie, Jessie, why did you think that I would mind that you're a *lesbian*? Were you *scared* to tell me? Because I can tell you. I love me some

lesbians. I've had some wonderful times with lesbians. You give me two lesbians, and I'll give you a good time. Some of the best times I've ever had were with lesbians. I had me a wonderful night with a couple of lesbians out in a motel in Hayward, the night before I was sent to prison. I'll tell you all about it, yes, I will."

6

Who knows what and when matters in considering a socialized form of trauma. Knowledge ceases to be a binary, something to be individually possessed or not, and is lifted up to reveal all of its gradations: suspicion, doubt, interest, curiosity, consideration, imagination, dream, ignorance, deceit, faith. Different people orient themselves differently towards bits of knowledge. What is a doubt for one person might be a fact for another might be a suspicion for another might be a past experience of another might be utterly incomprehensible to another still. People relate differently to their mutually-inhabited social worlds through the supple medium of perceived knowledge, giving way to both conflict and ethics (Keane 2015).

That different locations of knowledge portend different relations to what is known (or unknown) would not be a surprise to Freud. As Peter Gay so thoroughly demonstrates, Freud believed psychoanalysis's major contribution to society was the revelation that "reason is not master in its own house" (2006[1988]: 580); with repression and latency as its abettors, the unconscious hides knowledge in the house's nooks and crannies, for the subject to discover later, with proper psychoanalytic analysis, of course. While the house metaphor is apt, perhaps this is a multistoried home.[14] Freud thinks vertically. Back in *The Interpretation of Dreams* (2010[1955]), he describes the need to "penetrate more deeply" the unconscious, or, inversely, to bring to the surface of consciousness those things that have

[14] Indeed, Gay is referencing "the house" metaphor that Freud himself employs (1960[1924]: 305-307).

been buried below (2010[1955]: 585). Put simply, the location of knowledge, or to use Freud's terminology, the location of "an impulse, a mental process," makes a difference to the person who possesses, in some capacity, said knowledge (1960;1924: 304). It matters whether *what is known* registers at the level of consciousness or is lodged in the unconscious.

These are locations *within* the subject, as expected with psychoanalysis. Locations for knowledge matter differently within the social, when unleashed from the confines of an individual's psychic apparatus. What is known appears and disappears horizontally as the members of a social system differently orient themselves to bits and pieces of knowledge, in all of its infinite gradations. What is known in the system cannot be identified as belonging to any one member of the system in its entirety. Individuals' orientations towards what they consider to be known change infinitely over time. Responsibility becomes harder to pinpoint; this circulation of knowledge cannot be traced back to a single individual, prompting a formulation of agency unchained from individual efficacy that Summerson Carr describes as "infinitely distributed" (2015: 265) and Lauren Berlant describes as "lateral" (2007: 780). Berlant's laterality spatially contrasts with Freud's latency: And yet, both laterality and latency engage with a sort of "self-suspension" that "interrupt[s] the liberal and capitalist subject called to consciousness, intentionality, and effective will" (Berlant 2007: 779). In so doing, Carr, Berlant, and Freud come to rest on the same question of responsibility for the individual. What is responsibility when *someone does not (consciously) fully know*? But, thinking socially, Carr and Berlant, push past the individual's "small vacations from the will itself" to question the capacities of a *system* that carries knowledges and agencies within it, irreducible to the individual (Berlant 2007: 779).[15] Given

[15] See, for example, Berlant's compelling articulation of the causes of the obesity crisis in the United States (2007: 775-776). The point is not to identify a single cause. No one can. And yet, different people can

the circulation of knowledge, what is responsibility when someone does not or cannot (consciously) fully know, *but someone else does*?

contribute different ideas about causes of obesity, obvious causes, things that everyone knows, that still, in their multiplicity and operation at the level of the system rather than the individual, defy the logic of causality.

7

The man who had promised to help, Judge Manley, he *knew* how dangerous custodial conditions were inside of the county jail. He had known for years. I sat with him while clients in his court would complain, offering up various kinds of evidence: lumps, bruises, lacerations, wounds stitched shut, others still open, too open. Out in court, he would tell clients that there wasn't anything he could do but that he encouraged them to speak with their attorneys. But then sometimes he would find a workaround, a double-speak: telling clients that he couldn't relocate them within the jail, but then sending an email to the Sheriff's Department asking that the same client be moved to a pod that offered a particular type of programming, effectively requesting that the client be moved, point-stop. And then there were the times, too many to count, that I would wait for him outside of the closed door to his chambers, waiting for a phone call to finish up so that he and I could talk, when I would hear him yelling, animatedly, to unknown others on the opposite end of the call about how something, anything, everything needed to change inside of the jail, immediately. And then the slam of the receiver. The *dangerousness* of the county jail was the very rationale on which he had built his mental health court. Manley fit himself into the makeup of the county's criminal justice system in stark terms: his understanding of the dangerousness of the county jail set him on a mission of liberation, in contrast to other judges' drives to incarcerate. The point of it all, for Manley, was to get people out of jail because of deplorable conditions that no one deserved.

No one, not Michael. The disparity between these two figures — "no one" and "Michael" – is one for which Manley cannot account. How could he *know* of the dangerousness of conditions of the general and not in the particular? But then, inversely, how could he possibly have anticipated that three guards would murder one of his clients? How does knowledge of the general scale to the particular? And how can trauma and responsibility differently attach to multiple scales of knowledge?

The Azande, Evans-Pritchard (1976[1937]) writes, would chock the difference up to witchcraft. With full comprehension of "empirical knowledge of cause and effect" (25), or what the British would identify as cause and effect, the Azande still insisted on the explanatory power of witchcraft in what they referred to as *umbaga*, or the second spear. It is perfectly logical, they would say, that termites degrade wood and, as a result, a granary collapses (22-23). But how to account for the fact that a particular person was sitting underneath the granary and injured when it collapsed? Or, they would say, it is perfectly logical that biological disease befalls young children and the elderly (31). But how to account for disease striking a particular member of your family? Witchcraft bridges general principles to specific cases.

No one thinks witchcraft killed Michael. Or that witchcraft landed Michael in custody. But Zande modes of understanding point to pockets of knowledge and anticipation that are not accounted for by theories of causality mobilized by personnel in the Santa Clara mental health court. Thinking of Michael's death as an event (a murder) with clear perpetrators (the guards) might satisfy a desire for responsibility, but only falls within a particular understanding of the event. The murder does not appear to be an accident, nor

does it appear to have been unanticipatable, nor does it appear to have been anticipated. What overlay of knowledge and responsibility does one find *there*?

What are the differences between knowing that something will happen to someone and knowing that something will happen to someone in particular? For Judge Manley, the first understanding was enough to motivate a career. "Jail is a terrible place for people to be," he would say to me, "just a terrible place. And even worse if you have a mental illness. No one is going to get better in there. You're lucky if you don't get worse." He knew.

"Accident," then, in no way describes whatever happened that night in late August 2015. It was not an accident in the sense of being unintentional. Nor was it an accident in the sense of being unanticipated. Michael's murder was surprising to no one. Think to Harriet, "I can't believe that he is dead…I guess I should have known." It registers as disbelief, but not quite nonknowledge. It was, in a sense, inevitable, only a matter of time. A matter of time for which responsibility cannot account.

1

You could narrate what happened to Michael—his murder, that is—as an event.

A sergeant from the Santa Clara Sheriff's Department did. Here is what he wrote in a Statement of Facts, an investigative report that was appended to the murder charges filed by the District Attorney's office:

> On Wednesday August 26, 2015 at approximately 7:30 p.m., the Santa Clara County Jail inmate in Main Jail Pod 6B Michael Tyree went to obtain his evening medications at the nightly "pill call." Instead of taking his medication, Inmate Tyree put the Medication in his pocket and walked away. The medications nurse told Department of Corrections (DOC) Officer Jereh Lubrin that Inmate Tyree put the medications in his pocket. DOC Officer Lubrin then confronted Inmate Tyree and told him to go back to the window. Inmate Tyree called Nurse Marilyn a liar and a rapist. Once back at the window, Inmate Tyree took the pills from his pocket and ate them.
>
> Shortly after 9 p.m., inmates in Pod 6B were permitted to leave their cells for time in the common areas of the Pod, referred to as "program time." Officer Lubrin was present in the Pod during this time. Nothing remarkable about Inmate Tyree occurred during program time, and he participated with other inmates in the exchange of old clothing for new clothing that was being done by the jail trustees of the Pod near the day room of the Pod.[16]
>
> At approximately 10:10 p.m., all inmates were back in their cells and locked in, with the two jail trustees also in their cells and locked in by approximately 10:15 p.m.
>
> At approximately 10:38 p.m., Officer Lubrin and Officer Farris entered Pod 6B to conduct cell searches to obtain any extra clothing that inmates may have hidden in their cells. At 10:48 p.m., Officer Rafael Rodriguez joined them.

[16] "Jail trustees" are selected individuals who are incarcerated but recognized by the jail for their good behavior. They assist the guards in some of their monitoring duties and receive select privileges for their service.

When Officers Lubrin, Farris and Rodriguez arrived at Cell 48, they confronted Inmate Juan Villa about a dispute he had with another inmate during program time. The Officers hit Inmate Villa in the head, and twisted his arms leaving visible marks on them. The Officers then left his cell, and proceeded to search the cells on the lower level of the Pod, starting with Cell 47.

When the Officers got to Inmate Tyree's cell, Cell 39, Officers Lubrin and Farris entered the cell, while Officer Rodriguez stood inside the door, with the door open. Inmate Tyree was heard to say words to the effect of: Do I have to get up? Inmate Tyree was then ordered by Officer Farris to get up.

Inmate Tyree's distinctive voice could be heard screaming, "I'm sorry. I'm sorry. Stop." Screaming could be heard throughout the Pod for several minutes and was accompanied by the sounds of thumping, wall banging and what sounded like blows to a person's body. At some point during this screaming period, Officer Rodriguez closed the door so that it was open a small amount.

The officers inflicted injuries on Inmate Tyree above his eye, near his chin, and on his cheek. There were also numerous other injuries including a contusion above the left ear, and injuries to his upper arms, legs, back, and both hips. The most significant injury was inflicted on Inmate Tyree's lower left back. The injury caused severe damage to Inmate Tyree's spleen and liver. The internal bleeding from this injury caused Inmate Tyree to die within minutes to no more than one hour.

The Officers then left Inmate Tyree's cell continuing their cell searches. They did not call for medical assistance for Inmate Tyree.

At approximately 11:09 p.m., Officers Lubrin, Farris and Rodriguez left Pod 6B, leaving no on in the Pod except for the inmates in their cells. From 11:09 p.m. until 12:07 a.m. no one entered the Pod or had access to Inmate Tyree's cell.

At approximately 12:07 a.m., Officer Lubrin returned to the Pod to do welfare checks. At 12:12 a.m., Officer Lubrin radioed that there was a "man down," meaning an inmate down.

Inmate Tyree was pronounced dead at 12:35 a.m. on August 27, 2015.[17]

[17] I have not anonymized the officers' names, as this case was widely publicized in local and national news.

According to the sergeant, the event of "Inmate Tyree's" murder began at 7:30 p.m. and concluded at 12:35 a.m. the following day. Thinking of the murder in terms of the violence of it all yields an event: ordinary beginning, horrific middle, tragic end. But where in all of this is trauma, other than the blunt force trauma that the guards inflicted to Michael's spleen between 10:48 p.m. and 11:09 p.m.? If the traumatization of the subject is initiated by an event, as Freud (1939, 1961[1920]), Caruth (1996), Young (1997), and Fassin and Rechtman (2009), among others, suppose, when does that event start? When does trauma begin?

2

You might say that trauma began to touch Michael's life when he was diagnosed with schizophrenia. Or, maybe, that his life acquired a traumatizing quality when he could not afford to see doctors or take medication for visions and sounds he might not have wanted to see or hear. Or, perhaps, you could begin the story of Michael's murder with a relocation from Florida, where he left behind a daughter, to Santa Clara and began a life on the street. Maybe it begins with his first arrest, picked up by the San Jose cops in May 2013 for sitting against the wall of a church and playing a game with himself by flicking little pieces of tin foil into the sidewalk. Or maybe with another arrest, this time in October of 2014, for allegedly possessing meth and drug paraphernalia. Or maybe yet another police stop, now in May of 2015, still for nothing violent, for what people in the court system refer to as a "quality of life charge" – an arrest for something like sitting on the sidewalk or hanging around a park when it is closed or begging on the street or loitering too close to a shop or a business or a café: the things for which homeless people get stopped. But the problem now, in May of 2015, was that Michael was still on probation, still being monitored by the county for those drug and paraphernalia charges from the year before and so rather than being given a hard time, sure, but then released, like so many other homeless people, Michael was actually arrested and put back into the criminal justice system for the state to impose a punishment because he was in violation of the terms of his probation.

Maybe the story of Michael's murder begins in May of 2015, with this arrest for violating his probation, because it is this arrest that lands him in front of Judge Manley and

puts him inside of the county's mental health court. In a way, Michael's very presence inside of Manley's mental health court is a recognition *from someone, somewhere* of his particular array of vulnerabilities. To get there, someone –a public defender or a case manager or a social worker inside of the jail or even his probation officer or maybe the judge in a normal criminal court who would have first reviewed the alleged violation before kicking the case over to Judge Manley—someone would have had to flag Michael as a potential beneficiary of the services that Manley says that he can offer. Visits with the psychiatrist. Medication. Residential psychiatric services. Assistance with finding publicly-supported housing. All of those reasons for which Manley wanted Michael to participate in his court program. The move into Manley's court tracks an explicit fraying of responsibility. From the perspectives of these state agents, Michael maybe needed to be held accountable for violating his probation, yes, but so too did the state need a push towards accountability, to actually provide social services. The whole thing—the state, the crimes, social service programs, drug use, homelessness, police interventionism, everyone could agree—was a mess. Judge Manley and his court were supposed to sort it all out. Michael would serve a five-day jail sentence for his infraction, Manley told him, and then he would be released to a psychiatric residential facility for treatment. As soon as there was a bed available.[18]

After those five days, there was not a single bed available. Because Michael and his family could not afford private care, he was dependent on the limited beds for the indigent

[18] Curiously, in the aftermath of Michael's murder, none of the popular press reports, of which there were many, mentioned Michael's participation in the county's mental health court (e.g. Kaplan 2015; Lee 2015; Trujillo 2015; Woodrow 2015). Many reports cited Judge Manley, who went on a virtual press junket to advertise the deplorable conditions of mental health treatment within the county jail. One report (Nelson 2015) mentions that Manley leads the county's mental health court and even includes two photographs of the courtroom, but gives no information on what happens within mental health courts or the unique arrangement of laws and ethical imperatives at play.

supplied by the county. But the problem was not just the absence of a Department of Public Health bed, it was also that Michael had no bed at all: no residential facility and no residence. And so Manley made the fateful determination that it was *safer* for Michael to stay in jail, where he had food, where he had a roof over his head, where he had access to antipsychotic medications, where he would not get rearrested merely for being out on the street, which Manley knew to be a serious risk for people without homes, which would add to Michael's rap sheet, which would make it even more difficult for him to ever get a job, which would make it even more difficult for him ever get public housing vouchers, which would make it even more difficult for him to receive a bed in a homeless shelter, which would further bump him down on this list to receive a bed in a residential psychiatric facility. Better, then, to keep him in jail, indefinitely, until a residential psychiatric bed was available, and so Michael was waiting, he was waiting, he was waiting until his death.

How does eventfulness square with a months-long, with a years-long *wait*?

3

Waiting is not empty time; things happen within waits, things including murders. But there is, is there not, a disparity between waiting and eventfulness. It is a disparity that Justice Kennedy, of the U.S. Supreme Court, noted in his Opinion of the Court in *Brown v. Plata*, the case that made its all the way to the U.S. Supreme Court in 2011 to *finally* rule on the constitutionality of California's prisons. The original petition was filed in 2001.[19] It took a decade for the case to make it to the Supreme Court. Time was on Justice Kennedy's mind as he penned the majority opinion. He begins, clipped, to the point: "This case arises from serious constitutional violations in California's prison system. The violations have persisted for years. They remain uncorrected" (2011, 1). *Everyone has been waiting*, too long, enough. Indeed, as the case wound its way up the legal ladder, lower courts had issued injunction after injunction.[20] They would rule, they would say, in favor of the state, they would *end* the appellate process, if only the state would *stop, please, stop, I'm sorry, I'm sorry, stop*.

Stop mass incarcerating people, that is. Plata had sued the state because of conditions in prison, arguing that the unavailability of medical services violated the Constitution's prohibition on cruel and unusual punishment. The bigger problem, as identified by Kennedy, was overcrowding. California's prisons, he notes, were "designed

[19] The U.S. Supreme Court ruling in *Brown v. Plata* merged two cases against the State of California in regards to mistreatment in prison: *Brown v. Plata* and *Coleman v. Brown*. *Coleman*'s petition was originally filed in 1990, eleven years before *Plata's* first filing, twenty-one before its resolution.

[20] The Supreme Court includes a review of lower court actions in its opinion (*Brown v. Plata* 2011: 15, 18-20). For a comprehensive overview of the case and a dose of optimism for the future of California's carceral policies, see Simon (2014).

to house a population just under 80,000" (4); 156,000 people lived in the state's prisons at the time of the appellate court's consideration of the case (2) and had housed about that many people for "at least" the past eleven years (4). Kennedy knows what this means: "As many as 200 prisoners may live in a gymnasium, monitored by as few as two or three correctional officers" (ibid). There are horrifying pictures of two California facilities appended to the Opinion of the Court, faces blurred, bodies piled atop one another on rickety bunk beds with thin mattresses, rolled up on many of the metal frames, to give them just a little bit of heft if not area. The bodies in the images are so many so as to be difficult to distinguish, but my eyes are still drawn to a faceless man in a wheelchair, clasping his hands together (51). Kennedy continues, "As many as 54 prisoners may share a single toilet" (4).

"Overcrowding" is the buzzword that comes out of *Plata*; the Supreme Court's final ruling was that the state needed to decarcerate, to reduce the prison population from 200% to a paltry "137.5% of design capacity" (3). But Kennedy's opinion is preoccupied with time. Overcrowding matters, he writes, because it necessitates an economy of resources in which delays are inevitable. These are the incidents that chafe Kennedy: the suicidal man who had been held in a "telephone-booth sized cage without [a] toilet…for nearly 24 hours, standing in a pool of his own urine, unresponsive and nearly catatonic" (5). When asked about the man's condition by a psychiatrist, the correctional officers "explained they had 'no place to put him'" (ibid). The incarcerated individual "with severe abdominal pain" who "died after a 5-week delay in referral to a specialist" (6). The man who did actually get to see an optometrist, who recommended him for "immediate evaluation" by a nephrologist, a recommendation that was forgotten about for a full year and then never

occurred because in the intervening two weeks between when the prison realized that the man needed to be seen and when the nephrologist was next available, he died (10).[21] Delay after delay. Wait after wait.

The occasions that concern Justice Kennedy are what Elizabeth Povinelli would call "quasi-events," those things that "never quite achieve the status of having occurred or taken place" in that they "neither happen nor not happen" (2011: 13; see also, Chap. 4).[22] The "telephone-booth sized cage" (*Brown v. Plata* 2011: 5) that seems to horrify Kennedy enough to include a photograph (52) is not so very different from the broom closet with which Povinelli begins her analysis (2011: 1-6, *passim*). Povinelli riffs on Ursula Le Guin's short story, in which an entire community's happiness depends on the suffering of a child, tucked away, wasting away, in a broom closet. Public knowledge of the child's suffering is not enough to qualify her pain as an event, writes Povinelli; everyone *knows* what is happening (4). They know, they might even find it pitiable, but it never amounts to a crisis: it is tolerable. Tolerable enough to last some decades, tolerable enough to wait.

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[21] Kennedy is citing evidence presented at the trial court in this passage. The internal citation is interesting: it begins by referring to a "San Quentin prisoner" who is linguistically conferred the less- stigmatizing status of "patient" by the end of the paragraph, upon his death, even though he never saw the nephrologist (*Brown v. Plata* 2011: 10).

[22] Povinelli is interested in the use of statistics to magnify quasi-events into full-blown events, a "tactic" of which she is critical, as it "obliterates the very nature of this kind of death" in its "demand that it [this kind of death] conform to a spectacular event and its ethical dictates of empathic identification" (2011: 153). One could argue that Justice Kennedy performs a type of labor similar to that of statistics, in raising quasi-events, those moments that have gone unnoticed by the state for decades, to the status of the spectacular event by including them in his widely read opinion. Kennedy even uses statistics to augment his mention of individual cases. But the cases are important to his opinion; he does not sacrifice the experiences of incarcerated individuals to the behemoth of statistical knowledge. If Kennedy does not ignore the "dailiness, ordinariness, livedness" of slow death, the legal uptake of his opinion has (Povinelli 2011: 153). The cases of individual prisoners are interpreted as dicta; the legal holding, to be applied broadly, has to do with overcrowding—coincidently, the part of Kennedy's opinion that is most statistically articulated. The case of the man sentenced to stand catatonic in his own urine is passed over for the holding that prisons need to reduce their populations by a particular percentage.

The *Plata* case was argued before the U.S. Supreme Court on November 30, 2010. The ruling came down on May 23, 2011. Californians are still waiting for the population of incarcerated individuals to fall below 137.5% of design capacity (California Department of Corrections and Rehabilitation 2017).

Michael was never in a California prison. He spent months in Santa Clara's county jail, a different institution differently administered.[23] But maybe 2011, the year that *Plata* was decided, marked the beginning of his trauma. Because even that cell in Santa Clara in which Michael was locked, alone, for twenty-two hours a day, was not beyond *Plata*'s reach. Even if California's response to Justice Kennedy was effectively to wait more, the state still had to respond. On October 1, 2011, the state implemented the Public Safety Realignment Act, triggering a cascade of carceral consequences, a trickling down of prisoners to county jails.[24] Convictions for crimes that, prior to realignment, would have been served in prison were now to be served in county jails, like the one that Michael was in. As a policy, realignment was forward-looking, aspirational. It asked people to wait: two years, the state said, hopefully, by 2013, the state would meet the federally-mandated measures for decrowding. They didn't. But realignment came into effect; prisoners became inmates in county jails.

A while after Michael's death, Santa Clara county called for a public Blue Ribbon Commission to investigate what "jail conditions." The resolution authorizing the creation

[23] The State of California administers prisons, hence Marciano Plata's filing of charges against Jerry Brown as California's governor. Individual counties are left to run their own jails. Jails were originally designed to house individuals awaiting trial (and therefore not yet convicted) and individuals who stood trial for petty crimes, were convicted, and sentenced to less than one year in custody (Gottschalk 2006, 2014). These distinctions in criminal populations no longer align to distinctions in Californian institutions; jails now frequently incarcerate individuals sentenced to serious crimes for more than one year, for reasons that I describe here.

[24] The Act is popularly called "AB109," in reference to the formal number for the Assembly Bill, or, even more simply, "realignment."

of the Commission specified that the Commission would not be investigating "individual personnel matters or criminal conduct." Each of the meetings opened with mention of Michael and his memory, how to do him "justice." The meetings were held in the county administrative building, in the grand chamber for the Board of Supervisors, just across the street from the Main Jail. Every meeting had several rows of regalia-clad representatives from the Sheriff's Department. They were there, they would say, to support the Sheriff, to follow the proceedings of the Commission. There were journalists, community organizers, prison advocates. Most interesting, to me, were the people in the back of the room, lurking by the tables with binders of evidence. I would lurk too, trying to figure out who they were. We would chat, in whispers, about the documents in the binders for a while, jail budgets, consulting firm reports, letters from inmates, offering to swap binders, until I could ask, innocuously, if this was their first time seeing these documents, if they knew about these budgets, those plans. They would glance this way and then that and then nod, *Yeah, I work there. Across the street.* And we'd chat for a bit longer, maybe make a joke about coming back to the building next door to work on a weekend, as the Commission met only on Saturday mornings, after hours, after a full work week, until I would mention that I research the criminal justice system, Judge Manley's courtroom. Finally, after minutes, I'd ask in what capacity they worked in the jail. And then they would say that they were correctional officers. And then they'd stare, either at the carpet that muffled our hushed conversations or straight into my eyes, as if awaiting judgment.

Later on, in more private conversations, away from the Commission, over coffee or maybe a Pepsi, they would tell me about how work had worn them out, how they dreaded going in, how they were afraid, of what exactly, they could not really say for certain. You

heard stories, of course, of the incarcerated man who kicked that guard, the other guy who punched a nurse, the correctional officer who needed stitches. But it didn't sound like the particular instances that were frightening: they don't fear a punch, a kick. These conversations would begin much like the Commission hearings, with mention of Michael. They would immediately repudiate their colleagues, but then settle into a silence that exposed the dread that it really could have been any one of them. When I would push for more specifics, they would shift to the general: *We didn't sign up for this. These aren't the people we signed up to guard.*

It makes no difference that Michael was not one of the individuals whom the correctional officers perceive to be more violent, one of those people who would have been sent to prison before realignment. Correctional officers don't want to patrol the so-called "hard-core population" and so they quit and the Sheriff's Department is perpetually understaffed and officers who don't want to or can't quit are forced to work mandatory overtime. Emilio, a correctional officer in a leadership position in the county's jail, told me violent conditions in the jail began with staffing changes at the behest of Sheriff Laurie Smith, about a decade ago. The officers' union had discovered that the county was not paying them for five hours and forty-five minutes of labor over each two-week pay period—they were left waiting for paychecks that never came. And even after they sued and the courts found in favor of the officers, Sheriff Smith rearranged the work schedule to eliminate those five hours and forty-five minutes, but officers did not receive back pay for the hours that the county took for free. They would still be waiting, if they hadn't already lost hope. The Sheriff's restructuring of officer shifts targeted a very specific duty. Each week, under the old, uncompensated system, shifts would begin with a fifteen-minute

debriefing session: the officers leaving would update the officers coming on as to what had happened during their shifts. Unnecessary, deemed the Sheriff; the debriefing sessions were cut to save those five hours and forty-five minutes for which the county could not pay.

Emilio told me this story in a conference room, after having gotten me some water from an office cooler. He sat across from me, leisurely, relaxed, already in his uniform and boots. He had an hour and a half to speak with me before going on shift, but managed to immediately put me at ease and make me feel unrushed. He didn't sound alarmed as he explained the cuts to me, but he remembered an awful lot of detail for something that happened ten years ago. I imagined that it still bothered him. "It was a long shift, with the briefing starting it off," he said, "but that briefing was what made it manageable. You found out who had been having mental health problems, where the drugs were, which gang members had been getting into it that day, who seemed suicidal—all of that stuff. The squad briefings were essential. It is no surprise what happened when Sheriff Smith changed the work schedule. Violence shot up. People with mental health issues deteriorated. Most of the problems with violence have to do with the mentally ill in some way. Even if they're not the violent ones, they provoke other people. The housing units, the dorms, they echo. So when someone with mental health problems keeps tapping or banging, it drives the others wild, it really agitates them. And then they take attention from the correctional officers, so other people start to act up with the officers are dealing with the mentally ill. So mental health and violence problems skyrocketed. It wasn't a surprise to anyone, Jessica, this was obviously what was going to happen with the changes." It was not a surprise, it was obvious.

An obvious change implying obvious staffing problems. The economy of resources reflected by the call for staffing changes was only worsened by the changes that the Sheriff implemented. Now, officers work four twelve-hour shifts and one eight-hour shift, a sub-shift, each week. But there aren't enough officers for this time allocation to actually staff the jail. "Jessica," Emilio explained, affably, always repeating my name, in such a way that you could see him as a politician, you can see how he has worked his way up in the ranks of leadership, "Jessica, just so that you understand, at one jail here in the county, on any given shift, there are seventy-five positions for officers. We need seventy-five staffed officers any given shift. Right now, a full twenty-five of those positions are filled by people working mandatory overtime. Did you hear that? Mandatory overtime. That means, Jessica, that no one wants to be there, and you can tell that by how they perform their duties. They have very negative attitudes. Much of our work, it depends on the quality of the officer. We're required to program them [incarcerated individuals]. Program them—that just means to let them out of their cells. We're required to watch them, to do counts. But you can bet that someone who doesn't want to be there isn't going to get up from behind the desk at the officer's station any more than they are obligated to. And that is doing a poor job. I don't like to say this about my colleagues, Jessica, but this is true. I don't like that this is true, but it is."

Emilio launched a particular instance of his colleagues doing a "poor job" without my prompting, "For example, the jails all have blind spots. There are a variety of closets throughout the jails. Inmates get into trouble in those closets. They overdose. They hang themselves. It is very easy to commit suicide in a closet. Some of my fellow officers, they'll deliberately leave closet doors open so that inmates can go in and do whatever they're going

to do in there. That is not how I operate, Jessica. All of the closets are locked when I'm on shift. If an inmate needs something from a closet, say a mop, I open the door. I stand by the door while they retrieve the needed item. I lock the door behind them when they leave. I stand there and watch. Unfortunately, not all officers do that. Especially when they don't want to be at work. But especially when the county is so understaffed, you see, the county really can't reprimand officers who are working overtime and behaving inappropriately. The county needs them."

4

The search for a start is, of course, misleading. This is Povinelli's point, as she wends her way through the braiding of tense and eventfulness in late liberal Australia: the recognition of an unfolding as an event is itself an effect of power (2011: 133). Eventfulness does not exist sui generis; it is cultivated and then "put to work" by various social projects, directed towards various interests (134). The contrast between the event and the ordinary strums ethical imperatives, demanding intervention in moments of crisis but not the everyday, when ordinariness is but "the local spacing of eventfulness," in ethical contrast to the quickening spacing, the stimulated tempo of crisis (133).

The process of culling interactions and labelling them events is, for Foucault, the cornerstone of epistemology and, as such, power. Power bears on our epistemic formulations of past, present, future; accessing power means examining "eventualization (*événementialisation)*," or the process by which we render happenings as events in the first place (Foucault 2007: 59). As such, Foucault identifies the event as the way by which we come to conceive of ourselves as ethical subjects, how we account for past events, and how we imagine possibilities for the future; potentiality is defined and molded into shapes through eventualization. As Foucault reads alongside Seneca, he argues that the definition of an event in the present, or near-past, "systematically nullif[ies] the specific dimensions of the future," such that "what is at stake" through the narration of events is the future itself (2005[2001]: 470). Thinking through events collapses multiple temporalities into the

present, limiting possible avenues for future thought. Events give contours to the social world.

Foucault expects historians to "cry out in grief" at this formulation of social unfoldings over time (2007: 59); de Certeau does not release such a cry. Instead, in his history of the demonic possession of Ursuline nuns at Loudun in 1634, de Certeau begins with an inquiry into uncertainty— "history is never sure" (2009[1970]: 1-9). A question haunts historical enterprise: "Is this outbreak of something new, or the repetition of a past? The historian never knows which" (1). If events are objects of analysis, for historians, the question of constitution, of eventualization, is a constant presence, one of those "strange things circulat[ing] below our streets" (ibid). What causes an event to emerge? Is social change or disruption, de Certeau asks, a function of an event or is already underway change the reason why society calls for an event in order to explain, render comprehensible, preexisting social flows? Events, for de Certeau, become part and parcel of social flows. Events, crises, demonic possessions cause those things in the street below to "rise up, as if swollen by flood waters, pushing aside manhole covers, invading the cellars, then spreading through the towns….[the flood] breaks through barriers, flooding the social channels and opening new pathways that, once the flow of its passage has subsided, will leave behind a different landscape and a different social order" (ibid). An event, de Certeau continues, can become a "show": an explicit moment of public debate in light of changing social mores (3). But the event itself is set adrift within the flood of social change, *identified*, rather than preexisting, as a stage for a particular type of "public trial" (ibid). The causality of the event is, for this historian, misleading.

Eventualization, then, is an ethical exercise as much as it is epistemological; Foucault, of course, would deny the possibility of severing knowledge and power from ethics. Thinking of events is not simply a matter of *identification*; we attach norms to happenstance through the registering of occurrences as events. Or, to read with Foucault (2014), events become the substance of that ethical material through which we learn to judge ourselves, create ourselves into ethical subjects. Events are fodder for knowledge, and therefore power, which circle back to shape our understanding and selection of events from social time. Events serve as heuristic for making social life legible, but, as Michael Jackson notes, we all know that "human interaction overflows, confounds, and goes beyond the forms that initially frame the interaction" (2013: 255). This is the epistemic force of eventualization for Foucault; we know that thinking in events molds the material of the interaction, but it feels impossible to think otherwise. *That*, the double-bind of common sense, is power. And so to try to reposition ourselves at a more of a remove, we might ask ourselves: what is it that we try to accomplish by searching for a start?

5

Even following Povinelli (2011), it can be difficult to think of Michael's murder as an unevent. I am not suggesting that we forgo the murder's eventfulness entirely. It is a matter of emphasis. Indeed, Povinelli is attentive precisely to the "certain moment, or condition" when a social project is "neither something or nothing," or moments of "indeterminate oscillation" between "potentiality and actuality" (2011: 8). An unevent is not necessarily an unevent for perpetuity. Accounting for indeterminacy and multiplicity means allowing for divergent interpretations. I am not, therefore, writing *against* the reading of Michael's murder as an event or a crisis, but only pointing to the limitations of such an understanding. Conceiving of the murder as an event narrows the field of interpretive possibility, it lends itself to certain epistemological consequences. Like the search for a perpetrator and the demand for accountability. Worthy causes, to be sure, but they do not exhaust the hermeneutic potentiality of the social. And still, we're dragged in through eventualization. If Michael's murder can be difficult to let lie as an unevent, what about Harriet's rape?

By this point, Harriet had ceased to be Harriet. I had made plans with Harriet to meet her at the usual spot in Alta Vista but she was not there when I arrived. I waited for almost an hour and then got back in my car, annoyed. As I was pulling out of the parking lot, I saw her in my rearview mirror, arms akimbo, running after my car. When she got in, she was amped up, exuberant, and then she told me to drive to a meadery she knew of, that that would be fun, and mentioned that I should call her Dragomir, because she was back to being a man. Until this point, I had only known Harriet as Harriet, as bearded,

outwardly-looking-male, genderqueer Harriet. But, now, he told me, he was a man because he had fallen in love with a Tamar. "Besides," he said, by way of explanation, perhaps responding to my muted reaction to his announcement, "you know that I've always been both, both Dragomir and Harriet. I was born Dragomir and Harriet was my spirit animal because she is a crow.[25] When we met, I was Harriet because I had become my spirit animal, I became Harriet. But now it's back to Dragomir."

Later on, as we were driving through the broad boulevards of Santa Clara while the sun set, Dragomir began to lambast his mother, Rebecca, which struck me as unusual, though, in retrospect, I am not sure why I implicitly expected continuity between our earlier interactions and our outing that day. I had seen Harriet peeved with Rebecca before; the three of us had spent a lot of time together – getting together with Harriet usually meant getting together with her mother, as they roamed about the county together – and I had previously had the impression that there were moments where Harriet would have preferred to be with me alone, without her mother. It felt to me an innocent sort of distaste, like children who just want time to play on their own, without adults hanging around. But this was different. Without much transition, Dragomir shifted from talking about how badly he wanted the woman from the café to how much he hated his mother. He roared, "I fucking hate her [Rebecca]! I hate her so much. Let me be perfectly clear. I *don't* hate her because she let my father abuse me. I *hate* her because she's fucked up all on her own." Dragomir went on to say that, in the name of transparency, he had called her a few weeks before to tell her all of this: that he hated her, that he never loved her, that she's a sociopath,

[25] According to his mother, Dragomir was born Evan; Dragomir is not his birth name. It was a name or person that he assumed later on in life. In referencing being "born" Dragomir, I understand him to be saying that he identified as male for his childhood.

that she's ruining his life. He scoffed, "And then she called me the next day! Can you even believe that? As if nothing at all had happened. *That's* a sociopath. She didn't even register that her own son had tried to disown her! What bullshit. How fucked up is that?"

I was skeptical, "Maybe. But couldn't it have been that she was just trying to move forward with you? Like, maybe she thought that you were lashing out and she was trying to show you that she cared by not holding it against you?"

Dragomir dismissed this immediately, "No. She's just a sociopath. I've known that woman for thirty-three years. She's heartless and manipulative."

I found this obnoxious. This had been the tone of our entire engagement that day: he rendered judgment after judgment, with no pause or consideration of the limits of his authority. And so I was pointed, "Don't you think it is egotistical to assume that you are always completely correct in your interpretations of things? To be one hundred percent certain all of the time?"

Dragomir responded, instantly, matter-of-fact, "No, it's not egotistical. It's grandiose."

The corrective made me laugh and I smiled, feeling pulled back in, endeared to Dragomir, enjoying his company and our time together, feeling the annoyance lift and some sort of pleasantness settle between us, happiness. A warm minute passed. Then he began to talk about his father: "Yeah, I've been wanting to tell you more about this, actually. My father, he raped me when I was an infant. Who does that? My first memory is of his dick up my asshole. I remember it, because I remember wondering what was in my diaper. Fucking sick. Who rapes an infant. And their own kids. He raped Jackie [Dragomir's sister] too, yeah, like, all the time. He raped her until she was pubescent and

started menstruating and he got her pregnant and made her have an abortion in our bathroom. She was in there for hours. I was worried about her! She didn't know what was going on. She was too young to know. But she was having an abortion."

I had been dubious of much of what Dragomir had told me about that day. At the meadery, he had told me that he had consulted for the FBI, that "another agency, even more secretive than the FBI, the one that deals in psychological warfare" had commissioned an expert report from him about psychopathy, that his father had been employed by the CIA to train pilots to fly into the World Trade Center, that he had fought Tamar's husband with shards of glass, that Tamar had invited him to move in with her, that they were planning on having children together. Part of the reason why I was so irritated by Dragomir by the time that he began to rail against Rebecca was because I was exhausted from having constantly cornered the question of truth in our conversation, to shift myself from asking about the propositional content of Dragomir's assertions to instead asking myself why I was seeking semantic stability in the first place. But Dragomir's narration of his father raping him felt differently to me: now, not only was the blackboxing of truth intellectually arduous, I also felt guilty about my inclination to treat this statement as I had been treating the others. I told him that I was sorry. My apology felt no more comfortable than my earlier challenges; care and critique were equally exhuasting.

Dragomir considered his rapes traumatizing. He had said so earlier on, before he told me that his father had repeatedly raped him. It came up, without the word "rape," in a conversation about his change from Harriet to Dragomir. Remember what he had been saying: he had been born Dragomir, and Harriet was his spirit animal. Harriet is a female crow; Dragomir is a male wolf. The original arrangement of Dragomir and Harriet is

normal, Dragomir explained to me, everyone is born with a spirit animal of the opposite sex. Now he is back to normal, he had been saying, because he had fallen in love. But when I met him, when I met her, when I met Harriet, Dragomir said, the "natural order" had been perverted and his spirit animal, Harriet, was dominant, rather than the other way around. He's a "psychopath," he said: the ability for a dominant self and his spirit animal to change places, that means that he's a psychopath. He still is. But he linked Harriet's ability to overtake and commandeer Dragomir to an event, according to his own typology of psychopathy: "I'm definitely a little bit of a psychopath," he clarified, "But you've got psychopathies, types one through three. I'm a type two. Psychopaths who are type two have been traumatized in their youths. Because of trauma in your youth, your spirit animal leaves you. I was traumatized, but kept my spirit animal. Myself and my spirit animal just swapped places in response to the trauma—Harriet didn't fly away, she took me over. She'll probably do it again." What Dragomir understands to have been a series of traumatizing events kept coming back, unresolved, through the unstable ordering of his selves.

Later still, months later, Rebecca called me, upset. Dragomir was back in jail. Rebecca had gone to visit him that day and was distraught because Dragomir, or Evan, as she called her son, the name she had given to her son, would not stop saying things she believed to be false. She slammed between definitive statements and meandering ruminations, "Totally psychotic. Delusional. I remember this happening the last time that he was in jail too—he was having psychiatric problems. Totally insane. I remember when he told me the first time that his father had been in the CIA. He came home from school, he was taking classes at the community college, I remember him coming home and talking about how some woman came to talk to the class and she was a former CIA agent and that

she had taken him aside to talk to him about his father…And I remember thinking, 'Is this for real? Is this even really a thing? CIA agents showing up at community college?' And I tried to move on, but I never really knew whether something like that had actually happened, whether a woman had come to his class or whether he was just in his own head and it all happened in his mind. But my husband? The CIA?"

I interjected, "So he wasn't then? Your ex-husband, he wasn't…"

"Oh, the whole rape thing?" I did want to know about "the whole rape thing," but that hadn't been what I was asking. I was asking about the CIA. "Oh, God, no. My ex-husband, he was an asshole, but he was a total dork. He wasn't cool enough to be in the CIA. Of course he wasn't in the CIA. That's just a delusion of Evan's. In line with his other delusions. He said that his father started recruiting him to fly planes into buildings right after he stopped raping him."

I followed up, slowly, "So, when Evan talks about his father raping him, do you think that that is delusional as well? If you don't mind me asking. Please don't feel like you have to answer."

"Oh, no, I'm happy to answer. Yes." Rebecca stopped. She breathed in a deep breath. Then a few shallow ones. "I don't think that it is true. I honestly, I honestly can't imagine a way in which it could be true. But the infinitesimal chance, the tiny, tiny, tiny, tiny chance that any part of what he says could be true…it just, *I can't live with it*. I feel so guilty. I don't think that my ex-husband did that to Evan. And I'm really confident in that. But I shouldn't have had children with my ex-husband. He was a mean man. Powerless, but a mean man. I should have had kids and put them in a home with a man like that. Because once you have kids, I didn't want to leave, I was too afraid to leave, but I was also

so conflicted, because I really wanted to raise my children in a stable home. I don't believe that he raped Evan, but it wasn't the best household to grow up in."

A pause, before she continued, "After we got married, he started having affairs. I couldn't have cared less, really, but I found out and he got mean. He never hit me or did anything physically abusive. Like I said, he was weak. But he just did bad things. I remember nursing Jackie when she was an infant and my ex was mad about something and while I was sitting there with Jackie on my lap, he threw a glass of wine in my face…But I guess, going back farther, God, almost forty years ago, when I was still a young woman, I had a cerebral hemorrhage while I was sleeping and my ex was so good, taking care of me. And then my father died that year and he took care of me. And I thought that we could do it, that we could have a family. We had Evan, and it wasn't great. My ex, he started to get mean again. But we went back to counseling and then we were in a good place again by the time that Jackie came around, and then, with two of them, he just got mean. He started drinking. Evan was a difficult child. It wasn't easy. But my ex never got mad at Evan for being so difficult, he just blamed me for being a bad mom."

Rebecca's narration dimmed, grew quiet, contemplative, and then sparked with laughter, "What's funny about it, Jessica, is that I was always so cautious! Always so worried about something happening. I was always looking for the symptoms of abuse. And I knew them because I organized a whole lecture series at the kids' elementary school on signs of sexual abuse! To warn people! That sometimes it can be hard to tell but here are the signs of trauma…Evan showed no signs of premature sexual development. All of these kids who are abused, they act out. Evan didn't. He played with dolls with his sister until he was pretty old and he never had them doing anything with each other. Traumatized children will

show special knowledge about sex, sexuality, and Evan had no special knowledge about sex…"

"Do you remember when Evan first started talking about being raped?" I asked.

"Of course. That's not something that you can easily forget. It's disgusting. I remember, we were down in the kitchen, so this was before we were evicted, and he was complaining about his childhood. And I remember, I just got *so* annoyed with him. Sure, he has things to complain about, but you know Evan, he won't shut up, and while it wasn't a perfect childhood, it wasn't so terrible. So he was complaining, complaining, complaining, and I told him about… you see, when I was a kid, I was abused and molested by my teacher. I was eleven and it was my sixth grade teacher who raped me. I tried to kill myself that night, I was so ashamed I went home and took a bottle of my mother's sleeping pills, but I woke up in the middle of the night and puked them all up and then I had to go to school the next day and see this man. I didn't tell my parents, of course. I couldn't. I wanted to protect them, but I was also so deeply embarrassed. And then, later on, I couldn't tell them because after years have passed, you can't just bring something up like that. They never knew…I had never told anyone about this! But that day, in the kitchen, Evan was driving me nuts. So I told him to shut him up. I hadn't ever told anyone before, but I just couldn't take his whining. And he went upstairs then—we were getting ready to go to a doctor's appointment, so he went upstairs to shower, and when he came back down, all of a sudden, he said that he had remembered his father raping him while he was in the shower." Rebecca punctuated these sentences with laughter. "I was in therapy at the time and I told my therapist and she said, 'Well, that's the quickest and most direct projection that I've ever seen!'"

I didn't feel like laughing, but wanted to match Rebecca in some way, to try to communicate some form of companionship as she talked through her memories. I remember smiling, on my end of the phone, and then realizing that Rebecca couldn't see me. I asked if Rebecca remembered what year that was.

"The spring of 2010. I remember because it was the same year that Jackie got married, and that was in August of 2010." That fall was also when Evan was sent to the psychiatric wing in the hospital for the first time. That fall was also when Evan was arrested for the first time. "Evan told me all of this the day before Jackie's wedding shower, actually. It's just disgusting. He wouldn't stop talking about it, all of the memories. I don't know how much detail he goes into with you, but he's told me all sorts of things about how his father raped him anally and then made him clean up the mess by licking it…Just really, really disgusting things. Evan was my date to Jackie's wedding, actually. And even there, even at his sister's wedding, he wouldn't stop talking about it. That is my memory of my daughter's wedding. Here, I was supposed to be the happiest that I've ever been, and my son won't stop talking about this delusion of his father raping him.

"I've asked my daughter about it, of course, because if there's any godforsaken chance that any of it is true…but she says that none of it is, that her father never touched her. Evan even told my son-in-law that *my son-in-law's father* raped *my son-in-law*, like Evan thinks that his father raped him and so all fathers rape their sons. My son-in-law, he told me that he was *deeply* disturbed by it. It's had a toll on their marriage…"

Rebecca backtracked, as if to switch to a different kind of evidence to prove to herself in yet another way that what Evan said could not be true, "And the dates don't add up. Like something that Evan says, all the time, is that my ex-husband raped Jackie too and

got her pregnant and made her have a miscarriage on the toilet. But Jackie got her period at fourteen. My ex had been removed from the home by the police when Jackie was twelve, he ran away, moved out of state, we never saw him again. So there's no way that she could have been pregnant when he was living in the home…."

There was a long pause on the other end of the phone and I listened to Rebecca not-breathe, as if she were holding her chest full of air. And then the quickening pinch of release: "I don't think that Evan understands *just how upsetting, how deeply, how truly upsetting* it is to hear him say all of these things. Imagining makes my stomach churn. Did you know that I've tried to commit suicide four times since Evan started saying these things? I can't handle them. I can't handle listening to him repeat them over and over and over again. And on top of it, even if I *know*, which I *do*, I *know* that they're not true, you can't ever get rid of that chance. I don't know how to make it stop. I can't get him to stop. I can't get the infinitesimal chance to stop. His lies…he's not *lying*, I know that, he can't help it, but the delusion…"

In what sense is *that* an event?

6

Considerations of trauma are freighted by a genealogical dependence on the concept of the event, despite poststructural accounts that reveal the ethical and epistemological implications of using the event as a heuristic for social life. If we were to mimic the logic of theories of trauma and search for an event or an origin, we could point a finger at Freud: back in *Beyond the Pleasure Principle*, where Freud introduces trauma neurosis as a "breach" of the psyche, he indicates that the breach is caused by "an event" (1961[1920]: 33). His examples – the railway accident, the first World War (10) -- introduced earlier, to flesh out the concept of trauma, have given subsequent scholars further reason to latch on to the concept of "the event" as integral to a subject-centered understanding of trauma. It is a flat sort of understanding of an event: an individual can experience an event that may or may not have "actually" transpired, such that one could say that an individual is traumatized by a delusion. Isolating the individual serves the analytical function of bracketing truth. As such, it gives no gradation of truth, no affordance to the instability of truth itself, how truths are multiply interpreted and differently registered as events (or not) by multiple people inhabiting the same social space.

Nevertheless, arguments over the nature of the event have propelled paradigmatic debates within trauma scholarship that stems, most notably, the feud between Cathy Caruth and Ruth Leys. In *Unclaimed Experience: Trauma, Narrative, and History*, Caruth takes up the problem of representation with trauma. The narration of trauma is always, in her view, "literary," rather than historical, because the event that precipitated the trauma is

neither "locatable" nor "available to consciousness" (1996: 5, 4, 4). The event itself is "miss[ed]" (62). This is the enigma of trauma for Caruth: it causes such indelible psychic rupture, yet was never experienced in the first instance. And so the traumatic event does double damage: it is precisely because of the event's "incomprehensibility" that it continues "to haunt the subject" through *both* "the reality of the violent event" and "the reality of the way its violence has yet to be fully known" (6). Incomplete knowledge reflects an incomplete experience that is fated to recur in an attempt at psychic resolution, but experientially further traumatizes the subject.

Leys disagrees—or, in her words, she finds Caruth's work "weird," "slopp[y]," "an inadvertent parody" of trauma (2000: 293, 305, 17). What interests me is the way in which Leys goes about critiquing Caruth. Here, you have two preeminent scholars of trauma in vehement, bordering on vitriolic, debate over the shared object of their work, and yet, their deep differences serve to reify a common link between trauma and event. Unlike Caruth, Leys teases two contrasting models of trauma out of Freud: a mimetic model and an anti-mimetic model.[26] The mimetic model foregrounds repetition and introduces, as suspect, the question of suggestion. It figures trauma as "a kind of hypnotic imitation or identification in which, precisely because the victim cannot recall the original traumatogenic event, she is fated to act it out or in other ways to imitate it" (298). A mimetic model of trauma aligns with the question of narrative and history posed by Caruth; the

[26] Leys's work is genealogical, as she denotes through her title. She suggests that the split between theories stems from revisions undertaken by Freud to his own work. The mimetic model, in Leys's understanding, comes from Freud's early interest in hypnosis, suggestion, and sexual seduction. Freud abandoned his theory of sexual seduction in 1897, but Leys's resuscitates it (2000: Chapter 1). Freud's writings are not, for her, progressive: each theory is available for elaboration, even if it was later disavowed by Freud himself. In this antihistorical mode, the theory of sexual seduction is just as valid as the Oedipal complex or the death drive, concepts on which Freud arbitrarily, in Leys's view, settles.

power of suggestion within mimesis and hypnosis thwarts the historical narration of witnessing.[27] In contrast, within an anti-mimetic model of trauma, the subject is "aloof" at the time of the traumatic event, such that she remains "a spectator of the traumatic scene, which she can therefore see and represent to herself and others" (299). The problem of memory and narration is avoided through the positioning of the subject in relation to the event, through their separation. The origins of trauma are not to be found in a psychic process of identification, but in "a purely external event that befalls a fully constituted subject" (ibid). That which results in a traumatized subject is "an assault from without" (ibid). What frustrates Leys is Caruth's tendency to dabble within the two paradigms: she combines the unnarratability of trauma from a mimetic model with the externality of the event from an anti-mimetic model (266).[28] Regardless, whether one pursues a mimetic model of trauma, an anti-mimetic model, or some mixture of the two, as does Caruth, the event prefigures all psychic consequence. The event could be missed entirely, registered as

[27] See Mayer (2013[2002]) for a genealogical account of hypnosis in late 19th century/early 20th century France and Germany.

[28] I see this as more Leys's problem than Caruth's: Caruth's book, published four years prior to Leys's, professes no commitment to the split in paradigms of trauma described by Leys. In other words, what Leys reads as a theoretical mix-and-match on Caruth's part, Caruth might just identify as a coherent theory of her own. Where Leys accuses Caruth of misreading Frued, she points to passages in *Beyond the Pleasure Principle* and *Moses and Monotheism* that, to me, seem open to interpretation. Caruth and Leys just read them differently. But Leys attacks Caruth for privileging particular parts of Freud, and then proceeds to do so herself, just privileging different passages, such as the Freudian discussion of *Nachträchlichkeit*, which, indeed, makes no appearance in Caruth's work (Leys 2000: 20). Leys, in turn, declines to discuss the passages of Freud preferred by Caruth. Indeed, Leys's point is to distinguish two different theories of trauma within psychoanalytic and literary studies. Her book describes the genealogy of the mimetic model in more depth than the anti-mimetic model, but, it appears, only because others have described the anti-mimetic model in more depth. Hers is a reactive privileging of genealogies, *not* positions: she declines to endorse one model over the other. Leys sees her labor as diagnostic, identifying a split within works that have come before, a divide to which Caruth does not adhere. But that seems to say more about the precision of Leys's diagnosis than Caruth's theorization. In the end, Leys abandons theory entirely. Rather than stitching her two theories together or successfully demonstrating how doing so would be impossible rather than merely unattempted, Leys jumps into the clinic. In light of the theoretical discrepancies within trauma studies, Leys suggests that "the soundest basis" for clinical intervention would be "an intelligent, humane, and resourceful pragmatism" (307) – ironically, a position with which Caruth would likely agree (see Caruth 1996: Chap. 2).

traumatic in the course of its happening, or only later interpreted as traumatizing (Freud's abandoned theory of *Nachträchlichkeit*), but *there is always an event*.

To use the language of trauma theory itself, the question of "the event" recurs throughout trauma scholarship, its status perpetually unresolved. The ambiguity of interpretation and implication surrounding "the event" allows it to serve as a touchstone for a disparate series of works on trauma, from the neurological (Malabou 2012[2007]) to the intergenerational (Crapanzano 2011) to the communal (Erikson 1995) to the biological (van der Kolk and van der Hart 1995). As Ilana Felman (2002) argues, the happening of an event – even if it was missed by the traumatized subject – is what makes trauma legible, in her case, to law. Eventualization drives a search for responsibility, a search that arrives at an impasse upon the question of perpetration. In circumscribing trauma to the subject, the event loses its social circulation. Perhaps those identified as the "perpetrators" of an event experience trauma in the same way as their "victims." Linking events to an individual subject position, without consideration of the relational, as Leys puts it, "eliminate[s] the issue of moral meaning and ethical assessment" (2000: 7). The embeddedness of trauma and the event yields an almost distracting fixation on responsibility, such that the event becomes the site of debate and interpretation rather than the meaning of trauma itself.

What if this search for responsibility is itself misleading? Or limiting? Or simply incomplete? Would it make a difference in our understanding of Michael's trauma if he had, as suggested by that attorney defending one of the guards, merely fallen from his toilet? Would trauma not have touched his life had he not been murdered? What would you think if you learned that just a month after Michael was murdered, another man incarcerated in the mental health unit in the Santa Clara County jail died (Louie and Kim 2015)? That

correctional officers had pepper sprayed this man and then shot him with rubber bullets and that these moments of violence happened after Michael's murder but five days before this man passed away? What would you think if you learned that in that same month, an incarcerated woman in the same jail died from a heart attack? Or that someone committed suicide, perhaps in one of those closets left open by Emilio's colleagues, or someone else, by jumping or by falling off of a ledge on the second story of the jail pod and landing on the floor of the first (Sacramento Bee 2017)? What order do we seek to impose upon social life by driving, always driving, for accountability? And what gets lost, or overlooked, or muted, in the process?

1

If social trauma lacks a beginning, it also lacks an end. A death, like Michael's, cannot cauterize this type of flowing, always flowing, social wound. Death – be it a murder, a suicide, a slip into to irreparable disease, an accident, a disappearance – might only wrench the wound open further still. From the position of a particular subject, death may well be an end. Not so for the social.

It was only a few weeks after Harriet and I – she was still Harriet, then—sat in the park while she reminisced about Michael that she checked herself into the hospital on suicide watch. She was supposed to have been in court that morning; I had been there, waiting, nervous, worried that Manley would issue an arrest warrant. I knew that Harriet was perpetually anxious about the possibility of remand. I also knew that she had missed an appointment with her probation officer in the week before her court hearing—she had been so upset about Michael, she told me, that she couldn't make it to her probation appointment. I was nervous that Judge Manley would issue an arrest warrant should she not show. After the court hearing had ended, without the issuance of a warrant, but while I was still in the courthouse that I got a text from Harriet: "I'm allowed my computer in the ER, been here all day…I'd rather not be here but I can't do any of this anymore when the county is so unreasonable and I want to do. <3 Harriet." I texted back, briefly, asking if I could come sit with her, and she replied with a litany of texts:

"Yes! I'd be happy to see you! I'm not talking to them [the doctors] about court, but the county's system is why I'm feeling desperate."

"It is freaking me out that they're killing people for being mentally ill left and right. Like Michael. Those bastard correctional officers."

"None of this is okay. I feel like standing up in court and demanding justice, but I couldn't make it today due to my digestion and anxiety. And I don't want to talk to them here about my friend or the system. I just want help with my chronic pain and poverty."

"It's too much extra grief to combine medical care and court!"

My phone pinged with Harriet's extra grief as I pulled into the lot at the hospital. Rebecca had been in touch with directions; she had taken Harriet to a private hospital in a wealthy residential neighborhood, fifteen miles away from the courthouse and the county hospital, the hospital across the street from Kaushik's detox center. One of the orderlies in the ER entry directed me back to the glass-encased bay in which Harriet was held. I couldn't see Harriet as I approached, presumably she was in a part of the room concealed by a thin drape, but I could see a blond woman in a white coat, sitting in a stool. I could see her, not hear her; the glass was too thick for me to hear any of the words I could see her lips form. She opened the slid the glass open for a moment upon seeing me approach, "Hi, Jessica? I'm just talking to Evan now about next steps. He'll be ready for you in just moment." I told her that I was happy to wait and retreated back to the other edge of the glass wall; the woman slid the door shut behind her. My attention split between the blonde woman, still inaudible, and the silent blips of Harriet's heartbeat on a monitor hooked to the wall above my head.

A scream pierced the lull: "I *will not* go to VMC [the county hospital]. I swear to god, I'll fucking kill myself, I'll fucking kill myself," and a wail, but low, guttural. The words that I could only see and not hear must have been about trying to transfer Harriet from

this hospital to the county hospital—where free care is supposed to happen. The blonde woman quickly opened the door again and retreated, giving me a warning as I approached, "He's a little upset right now, but he says that he wants to see you." She gave me a look as if she expected my apprehension, but for once, I don't feel any.

The scriptedness of hospital care is soothingly suffocating; I know what to do here. It absorbs the wail and the moan and the scream—wails, moans, screams that otherwise floated about unattached in my car, the parks in which we would sit, the trails we would walk. It *made sense* here. I know to go to Harriet's bedside, immediately upon entering her room. I know to give her a hug, to reach out to her, and she knows to lean forward and throw her head into my chest. I know to hold her head and stroke her hair. I know to treat Rebecca, hiding in the back corner, as equally exhausted as Harriet, to go over to her, to rub her back. When Rebecca notices her feet starting to swell, I know to give her the stool on which I'm sitting, that stool once occupied by the blonde woman, so that she can have a footrest and I know to perch myself on Harriet's hospital bed. Harriet knows to extend her bony arm out to me, to rest it outside the meager blanket that they've given her for warmth, she knows to reach out, like she is giving blood, and I know to take her left hand in both of mine. Harriet holds on, barely letting go. Rebecca's hands slide over her phone, playing Tetris, while my hands squeeze her child's. I know to act with confidence, so as not to raise stress levels, and I know to stay calm. I know to be pleasant with the nurses and doctors, to perform appreciation, to follow up with them about things that get bumped to the bottom of their priority lists, like getting that extra pillow that Harriet requested. I know to both ask Harriet questions about why she wants to kill herself and also to mix in lighter things and to smile and to laugh. I know to play this role and, for once, Harriet knows to

play hers. Where she usually plays on playing – man, woman, victim, perpetrator—she now quietly, or loudly, as the role demands, plays the impatient in-patient.

The nest of our hands, mine atop hers, came to rest on the corner of a pink piece of paper: a 5150 form, certified by the county's Department of Mental Health.[29] Two checkboxes were printed in large font: "Danger to Self" and "Danger to Others." Harriet had checked "Danger to Self." Harriet agitated anew upon hearing it crinkle, concerned that her voluntary commitment to the private hospital was going to become a commitment in the county's public hospital. She did not want that, "I won't do it, Jessica, that woman, that woman was just in here saying that they're going to have to transfer me to the county hospital, but I specifically came here because I want someone who will give me care, not just a sedative." Her face paled, her shoulders rose, she slumped back into the pleather ER bed, as if to protest the possibility of her displacement by sinking ever deeper into her grave. Her breath quickened and shallowed; she froze at the thought of turning to the county to solve her problems with the county.

She closed her eyes; I wet a paper towel and put it on her forehead. "I've been dreaming, still," she said, eyes still closed. "Not of Michael, not anymore. It's me, I've been dreaming of being stuck in a jail. Or a mental hospital, I can't tell in the dream which it is. I go up to the wall of the jail/hospital and try to release people but I can't move. I scream and the correctional officers or psychiatric nurses or something, they run right by me, like they can't hear me. And then the screen zooms out—screen, you know what I mean, in a dream, like how you can see yourself—it zooms out and I'm stuck behind closing double

[29] The Lanterman-Petris-Short (LPS) Act governs involuntary and voluntary civil commitments in California. The LPS Act staggers levels of commitment. Commitments begin with the 72-hour hold of a person deemed by law enforcement or medical staff to be gravely disabled or a danger to himself or others, under §5150 of the California Welfare and Institutions Code

doors. And as the camera, or whatever, zooms out, you see that there are more double doors and more double doors."

I snorted at the interpretive transparency, "Well, that's not exactly a tough nut to crack. Why you've been dreaming that."

Harriet smiled, "No, not at all. The other one, the other recurring one that I've been having, well, it's not more fun, but I get to be a samurai at least. I'm a samurai, but I'm shamed because my master was murdered and now I have to live with the guilt and shame of his death."

A woman walked in, "MD" stitched in blue cursive on her white lapel. She asked Harriet if there was anything else she could help with at the moment; if Harriet was going to insist on waiting to be put in the psych ward at the private hospital, rather than accept the transfer to the public hospital, she could be waiting for a while. Harriet perked up and pointed to a tray of food beside her bed, her voice cocking with her head and her hand, all collaborating in her sudden turn to the snide, "Yes, actually. I never got the salad dressing that I asked for. I have IBS [irritable bowel syndrome] and I don't eat dairy, so I need something natural, like oil and vinegar. I can't eat that salad without dressing. It's too plain. Honestly, it needs some herbes de Provence, but I'll settle for dressing. I've only been waiting, like, three hours for oil and vinegar."

The doctor said that she would look into it, adding, flatly, "I see you got that Perrier you asked for, though, so that's good."

Upon the doctor's departure, Harriet's frustration slid from the salad back to court. "I'm here basically because I had diarrhea this morning. Isn't that ridiculous? I had an hour and a half of diarrhea and was running late to court and I was worried that I wasn't

going to make it or that I'd be late. I was worried they'd bench warrant me if I didn't give them a good enough excuse. Last time, I don't know, a year ago, the judge called a special court for me and I didn't make it because I woke up with a migraine or something but the judge said that he would never stay another bench warrant for me and that the next time that I was late or missing I would be sent straight back to jail!" This was an exclamation; Harriet's voice rose and then broke. "I guess I might have tried to make it if I had known that you were going to be there, but I really thought—Judge Manley, he has threatened me with jail. I'm seriously afraid of dying in jail. I'd sooner kill myself. I don't know why I can't just kill myself on a beach like I want to. I want to be washed out to sea. I'd much sooner kill myself that let some fucking filthy CO [correctional officer] do the job for me." She turned to look up at me, "You know that is what would happen, right, you know it, they'd kill me."

I did not know, but I did not *not know* either. Harriet's tendencies towards the hyperbolic took on a different tone in light of recent events; her claims that "they'd kill [her]" registered differently after Michael's murder. If I could not validate her concerns, neither could I dismiss them, on their own terms, as literal threats of death. But what about the beginning of her explanation about how she ended up thinking about going to a beach to kill herself, or possibly settling for a parking lot, in absence of gas to drive her car over to the ocean? The part where her suicidality sounds *like an excuse*? The most profound of all doctor's notes for her to pass along to the judge. And yet, her suicidality was not fabricated. Rather, Harriet's suicidality registered at the level of the existential; it was *ordinary* to her. But circumstances had changed; Michael's death changed her existential condition, her sense of ordinariness. Harriet had translated her everyday suicidality into a political action,

directing it towards Judge Manley in the name of her self-protection, a mobilization that did not refute the lethality of the content of Harriet's challenge.

Somewhere within all of this, Rebecca had left Harriet's room, using my presence as a reason to excuse herself to go to Harriet's car and retrieve the belongings that she would need for her seventy-two-hour psychiatric hospitalization. Rebecca and a nurse arrived back in the room together; the nurse to inventory the items that Harriet intended to bring into the psychiatric ward, methodically extracting them from the wheeled luggage and counting them and indicating them on a form. Seven shirts.[30] Three pairs of boxer briefs. Four pairs of socks. The nurse passed a jacket back to Harriet who passed it back to Rebecca to take with her: it was a windbreaker, with an elastic cord at the bottom. The nurse explained that Harriet could bring it up to the psych ward with her, but they'd have to cut the cord out. No strings allowed in the clinic that provides care with so many strings attached; in the pysch ward, each string is a potential noose. The nurse de-laced Harriet's boots. Rebecca folded Harriet's belt. No one commented on the procedure. Instead, Harriet asked Rebecca about her cats, three of them, who live in Harriet's car. Rebecca replied that Harriet had left the passenger window open in her rush to get into the ER, but Rebecca had closed it "and the kitties were all good girls, no one escaped." At this, Harriet began to panic and cry, whimpering. She retraced her steps as she had driven into the parking lot aloud, noting when she had made sure that the windows were closed, failing to recall when she could have opened it. She turned her face away from me, towards her mother, laying her head against the bed, one arm crooked above, a contorted posture of

[30] Given the number of shirts for the short stay, I imagine that Rebecca brought in a bag of Harriet's possessions from the back of her car, not that she had *packed* that bag for the purposes of the stay. These are just things that Harriet keeps in her car, that happened to be in a bag, because she has nowhere else to put them.

despair: "See, Mom, this is what I mean, this is why I need a break. I can't even keep them safe. I'm losing it. I'm losing it."

Suicides spread. Death dilates. Michael's murder sits in uneasy relation to Harriet's suicidality. Michael's murder might not have caused Harriet's suicidality, but one *inculpated* the other. Harriet's outpouring of trauma, her narration of her own childhood, sits in uneasy relation to four of Rebecca's suicide attempts. After Harriet was finally moved up to her room in the psych ward, Rebecca called to give me the number to the wall phone in the ward. She figured, she told me, that it would be faster if she just gave it to me, rather than waiting on Harriet, and, after all, she had it on hand because she had been hospitalized there for several days just a month prior, after her own suicide attempt, this one with pills, this one because of poverty and stigma and homelessness not *brought about*, exactly, by Harriet's incarceration, but, again, happenings that came about *not independently* of Harriet's arrest and incarceration and adjudication either. Or, as Harriet wrote it in an email to me the day after she had driven her mother to the same hospital wing that her mother would later drive her, an email with the subject line "My Mom Almost Died, Because of a Capitalist Bully":

> My mom attempted suicide Tuesday morning. She was in the ICU for two nights, as they tried to lower her blood aspirin. She took 70 pills at 325mg each. Mitchell Strauss, who is the trustee of the building had identified himself as the owner of the building while looming over her in Java Joe's.[31] She said, "Oh, hi!" and reached out her hand to shake his. He yelled at her and called her a vagrant, said she was loitering and wasn't to come back. Her salicylic acid levels continued to rise in the hospital the first night. I drove her there myself and one of my cats went to the bathroom in the backseat of my car because of the stress. I haven't been able to wash laundry yet. This asshole will apologize to her! I have found his home address and family phone number on the Internet. No one has a right to bully another person into suicide. My mom has a right to exist…

[31] Java Joe's was a café in which Harriet and Rebecca spend most of their days, with the permission of the café's owners.

Death, Michael's, or attempted deaths, too many to name, do not bring about ends, but instead get caught up in the propelling currents of the social, carrying them forward.

2

News of suicides and suicide attempts would trickle into the mental health courtroom, Judge Manley's chambers, the mental health office next door at a relatively constant pace, but the recognition of an inundation would lag. Someone—a social worker, an attorney, the judge, a psychologist, a clerk—would catch word of a particularly violent or otherwise shocking suicide and comment on it, eliciting similar stories from others. Someone would casually ask, during a recess in legal proceedings or at the end of the court day, if anyone else had heard about that client who had jumped off of the overpass and on to the highway, to his death. Oh, no, someone else would say, asking when it happened, saying that they hadn't heard of that suicide, but had anyone else heard of the client who just laid down on the Caltrain rail tracks, only a mile from the courthouse? Or the guy who had been in court just a few days ago, the heavy-set guy, the one with TBI [traumatic brain injury], you couldn't miss him, something was really, cognitively, off, did everyone know that his TBI came from cerebral hypoxia, from the time that he tried, unsuccessfully, to commit suicide by hanging himself from a rafter with a belt? Oh, no, someone else would add, they hadn't heard about that, but Spiderman was up to it again, did everyone know that? Spiderman—a nickname for a particular court client recognized by everyone in the courtroom, a homeless man who would refuse to stay in shelters and insisted on living out on the streets. He would be arrested every couple of months by the cops for scaling buildings downtown to access their air conditioning units. He liked to suck the Freon from the tubes. He would usually be passed out from the coolant consumption by the time that the cops would find

him, catching him blue-lipped and red-handed at the scene of his suicide attempt, at the scene of his crime. The cops would take his body in for illegally trespassing.

I did not personally know most of the people whose tales the court working group passed around, though I recognized most of the names and faces from court hearings. I knew the man with TBI. His girlfriend and mother always came with him to court; he could no longer travel by himself and it was difficult for him to speak. His memory had been so compromised by the TBI that he needed his girlfriend to tell the judge about how he was occupying his time on his behalf, even such mundane things as how he had gotten himself from his house to the courtroom. As I will describe, most of the court clients whom I did know (by which I mean, with whom I spent sustained time outside of court) regularly spoke of possibly killing themselves. But there were more stories in the courtroom than people I could know, and, so, to me, much remained lore. Accordingly, I make no claim that the actions in the stories described by the court staff *actually* mapped on to clients' intentions to kill themselves. I do not know whether Spiderman sucked Freon with the aim of ending his own life or for any other possible reason. As I argue below, *when* an informant's suicide talk would rise to the level of immanent action was always an open question in my mind; not knowing the abovementioned clients outside of court is not the only reason why I refrain from endorsing intentionality on their parts. Rather, I suggest that the constant talk about suicide, which would sometimes be acted upon, is indicative of an existence in which suicide is always possible, always at the ready. I attend to this potentiality in place of intentionality. But, here, I collect the ways in which court staff would talk about actions that they labelled suicides or suicide attempts, with the implication that the client in question had intended to take his life.

Within the Santa Clara working group, each mention of a suicide or an attempt was registered with relative nonchalance – the suicides happened too frequently to get worked up about each and every one, however unfortunate they were—but their accrual took its toll. Eventually, Judge Manley would creakily rise from his seat and return to his chambers, leaving us to gossip in his absence. When I would follow him, I would find him somewhat agitated, usually, not forlorn or melancholy, but eager to move on to work. He would have a lesson at the ready: "You see, Jessica," he would say, loudly smacking together piles of papers on his desk, rearranging mail and case files and Xeroxed research articles on mental illness and *USA Today* clippings, "*these* are the stakes. People kill themselves. We probably lose one a week in this courtroom, maybe one every other week from suicide. If we don't get to them, this is what happens. They're poor, they're desperate, they're sick—they kill themselves. They're all psychotic, for God's sake! They're sick and they kill themselves." Manley didn't seem to dwell on the deaths; he seemed eager to use it as a point of departure, a reason to more quickly pick up the phone and lobby, ammunition for his activism.

Manley's use of clients' perceived suicidality as both an excavation of "the stakes" of his practice and as a rudder in the directing him towards certain actions is indicative of what Janet Roitman (2014) would identify as a logic of crisis. Roitman is dubious of what the term crisis has come to signify as it orients itself around a particular conceptualization of temporality and history; why, she asks, is "ongoing crisis" not registered as an "oxymoron" (3)? In availing and foreclosing different sets of questions, crisis thinking avails and forecloses different types of critique, which constitutes the terrain of Roitman's concern. The types of critique made possible by crisis compounds what Roitman identifies

as a shift in temporality and a shift in positionality to crisis as a "non-locus," or non-space, "from which to claim access to both history and knowledge of history" (93, 3). A claim to crisis, once uttered, erases the utterer's positionality as the claim to crisis is itself "a means to externalize self-reference" (38). Drawing on Rienhart Koselleck, Roitman explains that the externalization invoked by crisis narratives relies upon a particular "historical consciousness" whereby history is "objective enough" to be judged and "defined by a teleology of justice" such that "there are winners and losers, errors and victories" (31, 23, 23). In other words, history becomes "the *ultimate* form of judgment" (22, emphasis in original).

By invoking the concept of crisis, then, in his anxious and exasperated calls for help, for more resources from the county that never materialized, Manley rendered his own judgment secondary. History will judge, not Judge Manley. But what type of actions does such liberation make possible? When all potential activity is balanced against suicide, there is little imperative to strive for a consistent standard. Any outcome other than the worst possible crisis of suicide—the deaths of all of the courtroom's clients— validates any intervention.[32] Consider this, as I had to: when – at some point within the flood of suicides and attempts, Abby, a popular source of support for clients in need, fell ill and had to take a months-long medical leave of absence – Manley asked me to play social worker, to fill in for Abby's duties. I hesitated and protested, given my lack of training and certification. Manley was dismissive, as if I were being overly proper, as if I clearly misunderstood the

[32] The temporality embedded in this logic mirrors that described by Paul Brodwin (2013) in his work with community mental health professionals in the American Midwest. Brodwin argues that the case managers with whom he works balance a temporal understanding of crisis, wherein case managers feel the need to respond urgently to particular events rather than focusing on formal ethics, with a biomedical understanding of psychiatry, which figures psychiatric disorders as degenerative conditions, such that the case manager can forestall futility in their consideration of stability, as opposed to improvement, as an accomplishment.

constant context of crisis in which the courtroom worked, "Look, you know that no one else is going to fill in for Abby. There's no one else to do it and we're obviously not going to get the money to hire a temp. Either you do it or no one does it. So, sure, you might not know a lot, but even if you know enough to help one person, even if you fail most of the time but help *one person*, that's more than would be helped if you don't do this." One person: what history would judge to be a success, or, at least, not a failure. I acquiesced, accepting, for the time, Manley's understanding of how history would judge in place of my own.

This is precisely the type of thinking, and the circular and thin action inspired by such thinking, that concerns Roitman. Within a system of crisis-oriented political consciousness, "reason" is the "judge" of *both* crisis and critique, such that "we are *consumed* with the problem of establishing the validity of claims to social or political critique" (31, emphasis added). Even poststructuralism falls prey to the constant production of crisis as a precondition for and desired effect of critique, insofar as crisis yokes itself to critique through demand that it conceptually found itself on the "idea that history could be alienated in terms of its philosophy," or, as Roitman reframes, the idea that "one could perceive a dissonance between historical events and representations of those events" (33). If critique self-authorizes by playing on this dialectic, crisis is to be found in the "distinction," the gap, between the dichotomous elements of the binary (38). Crisis's domain, that distinction between historical event and representation, becomes problematic when set as the stage for political action, as any resulting politics goes on to subtend the original binary.

For example, Roitman explains, all interpretations of the subprime mortgage crisis involved a perceived disparity between "the 'real economy'" and the disastrous, "over-

valued" alternative (43). Political action was directed at rectifying the perversions of the market, however defined, and resuscitating the market's rightful form; in other words, crisis directs action towards the amelioration of an aberrant manifestation of a phenomenon and shelters the phenomenon itself from a critical gaze. Crisis insulated the market *qua* market as the target of anger stemming from the subprime mortgage collapse. The binary, founded by crisis and critique, protects systems from interrogation, in a manner similar to that described by Wendy Brown, wherein a liberal politics of resistance "reinstalls" the ideology underpinning the phenomena against which it resists in the course of resisting (1995: 66). In claiming a crisis, then, such that helping "just one person" is an improvement, Manley shields justice itself, in its ideal form, from suspicion. The line of thought whereby dysfunctions are revealed to be functions, or, to say, in this case, that justice itself functions through the production of conditions of possibility for mental health court clients to regularly attempt to take their lives is has no space in a context that Manley frames – in his solitary return to his chambers, in his moralizing lesson to me, in his plea for me to participate -- as a crisis of justice.

What type of crisis is suicide—and for whom? Figuring suicide as such -- thinking of a suicide, an attempt, a spate of suicides, as crises – involves the same type of thinking that allows us to think of Michael Tyree's murder as an event, a crisis unto itself. But, following Roitman that conceptualizing crisis is a "second-order observation" that lacks a first-order, observable, external referent, there are clearly other ways than crisis to think about the happenings that come to be labelled crises (2014: 38). And assessing which particular formation of crisis or its alternatives is maintained *by whom* in reference to *what*

particular situation and for *what particular effect* is the type of ethnographic question unasked by Roitman.[33]

It is, however, a question asked by others. When paid, attention to the variegated deployments of crisis in regards to suicide exposes the political potentiality of crisis-speak and the very particular mobilization of these politics within the biopolitical domain of suicidality; in other words, this work stays the question of truth in regards to crisis to ask, instead, what the depiction of suicidality as such achieves.[34] Moving from what she

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[33] Though Roitman is explicit about the exclusions, theoretical and empirical, necessitated by the tightness of her work, her minimalist empirics is a notable choice; she limits herself with the test-case of the American 2007-2009 financial crisis. Certainly, given the ubiquity of declarations of crisis, which Roitman designates a "veritable industry," limiting scope is understandable (2014: 3). More notable, in my mind, is Roitman's disinclination to discuss different orientations towards the single test case, producing a slight gap between the theorizing of the first part of the book and the empirics of the latter part of the book. For example, Roitman draws upon ample evidence to show that many in the financial industry were in fact profiting from the housing bubble (54-63), leading one to wonder whether the "crisis" was really a "crisis" for financiers at all. If crisis cannot be, as Roitman so compellingly argues, an observable, external condition, it seems all the more important to question *who* is generating what type of second-order observation about the world. If, as Roitman writes, the assignation of crisis is neither "description" nor "diagnosis" but "rather a posthoc and necessarily political denunciation of a particular situation," then it matters *whose* politics are enlivened (49). The crisis, for homeowners and Obama, may not have been so, or characterized as such, at all for Lehman Brothers.

[34] Not *all* recent ethnographic work queries the identification of suicidality as a crisis. In her work in Karala, Jocelyn Lim Chua (2014) positions crisis as a starting point. Where Roitman (2014: 14) would emphasize the declaration of crisis as an explicit attempt to mark a juncture of history, to found a new moment, a gesture of pragmatic and aspirationally-performative speech, Chua takes her informants at their word that contemporary Kerala is characterized by a crisis of suicidality, a crisis of such magnitude that it has "generated new ways of living" (2014: 5). Chua's interest is not in the act of suicide itself; she explicitly disavows any investigatory function to her research and claims to refuse to engage in the reconstruction of the lives of those who have killed themselves. Rather, she limits her inquiry to the discourse that follows a suicide, a discourse that she interprets as necessarily linked to the act of suicide that preceded it. "Crisis" is embedded in Chua's hermeneutics. In so doing, Chua accepts the Durkheimian (1951[1897]) position that nationally- or regionally-rising suicide rates reflect moral crises. Durkheim pins the crisis on the moral breakdown of the social; Chua mirrors her informants' stance that suicides come from the gap between what young people have been told to aspire to and what they can achieve in practice. Though Chua refuses Durkheim's altruistic suicide as a motive for the suicides that she encountered during fieldwork and states that she is "departing from sociological understandings of suicide as a straightforward marker of social cohesion" (2014: 201n73), her reliance on the gap between aspiration and reality as an explanatory mechanism for suicides in Kerala rings of Durkheim's description of anomic suicide as a result of having "pursue[d] a goal which is by definition unattainable" so as to have cultivated an unachievable, and therefore depression-inducing, desire (1951[1897]: 248). Further, working in Botswana, Julie Livingston (2009) suggests that what presents as a Durkheimian crisis of declining social integration is, "[o]n closer examination," a crisis of financial debt and "the often hidden risks of self-determination" (2009: 257). Livingston's analysis of the Botswanan suicidality is in tension with Roitman's critique of crisis; in gesturing to a real reason for the crisis of suicide "beneath" the patina of suicide crisis as moral breakdown, Livingston performs, herself, the type of circular logic that Roitman identifies as characteristic of crisis thinking (ibid). In other words, Roitman might say that Livingston's search for a truer reason for crisis falls into the pattern of constantly searching for the

identifies as Roitman's "logical space" of crisis to "the social field," Elizabeth Davis poses questions of interpretation for Greek suicides that occur during the country's economic decline beginning in 2007, perceived by many Greeks to be occurring at "epidemic" rates (2015: 1031, 1031, 1007). Davis's curiosity stems both from the rapidity with which a Greek public identifies a rise in the country's suicide rate as a crisis and the ease with which the public interprets suicide notes "as transparent proof" that the authors had intended their suicides as political protest "on the premise that the reasons people give for their actions account for their actions" (1015, 1019). Davis is skeptical of this premise, instead insisting on the potential for incoherence in narration and the possibility, always, for ends other than "social stability" (1022). Pinning down the 'who' and the 'how' and the 'to what ends' of crisis talk, in all of the collective discourse's internal contradiction and incoherence, reveals, for Davis, the irresolvable "indeterminacy of suicide itself," an indeterminacy that actively rejects the Durkheimian "self-evidence" of suicide statistics as the "end of explanation" (1009, 1032).

Similarly, in her ethnography of the afterlife of settler-colonialism in present-day public health regimes in the Canadian Arctic, Lisa Stevenson (2014) resists the propositional content of statistics to foreground their pragmatic properties. Statistics, for Stevenson, do not necessarily index a past-tuberculosis or present-suicide crisis, but were and are, more importantly, deployed by the state in an effort to subjugate the Inuit, first, by demeaning their human individuality and using the statistic as a way of conferring "animality," and, second, by using statistics as a tool of assimilation, such that becoming Canadian meant to commit suicide at Canadian rates (27; see also, Davis 2015: 1020-1021).

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true reason for crisis, that all-consuming "search for validity" that implicitly represents crisis as an observable state of affairs, that is characteristic of crisis thinking itself (2014: 31).

Like Davis, Stevenson is concerned with indeterminacy, identifying "uncertainty" as both her "mode" of inquiry and ethnographic object (2014: 1, *passim*). Stevenson takes the dialectic identified by Roitman as the distinction between event and representation, retools it as a fundamental divide between ontology and epistemology, and locates herself firmly on the side of ontology, specifying that the uncertainty with which she works is "ontological" in the sense that "[i]t is not about how we know what we know, but uncertainty about what the world is" (205n.9). And yet, even while characterizing her uncertainty as ontological, Stevenson seems willing to accept that some forms of human relation are more certain than others. In her move away from speech and towards image and song, which she presents as less propositional and therefore less certain forms of communication, Stevenson implies that speech *can* function as a more certain mode of communication. Put differently, she might invest the suicide notes written by Greeks who went on to kill themselves with the type of transparent authorship that Davis refuses, reflecting a deeper distinction in that Stevenson seems to suggest that there are some forms of communication and relation through which people can, in Davis's (2015: 1019) words, "account for themselves" and others, such as song or image, through which people cannot, an implicit distinction upon which Stevenson predicates her privileging of the imagistic over the textual.

Why such faith in the transparency of language? Through speech, people mislead, dissimulate, lie, feign, perform, reify, convince, dissuade, confuse, hide, evade, escape. All of these things can be done intentionally, of course, vis-à-vis one's interlocutor. But following a basic psychoanalytic precept: speech also manages to mislead, dissimulate, lie, feign, perform, reify, convince, dissuade, confuse, hide, evade, and escape *the speaker*. There

is a reason, after all, analysis takes years; even Freud's fundamental premise that speech is the only access point to the psyche acknowledges that it is a cluttered and confusing entry.

Consider Stefania Pandolfo's (2008) account of a scene from a psychiatric emergency room in Morocco: a young man named Reda and his mother wait to speak with a psychiatrist. Pandolfo tracks the linguistic twists and turns of the psychiatric interview – from the shifts from Arabic to French to Reda's "sort of invented Italian that turns into Spanish and finally breaks into incomprehensible speech" – to demonstrate the impossibility of ever pinning speech down with such certainty (352). For even the shifts in languages extend beyond the practices of translation to reflect a more fundamental slipperiness of speech. Reda's speech, in its many tongues, is not an explication of his needs and desires that happens to slide between various idioms. Some of Reda's speech may well reflect what he believes himself to desire at a particular moment in time, such as his cry for an attorney (330). But Reda's desires change over time and are opaque to his consciousness – such is the existential case for "the always implicated and transactional" subject who is "inscribed in a network of symbolic debts" (Pandolfo 1997: 4-5). Indeed, the ways in which Reda's speech escapes his own conscious understanding key to the ways in which the social enters the subject through discourse. Reda's speech is not his own in the sense that it also flags a "confrontation" between "modern times" and a "cultural home" that "concerns a whole society" who is "called in by his speech" (Pandolfo 2008: 329-330). At the end of her encounter with Reda, Pandolfo herself feels and imagines the psychiatrist to also register a tension that stemmed from Reda's speech – how it "overflowed the specificity of his personal history" and instead became the terrain of "a historical and political affair" (339).

Like Stevenson's images, then, and like any mode that connects people to others and to the social, speech is a murky enterprise structured by indeterminacy and impasse.

Indeterminacy operates in multiple registers in the midst of what some, like Judge Manley, have an interest in labelling a suicide "crisis." The identification of crisis is subject to the same questions of opacity as suicide-talk and as speech more generally. Perhaps those who describe suicidality as crisis do so intentionally and manipulatively, seeking the political implications of such a description, to sustain the basic coordinates of the social system in which suicides occur. Perhaps people who describe suicidality as crisis do so intentionally and in a way they believe to be transparent, to communicate, descriptively, their social context in a way that aligns with their perceptions. Perhaps the description of suicide as crisis is dogged by the same murkiness as suicide itself, where the discourse produced about the event cannot broach what Davis describes as accountability. Regardless, the multiplicity of meanings credited to and generated by suicide and the social discourse surrounding suicide demands indicates that meaning-making is always incomplete and contested. Even while Judge Manley describes the suicidality of court clients as crisis, others might disagree.

3

What if, contra crisis, suicide was ordinary?[35] Something, however upsetting, that was not so difference from the other forms of violence that manage to knit together social ties? What if, rather than the crisis of death, with a solitary death being the possibility that kicked Manley into crisis mode, suicide was a "form of life," in the manner invoked by Angela Garcia's description of three heroin overdoses in the Española Valley, where suicide is but one more social experience, never encountered "alone but embedded in a set of intimacies" (2010: 152)?

Zahra Hosseini considered the high cost of living in California a crisis, not her attempts to kill herself. Simple, she explained to me, the first made no sense, the second was perfectly reasonable. I was in San Jose, just outside of the courthouse, when she called. I had been hoping to swing by the homeless shelter after court and pay her a visit, but, she informed me, she was out of town, in Sacramento. Zahra had no car — she was constantly calling me for rides up and down the California coast, after telling me that her RV, in which she said that she had stashed all sorts of valuables, from drugs to cash to tapes of interviews that she had conducted with Monica Lewinski to blackmail Bill Clinton, was confiscated by the police — but told me that she had been able to borrow one to get herself to Sacramento. I asked who had lent her the car, and if they were with her, but neither

[35] Indeed, Davis references the "ordinariness of death by suicide" presented to her "as a sort of consensus" within a group therapy session that she observed in Thrace, Greece, during "a different time" (the early 2000s) (2015: 1023). Davis juxtaposes the ordinariness of suicide in the clinic to the type of crisis talk that presents itself as "self-evident" in the current moment of frequently public suicides (1032).

question, like most of my questions to Zahra, received an answer. Many times when she would call and tell me that she was travelling, I would wonder whether she was, in fact, physically in her small room at the group home, until that one time when she called "from the highway," she said, and I asked if she were presently driving, another question unanswered, but I could hear what sounded to be cars driving by at a relatively high speed.

Zahra screamed into the phone, "I put $150 of gas into this car and now I have nothing!" I was still focused on the car, skeptical of the assertion that a friend had lent it to her, not only because of the way Zahra had quickly slipped it into the middle of another thought that had continued seamlessly after the end of the mention of the car. Did this friend go with her to Sacramento? Was the friend with her now? Zahra included the phrase "she left" in the middle of a lengthy answer that I couldn't follow. Was she alone? Did her friend leave her up in Sacramento? Did she have a way to get home? A poor choice of words, on my part. Zahra pierced my questioning and her own monologue with a shriek, a sound, something nonverbal, before continuing, "Jessie, Jessie, *what home*?" She had been evicted from her senior's group home a week and a half before. Lilly, the owner of the group home, had told me that Zahra was her favorite resident; she hadn't wanted to kick Zahra out, but God's Way, a local religious social service provider, had stopped paying Zahra's rent, Lilly explained, her voice at the top of her throat, clipped, tears brimming her eyes, what was she to do? Zahra had hugged her, "Shhh, shhh, shhh."

On the phone, Zahra seemed to move on more quickly than I do from my offense, launching into a description of her day so far. It was hot, so hot, in Sacramento. I worried about where Zahra could go to get out of the sun. She told me that she had gone to Sacramento to file "elder abuse charges" against her brother. Many of my conversations

with Zahra were about her brother and his wife, her desire to press charges against him, the money that they had swindled from her, though I rarely understood Zahra's narrative, despite the detail with which she told me her history. At some point, I realized that my difficulty was not just with the structure of the Zahra's narration, its ebbs and flows, its circumlocutions, its lack of concern with linearity, or Zahra's thick accent, especially heavy when she was animated, which was most of the time, but that she would swap pronouns and verb tenses mid-story, mid-sentence, mid-thought. When she was a younger woman, she told me, her parents had moved with her and her brothers from Tehran, this was before the Revolution in '79, to San Jose, not so very far from the group home in which she lived and where she and I would pass time together outside, on the porch, always outside, in an effort to escape the roaches and bedbugs, or, if that was impossible, at least to pretend that their scurrying was less alarming when it occurred out on the patio than inside the home, at least we could pretend we were in the insects' habitat outdoors rather than they in ours. Her family had been extremely wealthy in Tehran, Zahra said, and they made good money in the Bay Area; her father had owned a Persian restaurant that she had managed.

Though Zahra talked about her family background every time that we got together, I never took away a coherent understanding of her history: I never understood what happened with the money. Zahra said that her brother had taken it from her after her father's death, but that she was already homeless at the time of the funeral. I never understood how Zahra became homeless in the first place. And, given that the family history would take off without a connection that was discernable to me, other winding stories that Zahra would share – the time she spent working for Oprah, her close friendship with Hillary Rodham, her time as a Hollywood ingénue – I would frequently find myself

wondering what her brother would say about the history that Zahra told me. Zahra was a proud woman, always dressed with a wardrobe that she had carefully curated from the various donation centers in the area, always on the prowl for blazers with shoulder pads, blouses with sequins, shoes with short heels. When she couldn't get out of her wheelchair, she would have me hold a mirror in front of her face for her to layer on foundation and crimson lipstick. Even when it was hot in San Jose, even at the group home, Zahra would always wear a blouse and slacks, or a skirt with pantyhose. She would hold a small fan to her face, spritz herself with water, sweat crowning her hairline, but always cover her arms and legs. "This is how to be a dignified beauty," she would say, in one of those asides that would cut into her stories with a sudden cogency. "Jessie, there are rules for this things," she would say, grabbing her breasts, laughing, "you can wear a low sweater, something to show off, of course, for power, but always, with dignity."

Dignity. From her screams into the phone, I understood that Zahra felt as though she was not treated with dignity, though I could not discern much that I could recognize as a sequence of events to her day. I understood that she had tried to go to the police station to file charges against her brother, where the police informed her that she would need a court order. She told me that she had tried to find "the court attorney," to no avail. She had confronted the police; they had told her to leave. My grasp on her description of her day began to unravel from the moment she had left the police department; and yet, though I could not recreate Zahra's itinerary for day, her meaning was clear: "I told them! I told them that I had nowhere to go, that they were *supposed to help me*, but they *turned me away*.

Said that they couldn't do anything because I was missing the kulu court order.[36] Aren't the police supposed to help? Aren't they? I said I had no money, nothing, I need food. A woman there said that she could help me get something to eat but I don't know where she went. I spent all of this money on the car, on gas, and it got me nothing. Nothing! I wanted to file these elder abuse charges because *he's abused me, Jessica, he's abused me*. My money, my family, my rights, oh, all *taken away*, all *gone.* Where do I go? I asked them to take me to a shelter but they just asked me why I came when I had nowhere to go. Because you need to file charges in the county of the crime, you fucking idiots! Motherfuckers! I told them that I was going to kill myself, I'm going to kill myself if they can't help me. I'm parked right now, gas station, mall, parked, have to move the car, need to find shelter. This is what the police do in this country? Aren't they supposed to help? How is this justice? This is justice? This is justice? Where people abuse you? I came to this country…."

A significant change in verb tense: "I told them that I was going to kill myself, I'm going to kill myself if they can't help me." A tense shift like Harriet's, from her cot in the emergency room: "I'd much sooner kill myself that let some fucking filthy CO [correctional officer] do the job for me… I *will not* go to VMC [the county hospital]. I swear to god, I'll fucking kill myself, I'll fucking kill myself."

I had been pacing outside of the courthouse while on the phone with Zahra. We had been on the phone for forty minutes; I had been drifting in and out of trying to stitch together the pieces of information I was getting from her, growing frustrated with my inability to do so, deciding that perhaps it was more important for me to just listen without

[36] "Kulu" is a term that Zahra used frequently. I never came by a definition, and Zahra would just laugh at me when I asked. Based on usage, it was a term used for emphasis, to highlight the ridiculousness of something that was happening and usually making her life more difficult.

trying to render her side of the conversation into a form that was sensible to me, only to be piqued by a detail that did make sense to me. I remember physically coming to a stop, standing on the street corner outside of the courthouse, stopping Zahra in her speech: "Wait. Wait, Zahra, you said that you told someone that you want to kill yourself? Did you mean that?"

She quieted. Most interactions with Zahra occur at a high register, on her end. It was a notable mode of engagement; so noted, perceived as so constant that court staff would actively avoid having to speak with her, sometimes it felt like getting verbally pummeled, even if Zahra wasn't directing aggression your way. So the moment of silence after my interruption was unusual. As was her patient and calm response to my questions; I cannot recall another time that Zahra directly responded to a question of mine, another time that she directly affirmed or negated a question. "Well, yes, of course, of course I want to kill myself, yes." She continued with a question for me, but still calm, her pace not yet quickening, "Who would want to live like this?" It was my turn to avoid an immediate response. I said nothing, but I remember thinking that I could not think of a person who would be content with Zahra's life, anyone who would *want* to "live like this." She gave me a beat of silence and then continued her explanation, "This isn't a life. I have nothing, no one. I have no rights. I have no money. I just want it all to end."

I stood still, never verbalizing an answer to her question -- *Who would want to live like this?* -- instead devising another, "Do you want to go to the hospital? I can take you to the hospital if you'd like to go." I hated the question as I asked it. What was it that I was offering? I was offering to be a cog in a machine that passed Zahra around, with no meaningful planning or long term solution for her. And she recognized the hollowness of

my offer, staying engaged with me in a manner that I interpreted as lucid, responsive, "Jessie. *Of course* I *don't* want to go to the hospital. Are you crazy? Why are you asking me that? Why would you take me to the hospital?" Because that is where you take someone who is threatening to kill themselves. When you don't know what to do with someone who is hurt, that's where you go. I envied the clinical team inside of the building outside of which I stood—Andie, Abby, Roberta, they wouldn't have hesitated. They would have called the Sacramento police to locate Zahra and send an ambulance. The same police force that had turned Zahra away, according to Zahra. The same police force that had refused Zahra's requests for assistance. My mind whirred, wondering what to do; Zahra had phone numbers for Andie and Abby, she could have called them if she had wanted someone to send an ambulance, they had sent ambulances for her before. "What will they do to me if I go to the hospital?" Zahra continued, "They'll give me a shot? A big shot of *drugs* to make me not cookoo? And what happens when that wears off? Because they're not going to give me health *insurance* in the hospital. They're not going to give me *housing* in the hospital. They're not going to give me *citizenship* in the hospital. They're going to give me a big shot and then turn me out on the streets and I'll be exactly where I am now, except for feeling sick from them changing my medicines. How will that make my life any better? I'll be exactly the same, exactly the same, or maybe worse."

I did not have anything to say. She knew what would happen to her in the hospital because it had happened to her before, with other attempts. I wondered why she had called me, what she wanted from me, before I remembered that she was calling me back, just replying to a voicemail that I had left her. Or so she had framed this phone call; this wasn't a phone call from the edge of a cliff, so to speak, or a call with the *sole* purpose of describing

suicidality, if that was a purpose of this call at all. Remember, we had been on the phone for forty minutes before Zahra ever talked about wanting to kill herself. She had sounded upset and agitated for most of the phone call, but that was far from unusual. But if I did not register the phone call as anything that I would be so convinced of as a cry for help so as to insist on that interpretation over Zahra's clearly stated opposition to medical intervention, what was the phone call? Or, what had the phone call become, if it had begun as a simple move in a longstanding game of phone-tag? "I have nothing, no one," she had said. I wondered, anxiously, if she wanted me to say that she had me, to say that I would experience a loss if she killed herself, if she wanted me to tell her not to do it. I did not want to tell her these things. And so I was at a loss: I had no institutional resources to offer and I recoiled from putting myself in the position of even attempting to offer unconditional emotional support. I would not tell her not to do it; I would not put myself in the position of presenting myself as a reason not to kill herself, when she could not readily think of others, only to leave at the end of the summer. I offered something weaker: I told her that I was worried about her. Worried, yes, but not worried *enough*, or not worried *in a way* that I would *do* something about it.

Zahra filled the silence that followed the end of my simple, my limited expression of concern, "You know that I'm right, that there is no point in trying to wait this out. This isn't a life." Her pitch took off, increasing in volume and pace and fragmentation, "Nowhere to live. No money. I want to work, I want to work! I want to be a citizen of this country. I have worked here but still, not a citizen. I can't work, my body, broken, sick, ill, no one believes me that I want to work, my body is infected, hospital not work. And those

bugs! *Those bugs*.[37] They're still with me! Did you know that? You can't get rid of them. The sores and rash, I can't sleep, not a way to live, medicine, sleeping medicine, can't get any, no insurance, but I can't sleep—those *bugs*! They've ruined my life, they've ruined my life. You can tell that motherfucker Judge Manley that he's killed me. It's because of *them*, because of the fucking criminal law that I can't get my citizenship.[38] No Medicare! No housing! I can't live like this, no, no, no, no, no, no, no justice. No justice! No, no, no, no…"

Zahra was wheezing; I worried that she didn't have her emergency inhaler with her. I told her to try to slow her breathing, to inhale deeply, while I slowly exhaled, "Shhh, shhh, shhh."

[37] I understood Zahra to be referring to the bedbugs at her group home.

[38] An attorney had told Zahra that she was unlikely to get citizenship with a felony conviction on her record. Her rap sheet was primarily populated with nonviolent drug charges, but she had been convicted of resisting arrest, which, according to the attorneys I asked, constitutes a violent conviction in the eyes of a hypothetical immigration court, thereby reducing Zahra's chances of acquiring citizenship. I do not know whether Zahra actually would have been precluded from citizenship on these grounds, or any others related to mental health court adjudication, had she been able to apply for citizenship. In my eyes, the bureaucratic process posed perhaps a more immediate challenge to citizenship for Zahra, as she could not afford private counsel or navigate the paperwork by herself. A significant consequence of her status as an undocumented immigrant, as her paperwork had expired years before, was that she was not eligible for state benefits. While she could receive social services from private charities, like God's Way, she did not qualify for Medi-Care, Medi-Cal, or Social Security.

4

"The ordinary," writes Kathleen Stewart, "throws itself together out of forms, flows, powers, pleasures, encounters, distractions, drudgery, denials, practical solutions, shape-shifting forms of violence, daydreams, and opportunities lost or found. Or it falters, fails. But either way we feel its pull" (2007: 29). Later, after moving through fragments of everyday life, the Coke cans, the trailer parks, the awkward first dates, the television shows, the dog runs, the beatings-up, the ditties, the dryer sheets that all pull together to make up ordinary affects that "catch people up in something that feels like *some*thing," Stewart adds, "[t]he self is no match for all of this" (2, emphasis in original; 58). Selves succumb to ordinariness; they are swallowed by its location in the affective "atmosphere" (Stewart 2011). That ordinariness is affective means that it is "transpersonal" or "prepersonal," not seated in the individual (Stewart 2007: 128; see also, Berlant 2011, Deleuze and Guattari 2011[1987], Massumi 2002). Such a deindividuated affect inflects the subject; if it does not reside with subjects, it passes through, if only to sustain itself.[39] Affect pulses though the social.

And so we find ourselves returning to scale, to the individual, the social, and their relation. As an exercise of scale, what changes when suicide is conceptualized as ordinary, rather than as crisis? Roitman would reject the terms of the question. The coordinates of crisis, she would argue, have become indistinguishable from the coordinates of the

[39] Or, as Stewart explains, affect is "not about one person's feelings becoming another's but about bodies literally affecting one another and generating intensities" (2007: 128).

ordinary; crisis has become, itself, a "context" (2014: 66). It has ceased to attach to individuals or individuated events, and instead circulates in the "atmosphere," to use Stewart's (2011) term, catching the social up in its bluster; it is ordinary. Recall Roitman's concerns for politics in an atmosphere of ordinary crisis: the ordinariness of crisis thinking reinforces crisis thinking, leaving underlying systems intact. It is impossible to avoid the atmosphere. Though Stewart reads less cynically than Roitman, with Stewart's eye on the ordinary's "impulse towards potentiality" (2007: 129), she too is cognizant of ordinariness's ability to dull its own impulses. Actually existing within an atmosphere, the daily practice of living, Stewart writes, "produces hard-won attachments that can be hard to get out of once you're in" (2011: 451). Ordinariness can be a rut. To say that suicidality is ordinary is to foreground its location in the social atmosphere and to consider its effects *there*, rather than moving back towards the individual. Suicide, for individuals, might be a way to attempt to extract themselves from an oppressive atmosphere, to opt out of the social. In scaling to the social as a location, individual actions, like suicide, that might be interpreted as resistance to a social system serve to reinforce the system, becoming part and parcel of a traumatic social flow, becoming potentially traumatizing forces for others.

But what, exactly, is so ordinary about suicide for Harriet, for Rebecca, for Zahra, for Kaushik? To say that suicide is ordinary is not to rip away an emotional engagement with death, but to relocate it, to spread it, socially, to others. Harriet was furious when she found her mother unconscious, empty pill bottle by her side—first, furious with her mother for stealing the pills that she had been hoarding for the day that she, Harriet, would want to take her own life, then furious with the "capitalist bully" whom she held responsible for her mother translating an ever-present suicidality into a suicide attempt. Though I was

concerned about how to position myself in my conversation with Zahra, I was not apathetic about her possible death; the possibility scared me, even as I recognized that everything up until the act of attempting would fall within the range of normal, everyday interaction with her.

Even as it was upsetting to think about the potential loss of a friend, a mother, a child, an acquaintance, conversations about suicide were ubiquitous. Rebecca would talk about not wanting to get out of bed, her desire to "just disappear," how she "couldn't take" mediating between Harriet and her sister, who wouldn't let her in her home. Rebecca would say these things in front of Harriet, who seemed undisturbed by the conversation. Harriet would wistfully talk about suicide, romantically imagining the ways in which she would prefer to go, drowning in the sea, and then balancing those daydreams with a colder tolerance for more realistic means of death, like overdosing on pills or inhaling carbon monoxide. Harriet would say these things in front of Rebecca, who seemed undisturbed by the conversation. Kaushik was playful with his suicidal thoughts, boasting of some of the ideas that he had come up with while he was in prison, where his fellow inmates had called him, he told me, "The Philosopher" out on the yard, and one of his favorite ruminations to share with whoever would listen, out on the yard, in his cell, and, later, with me, had to do with the dignity of suicide and the meaning of death, "It's *the tomb*, you know what I'm talking about? I try to approach everyone with respect. And when I get frustrated, it's like the water that I'm walking through. Turns into granite and suddenly I'm back in the tomb. The tomb, that sinking granite chest where my memories are stored. I think it might be more *honest* for me to be with them. In *the tomb*, in the ground. That's what I've got. That's me. It's just a matter of figuring out how to get this old thing, this body back into the ground

with them, you know what I'm talking about. Do you got any ideas about how to make that happen?" And, though the switch to the future tense, the suddenness of her declaration "I'm going to kill myself" caught me, most conversations with Zahra included moments where she would talk about *wanting* to kill herself as a way to end her present pain. Suicidality registered existentially, as a feature of everyday life, ordinary.

Ordinary in the same way that abuse in the jail where Michael was murdered was ordinary. Everybody knew that it was happening, the beatings, the kickings, the arm-twistings, the chokings, the banging of heads and kneecaps against the jail's walls and floors -- it was all ordinary. And when it is ordinary to do all of these things that have death as a possible consequence, a *known and understood* possible, probable consequence, can the death be anything other than ordinary? Think back to how Harriet described learning about Michael's murder, "I can't really believe that that happened to him. But then I don't know why I can't believe it. Maybe it was coming all along." The murder was an extension of the ordinary, rendering the violence ordinary itself.

As with the pervasiveness of violence within the jail, as if the guards were rehearsing the outcome that they would later deny as a logical consequence of that which went on every day, the suicide talk, too, was accompanied by practice: Rebecca, Harriet, Kaushik, Zahra had all attempted suicide before I met them, that had each turned words into actions before. If suicide speech, spoken or written, is not in transparent relation to suicide as act, neither is a prior attempt; put differently, having attempted suicide before did not make anyone's speech more transparent. Past attempts did not necessarily mean that they would try again in the future. But people would knit together their own speech and practice; alongside explicit conversations about imagined suicides, Rebecca, Harriet, Kaushik and

Zahra would all do things – be imprecise in counting drugs ingested, get into fights on the street that would be fought with ramshackle weapons -- that were understood to put their lives at risk, and, when recounting the stories to me, would add a disclaimer, a justification, "Because what does it matter if I die? I'd like to die anyway." Kaushik, sometimes, would add a half-joke, "Getting killed would save me the effort." Sometimes, like with Kaushik's joke, they would locate their actions within their own understandings of suicidality. Other times, like when Rebecca would be sloppy with pill-counting, without comment, it was Harriet who would link Rebecca's actions to her general depression and apathy about living or dying.[40] Death as a *known and understood* consequence of certain practices was not necessarily, then, a consequence *known and understood* by the person going about the practice, or at least not articulated as such. It was a knowledge sustained within the system, and yet not directed towards a telos of truth. A parallel sort of knowledge to that of the guards', who might say that they did not know that beating Michael would result in death, but others within that same social system, like Judge Manley, *did* know, in a general way, that beatings lead to deaths. Rebecca might have denied, had I asked, that she was trying to kill herself, but she did, in a general way, acknowledge that careless pill-counting can kill, as evidenced by her concern about *Harriet*, if not herself, and her attempts to keep track of Harriet's self-medication. It was a knowledge uncontained by individuals, an ordinary knowledge, something up in the atmosphere, something to which people had different orientations but also a potentiality from which no one could escape.

[40] Unlike Livingston, who, alongside her clinical interlocutors, reads patients' refusal of biomedical treatment as "tantamount to passive suicide," I do not attempt to authorize Harriet's reading of Rebecca's pill-counting (2009: 670). Rather, I point to it to show how Rebecca and Harriet were making sense of each other's actions and to demonstrate potentiality, the potential for Rebecca's pill-counting to connect with her suicidality, rather than as evidence of intentionality, passive or active.

The different orientations that people have towards their collective atmosphere become political cartographies, reflections of different stakes. For although Judge Manley, Harriet, Rebecca, Kaushik, and Zahra were united in *a* relation to the constant potential for suicides, they clearly situated themselves differently. "Suicide," "crisis," and "ordinary," meant different things to each.[41] On the level of the individual, each came up with different accounts of responsibility. Harriet blamed that "capitalist bully," whose address she had sought out, for Rebecca's suicide attempt. Rebecca blamed Harriet for her own suicide attempts—remember when Rebecca told me that she had attempted suicide numerous times because she "couldn't live" with Harriet's "delusion" that her father had raped her. Kaushik blamed the multiple employers who refused to hire him, based on his conviction; he would tend to attempt suicide, he told me, in the weeks that would follow a rejection of his application to work as an electrician. Zahra blamed Judge Manley and "*those bugs*" for making her life intolerable. And where the clinical staff seemed to see suicide as the playing out of clients' intentions to kill themselves, Manley attributed the authorship for suicide to psychosis, "They're all psychotic, for God's sake!" On the level of the individual, the narratives that people tell themselves to account for death might be coherent, predicated upon parsing up the rest of the world around them into other individuals and events that can be considered and configured so as to make someone responsible.

Scaling to the social does not involve the adjudication of these narratives, or participating in the process of parsing so as to validate or cast suspicion upon some stories over others. It does not entail determining the coordinates of subjectivity as a means to assess discursive participation. Rather, moving up into the social atmosphere means

[41] Different meanings for each, though I clearly think that Harriet's, Rebecca's, Kaushik's, and Zahra's were more closely connected to one another than how Judge Manley made sense of and mobilized these concepts.

engaging with the flow of ordinariness, of crisis, of trauma, of death and attending to divergent meanings. It means foregrounding the collective practice of seeking and attributing responsibility, however defined, over the content of those attributions. It means thinking with dissociated and incoherent selves, rather than excluding them. It leads to other sorts of questions, questions that don't disqualify those individual questions of responsibility, but questions that lodge themselves in a different, complementary register. Like this one: from the space of the social, the ordinary, the atmospheric, that place where knowledge, individuation, event, responsibility can never be made clear-cut, what form does ethics take?

1

Where was I on the night in question?

I was in New Jersey, on a break from the field, on a train, riding towards dinner with friends in Brooklyn. My phone buzzed with a text message from Andie. It was just a hyperlink to a local CBS News report. Just a few paragraphs long. No real information or explanation. "Inmate dies in Santa Clara County Jail." Judge Manley was named in the few sentences that followed as the judge who had sentenced "the inmate" to jail. There was no answer when I tried to call Andie or, next, Abby, just rings and voicemail recordings. I remember skipping dinner that night, sitting down to write, what could inevitably, only, possibly be speculation. I wrote a bit about "a man named Michael Tyree"—impersonal, I did not have my full field notebook with me, I could not remember him. The CBS News report had included Michael's mugshot. I could not recall having ever seen him. And so in place of indulging what were only impersonal imaginings, things that I had no way of knowing, about someone I could not even remember, someone I could not even recognize to determine whether or not I *should have been* able to remember, reconstructing in my mind, horrifying sounds and images of a jail that I had yet to set foot in, imaginings like Abby's of Kaushik's violence, my own of that grey box of a building where I too made up, cooked up, dreamt up visions of what could have happened with Kaushik *in there*, instead of indulging *that* type of flagrantly fantastical thinking, I turned my contemplations to the person cited by CBS News whom I did know. "Judge Manley," I wrote. "How responsible

is Judge Manley for Michael Tyrees's death? Does he feel guilty? He can't plead ignorance."

I wanted to be *there*, I remember feeling drawn back to the courthouse, though I could not really explain why. The friends with whom I was supposed to have dinner, they asked me why I wanted to go back—what was it that I was hoping to see? when I wasn't even getting responses to my texts?—and I had no answer. In the same way that I still cannot articulate *why* I wanted to go to that fancy hospital where Harriet had checked herself in or that cruddy detox center where Kaushik had based himself, why I clearly wanted to go, only to clearly want to leave upon my arrival. I was on a plane back west the following night.

When I got to the courthouse the next day, there was, as usual, a line out the door to go through the metal detector. There was, as usual, a crowd of people in the hall, outside of the door to Judge Manley's courtroom. The jury box was filled with people who were in-custody—more people than usual, I wondered, looking for something *different* than how court had been before I left. Katie, the public defender, took role, noting which clients were present, which clients were missing. Clients in the gallery talked among themselves, waiting for the judge to take the bench and the bailiff to call the proceedings to order. The bailiff, I noticed, seemed quiet, not even talking to me at all after calling court into session. The judge's introduction, his daily speech was the same as usual. The reminder that jail is dangerous would only be added later. There was a long list of clients to get through.

Court was boring. Tedious. Unremarkable. There was an older man with greying dreadlocks in the back of the gallery, leaning with his head up against the courtroom wall, drifting in and out of sleep, who looked familiar to me; I spent most of the morning trying

to place him, trying to conjure up the memory of where I had met him before. I could not remember. Until, towards the end of court, Katie called his name to call him and his case forward to the court: Marvin Royce.

I had met Marvin nine months earlier, when I had tried to keep my promise to Manley, that promise that had made me uncomfortable, that promise that I knew I could not fulfill, that promise that I had made in, if not bad, then certainly not good, faith: when I had played social worker while Abby was on leave. Marvin had come into Abby's – my – office, next door to the courtroom, looking for help. There had been some confusion, he had told me, something was wrong: he had been given a voucher for housing from At Home, an organization devoted to reducing homelessness, but he could not find the paperwork showing that he had a voucher. Martha, one of the courtroom psychologists, could not find an electronic record of his voucher. I had told him that I could try to find it. Did he have an At Home social worker assigned to him? He did, he had told me, but he could not remember her name. I had called At Home and the phone operator had been able to find Marvin in their computer database and had transferred the call to the social worker who was listed. It had gone to voicemail. I had asked Marvin if he would like to stay in the office with me or if he would prefer to go on with his day. He had told me that he did not have a cell phone, but if he did not want to wait, he could always come by and check back in later on in the day, the next day, whenever he liked. I had not wanted to make him feel like he had to sit with me, confined, in this small office, really just a room with one cubicle in it. He had said that he wanted to go to St. James Park, down the street from the courthouse, where many homeless people would congregate, but that he would stop back in later on in the day. I had told him that it sounded like a good plan. He had

been wearing the neon-orange, disposable flip-flops that the county gives to jailed inmates as shoes.

The At Home social worker had called me back later that afternoon, exuberant, rushed. She had been looking for Marvin for months. He *did* have a housing voucher, but he needed to stop by their office and go through an intake process in order to activate it. She had been stopping by soup kitchens, encampments, parks whenever she could, looking for Marvin. All she had was his mugshot. I had told her that Marvin was going to come meet me later on in the afternoon and that I would help him over to At Home. After getting off of the phone, I had been exuberant, rushed, eager to actually get something for someone, something to which Marvin had *known* that he was entitled. He never came back. Someone had been looking for him, to help him, to get him what he wanted for *months* and had been unable to find him and I had had him sitting in a chair at a desk with me. He had been *right there.* I had let him go.

Back in the courtroom, I recognized Marvin as he spoke with Manley for a few moments. I followed him out of the courtroom and into the hallway, "Marvin, Marvin," I called, and he turned around and stopped just outside the door to the office in which we had met in the winter. "Marvin," I said, "I'm not sure if you remember me…My name is Jessica, we met a long time ago to talk about housing, in there," I pointed to the office.

Marvin nodded, "Yeah, yeah, I remember. It was back in the winter time…"

"Right! I'm so glad that you're here—" I could feel the exuberance, the rush, again "---I'm glad to see you because you were absolutely right. I looked into it. As of January, you *did* have a housing voucher."

Marvin's eyes popped. "Really! Oh good, oh good…"

"So, tell me, do you have housing now? Do you still need the voucher?"

"Nah, no housing. I'm just sleeping around, wherever I can."

"Okay, so I need to get back in touch with the people from Housing for All to figure this out. Your social worker there, she had been looking for you. Sit with me for a second." We sat on a bench in the courthouse hallway. I called. There was no answer. It went to voicemail. I sighed. We were right back where we were before. I turned to Marvin, "Do you happen to have a phone right now?"

"No, no, but I can call you, I can use a landline. Do you have a card?"

I passed him my business card, "Please call me. I'm going to try to figure this out this afternoon. Call whenever you can, really, whenever."

"I'll call tomorrow, I can get to the landline tomorrow. Is there a certain time I should call?"

"Any time at all is fine. The number's my cell phone—I'll be sure to keep my phone on me and I'll answer. Call whenever you can."

Marvin never called. His social worker did: his voucher had expired anyway.

But before I knew that Marvin's voucher had expired and before I knew that I would not have to pass that information along to him because he would not call and I would never see him again, before all of that, I had gone back into Manley's courtroom to listen to the rest of the hearing and talk with people once court ended. After court ended, after the bailiff left and did not return, I looked around the room; Katie, the public defender, was taking final notes on her computer, updating case files, the clerks were filing, the judge had left the bench. I took a seat next to Roberta, wondering when someone would mention what had just happened: the death that was all over the news. I asked Roberta what was

new, trying to be casual, just to get caught up after having been out of town for a few weeks. Roberta said that not too much had been happening lately, same old, same old, oh, Sarabeth from the clerk's office, she got engaged last week! Roberta took out her phone to show me a picture of the ring. I smiled and fawned.

Finally, I brought up Michael, mentioning it from a distance, as something that I had just read about in the news, which was true, but not how it *felt* to me anymore, sitting in this courtroom where Michael had once sat: where Michael had been on his last trip outside of the jail's walls. Roberta replied, also at a distance, but also in amazement, "I know, it's just traumatizing. I read about it in the Daily Mail—the British paper, can you believe that people in London are reading about *our* mental health programs?" Her eyes turned to the door from which the bailiff had departed and brought the conversation closer to home, "Did you know that he trained *those men*? He's devastated. He can't talk, not today."

Katie hadn't looked up from her laptop, but had tilted her head, listening to Roberta. She chimed in, eyes still on her screen, "You know, Tyree was new here. He had only been here like three times." She had looked him up in the system, in the public defender's database. Roberta asked Katie if she remembered Michael, and she shook her head, "No, I don't even know if I ever met him. The computer system, it didn't log which attorney had appeared with him."[42] I wanted to ask Katie when she had looked in the system, when she had gotten the news, how she was feeling, but her eyes, glazed to the

[42] As described earlier, each courtroom has a public defender who handles most of the court's cases. During the majority of my fieldwork, Katie was the public defender who represented the vast majority of clients inside of the Santa Clara mental health court. However, other public defenders would sometimes cycle through to represent a client every now and again. I heard Katie expressing, in this ambivalence, her uncertainty as to whether she had had a conversation with and went on to publicly represent Michael, or if it had been a different attorney from her office.

screen, stopped me from asking anything at all, not wanting to upset her. The evenness of her cadence seemed like it could be too easily undone. She spoke up, louder, but in the same stable, blasé tone, "I'll tell you though, I hope that those COs [correctional officers] have gotten themselves private attorneys, because no PD [public defender] is going to help them, not after this, forget it." One of the clerks said something about the integrity of the Office of the Public Defender and the lawyers' oaths to zealously represent clients but Katie cut her off, "No. Not with this."

I found the judge coming out of his chambers. He had retreated back there at the end of the day's hearing, making his way quickly off of the bench, newly-engaged Sarabeth shouting at him as he departed, with a laugh, to remember to turn off his microphone, always clipped to his impeccable tie knot, before he used the bathroom. When I made my way back to the small office that led to Manley's chambers, he was exiting his office, still enrobed. He swooped, bent his tall frame to pat my shoulder, with a smile, "Well, hello there! How was your trip? Busy day here, busy day." His effusiveness took me aback. I nodded, and then just asked, "I've been reading about what happened to Michael Tyree?" His energy persisted: *action first*! He told me that he was on his way up to San Francisco, to film a segment for a local news affiliate about the death. He had been frustrated with the coverage so far – why were the journalists focusing on abuse within the jail rather than absent mental health services? – and was pleased that the station had offered him a nine-minute segment, a segment that would eventually include the interview with the judge and then, added, editorialized stock footage from the jail as the reporters went on to characterize the death as a carceral problem, rather than a clinical problem, as Manley saw it. But before the Judge would go on to characterize his interview as "butchered," he stood

with me for a moment, munching on some trail mix. I could not keep up with the Judge's energy, his eagerness to *do something*.

Inexplicably tired myself, I asked what came to mind, "Are you doing alright?" He tossed the last few almonds into his mouth, casually, such that they got some air, and then used his empty hand to wave in the air, "Oh, yeah, I'm fine. We lose people all the time, you know that." Manley furrowed his brow with a look that struck me as confused concern, as if to ask if I were upset, and if I were, which I was, why? What was surprising? He continued, carrying on with that interminable flow of death, "Six this month, already. What was really terrible, *really terrible*, was this case on Tuesday, where a man didn't show because he had died and *we didn't even know*. He hadn't shown for his last court date, the one before Tuesday, so we had issued a bench warrant.[43] His poor father got it in the mail. Can you even *imagine*? This poor man. This poor man is *grieving* over the loss of his son and he gets a notice in the mail saying that some judge is after his dead son? Wanting to put the dead son back in jail?" Manley clucked here, in a way that I could not pin down: disbelief? Or, perhaps, in full belief? The full-fledged poles of knowledge – sheer disbelief and firm conviction – were utterly impossible to distinguish; they ran into one another. "Anyways, so the father, very reasonably, leaves this totally outraged voicemail for Katie, and then has to come into court to clear up the issue. The father basically was dragged into court to defend his dead son. We dismissed the case, of course. The client's dead! But that man, the

[43] When clients do not appear in court on the days that they are supposed to, the judges can issue bench warrants: warrants for the clients' arrests authored by the judicial bench. The warrant is distributed across law enforcement agencies so that if law enforcement stops someone who has a bench warrant, the warrant is linked to their name in the system. At the same time that the court sends a bench warrant notice to law enforcement, the court sends a letter alerting the person for whom the warrant has been issued a notice in the mail at their last known address. If law enforcement stops someone who has a warrant in their name, they are immediately arrested.

father, he still had to come in." The legal case had survived the legal person. Even in death, papers circulated, drawing people into the courtroom, making them account for themselves, for others, the distinction between the two, self and other, rapidly disintegrating. In the eyes of the law, death was an alibi for nonappearance, but it still had to be authored and spoken. The father had to appear in his dead son's stead.

The door to the judge's chambers was open while we stood talking, out in the hall. I could see the framed photographs that he kept above his desk: two young girls, sisters, always smiling for the camera, children who grew up over the span of images. Judge Manley's granddaughters. He had raised them. Their mother – Andie told me, the Judge never spoke of it – had died after a drug overdose. The children's grandfather had to parent in his dead daughter's stead.

2

Imagine if it had come by mail, in an envelope with free postage from the State of California, an envelope containing a bench warrant, a demand for the father to speak in the name-of-his-son, rather than in a dream. "Father, can't you see I'm burning?" – a statement that Lacan describes as "itself a firebrand," a firebrand that sets aflame the world of social relations (1981[1973]: 59). Remember, where Freud (2010[1896]) drills into an hermeneutics of the individual, using his early interpretation of this dream of the unfortunate father to illustrate wish fulfillment, Lacan pulls back before digging in, exposing the scene of the fire in place of an emphasis on the singing of the soul. Lacan's analysis strikes with its affective insistence, continually returning to the "imploring" tone of the boy's condemnation of his father's sleep.[44] In Lacan's turn from an interest in the sleeping man's dreams to the man's moment of waking, he pivots to the relational, skillfully splicing his reading and Freud's, French and German, to awaken his audience: "Is it not, *in* the dream, another reality? – the reality that Freud describes thus—*Dass das Kind an seinem Bette steht*, that the child is near his bed, *ihn am Arme fast*, takes him by the arm and whispers to him reproachfully, *und ihm vorwurfsvoll zuraunt*: *Vater siehst du den nicht,* Father, can't you see, *dass ich verbrenne*, that I am burning?" (1981[1973]: 58). The dead son's proximity, his *reproachful* tone, his reach to his father, that outstretched hand, perhaps not unlike Harriet's twisted reach towards her mother on that day in the emergency room, also calling upon sight,

[44] For more on Lacan's use of affect, in a context broader than the Dream of the Unfortunate Father, see Fink (2015) and Soler (2015).

illumination, asking her mother to see her, *See, Mom, this is what I mean, this is why I need a break, I'm losing it, I'm losing it*.

Lacan builds on Freud's analysis of the dream by characterizing it as "*en souffrance*," where reality is "in abeyance," "awaiting attention" (56).[45] This is the space of his concern: between waking and sleep, between dream and reality, where the real "stretches from the trauma to the phantasy," where "awakening works in two directions" (60). There is potential for intersubjective encounters here, in this space, where one might be able to recuperate the type of encounter that is "missed" by trauma by identifying the encounter with the other that is one's unconscious (55). In this space, the space of collapse between reality and fantasy, wakefulness and dreaming, life and death, imprinted upon a dream and written into a mailed bench warrant, what can responsibility mean? What does it take to *see*, to recognize one's son aflame, one's daughter astray?

Such a sight would untether ethics from knowledge (Lacan 1998[1975]). The ethical subject, for Lacan, emerges from the relational, social dynamics of what he would call "the encounter" (1981[1973]: 55)—not such a different space from Stewart's "atmosphere" (2011), that space where individuation is murky and transference runs amok.[46] Selves are difficult to pull apart in this space where the "self is no match" (Stewart

[45] As Alan Sheridan, the translator of Lacan's eleventh seminar, notes, Lacan is playing on the French phrase "en souffrance" as referring to being "in suspense," and, the more typical connotation, as referring to being "in pain" (Lacan 1981[1973]: 56n.1).

[46] Indeed, in asking for the psychoanalytic community to "return" to Freud, the nature of the encounter is one point where Lacan himself reproaches the original master; truly returning to the theory that Freud set in motion requires a consideration of transference, as the paradigmatic social dynamic of the analytic encounter, that Freud neglected to undertake himself. In outlining the fundamental principles of his psychoanalysis, Lacan asks, "what is the analyst's desire?"—a question that he believes Freud would have never asked (Lacan 1981[1973]: 9, see also, 2015[1991]). Historical evidence might lend Freud more credence than Lacan allows: Freud was extremely troubled by Sándor Ferenczi's emergent analytic practice in which he would kiss his female patients (Ferenczi 1995: 57, 167, 205; Gay 2006[1988]: 579). As revealed by his consternation with Ferenczi's practice, Freud believed the analyst's desire to have no place within the analytic relationship, where Lacan moved what he took to be *inevitable* and *unavoidable* desire on the part of the analyst to the center of his philosophy.

2007: 58), where crossflowing desires render selves indistinct.[47] Transference within the analytic dynamic, for Lacan, reflects a broader continuation of the self, a "radical" chain of being, a "signifying chain" that begins before birth and extends beyond death (1992[1986]: 295). "In truth, it's as dumb as can be," Lacan writes, "Not to recognize it [the disappearance of the subject from the chain of what he is], not to promote it as the essential articulation of non-knowledge as a dynamic value" (ibid). Why would we think selves are so clearly selves to begin with? Lacan cleaves experiential knowledge from ontology, in a marked break with his earlier phenomenology.[48] We might not know, we cannot know, on the basis of experience, the essence of ourselves (Lacan 1981[1973]: 17-28).

This is a different type of psychoanalysis, one that reroutes Freud on the ground of ethics, all the while proclaiming a return to the master (Lacan 1981[1973]: vii-ix, 2006[1966]b: 199-200, 221-223). This is a psychoanalysis that uses the clinical encounter to philosophize, grandly, broadly, rather than dwelling in that room with the infamous couch (Roudinesco 1997[1993]). This is a philosophy of subjectivity, that sweeps out beyond the confines of the individual to capture the world of human relations. Indeed, Lacan seems most interested in pursuing something that we might, tentatively, describe as

[47] To be clear: I do not read Stewart's work as psychoanalytic. Rather, I am pointing to some overlapping commitments shared between an ethnographically-inflected theory of affect and Lacanian psychoanalysis.

[48] This devaluing of experience marks a clear parting of ways between Lacanian psychoanalysis and anthropology. For example, here is Lacan: "The subject goes far beyond what is experienced 'subjectively' by the individual…Yes, this truth of his history is not all contained in his script, and yet the place is marked. There in the painful conflicts, he experiences because he knows only his own lines" (2006[1966]b: 219). For more the utility of anthropology and psychoanalysis for each discipline's theorizing, despite (or perhaps because of) flagrantly different ethical stakes, see Gammeltoft and Segal (2016), Hollan (2016), and Obeyesekere (1990). While I too am uncomfortable with such a disavowal of experience, what I am interested in here is how some anthropological methods, such as the invocation of a Durkheimian social, achieve the same results as psychoanalysis's universal resistance of experience as the basis for being: both methods manage to pull away from the knowing individual as the arbiter of all experience, while falling on different sides of a debate about experience itself.

social: signifiers, the connections between humans through language, desires cultivated relationally through the name and the no of the father. Lacan's theory of subjectivity entails an interest in the other, though he would describe what I index as "social" in other terms. Yet Lacan's commitment to subjectivity as an engagement with the other that occurs within a deindividuated field, not so dissimilar to Durkheim's (2001[1912]: esp. Chapter 1) social, is expressed clearly in his disdain for his analytic colleagues' fixation on libidinal object relations (2006[1966]b: 202-203).[49] The Lacanian maxim at the heart of his theorizing – "the unconscious is structured like a language" – presupposes a field beyond the individual where "*before* strictly human relations" come into being, "certain relations have already been determined" (1981[1973]: 20, emphasis added). In being structured like a language, in *having a grammar*, there exists a social field before the individual, a structure into which individuals are born, a signifying chain not reducible to the individual and yet carried on by the individual. The subject, for Lacan, is "the subject of the signifier" such that he is "determined by it" (67). Lacan's psychoanalytic insights have a more anthropologically-familiar progenitor; he locates the chain into which his scholarship fits as arcing across Freud and Lévi-Strauss (1981[1973]: 20; 2006[1966]: 236). And where Kathleen Stewart, coming at a similar set of questions about individuation with a different conceptual framing, might refer to ordinary affect "prepersonal" (2007: 128), Lacan describes both the unconscious and language itself as "presubjective" (1981[1973]: 20).[50] Language, the social,

[49] See Lacan (2006[1996]b) for an overview of his typology of the symbolic, the imaginary, and the real as domains that structure the unconscious. For a helpful secondary account of Lacan's paradigm, see Žižek (2007).

[50] Lacan clarifies the "presubjective" nature of the unconscious by describing the unconscious as a synchronic, rather than syncopic, lack (1981[1973]: 20). One's understanding of the unconscious would be limited were one to understand it as "the subject, *qua* alienated in his history, at the level at which the syncope of discourse is joined with desire" (26). Rather "more radically," Lacan suggests, the unconscious is "in the dimension of synchrony," or "at the level of being, but in the sense that it can spread over everything…it loses itself as much as it finds itself again….at the level at which everything that blossoms in the unconscious spreads, like

the unconscious all always already exist. Or, put differently, there must already exist a field of language for speech to have a function (Lacan 2006[1966]b). The symbolic order cannot be a domain sustained by any one person alone.

Despite Lacan's interest in that which goes beyond the individual subject, he ultimately locates the other *within* the subject, at the site of the unconscious. The other is internalized. Like both Freud and Durkheim, Lacan's analysis smarts of functionalism. And yet, the functionalist perspective points to a rather bizarre gap within Lacan's oeuvre: for all of this concern about the pervasiveness of pathology, Lacan has surprisingly little to say about social cohesion or disruption. There is little in his work that can addresses the dynamic between social stability and disruption. This is the functionalist gap, into which accounts of social change fall. But this is an epistemological gap with which Lacan is entirely unconcerned; social cohesion and social change are not, for him, objects of interest. His disinterest in change at the level of the social reveals the individual as his telos: though Lacan develops an elaborate understanding of those human relations into which the subject is born and with which the subject must reckon as an ethical practice, their social reverberations of ethical practice matter little to Lacan, beyond the individual.[51] The other matters only insofar as it comprises the core of the self.

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mycelium, as Freud says about the dream, around a central point. It is always a question of the subject *qua* indeterminate" (ibid).

[51] The indifference to the social, despite an intensive investigation of its contours and *meaning* for the individual, contrasts with Freud. Interestingly, despite a far thinner account of the social world into which individuals are born, Freud is more inclined than Lacan to consider the impact of clinical practice at the level of the social, demonstrating, most clearly in *Civilization and Its Discontents* (1989[1930]), a willingness to characterize society itself as pathological. For Freud, too, the individual wins out in terms of conceptual priority: even if society is pathological, per Freudian psychoanalysis, it is always in the best interest of the patient to conform to social norms, to blend in, and the best interest of the patient is Freud's paramount clinical concern. Lacan keeps his clinical concerns much closer to the chest, elaborating at length upon a symbolic order that I would characterize as social, and still returns to the individual as that with which he is concerned.

As such, while ethics is relational in the sense that it involves the other, the ethical terrain is internalized; ethical conduct is that which pursues the subject's desire, always cultivated in relation to the other and das Ding, but which Lacan strives to loosen from such tight control by the other (1992[1986]: 43-70, 319-324). Ethical subjectivity, in Lacan's account, entails the declaration of responsibility for desires not authored by the subject. Indeed, for Lacan, intentional authorship of desire would be an oxymoron, given desire's location within the unconscious. Ethical conduct acknowledges desire and moves the subject closer to it.

Commentary on Lacan's fascination with the internalization and reproduction of the symbolic order is well-trodden territory. What interests me is how Lacan implicitly plays with scale. As described above, ethics is a simultaneously individual and symbolically-mediated practice, as it cannot be disconnected from the other within the subject. The internal reverberations of the other that one finds within the unconscious can be elicited by a psychanalyst; psychoanalysis *might* entail an ethical practice, though he insists that the existence of psychoanalytic ethics is still an "open question" (1992[1986]: 311). But the possibility is there, he hints, that the analytic encounter has the possibility of developing into an ethical practice. But consider that hesitation one finds at the end of Lacan's Seminar VII (1992[1986]), where Lacan refuses to go beyond the two. Ethical subjectivity is a normative telos; ethical intersubjectivity, with one self and one other, *might* occur within a very specific analytic encounter; but ethical intersubjectivity, a hop up, on the level of the social, fails. Once more than a specific encounter between two people is considered, once one moves to consider the social *qua* social, as Durkheim might do, rather than collapsing that social domain into the individually interred symbolic order, Lacan questions what

ethical interaction could possibly be. A discussion of responsibility at the level of his symbolic order would be preposterous, meaningless, by his own read. And so Lacan turns away, instead returning to his concern with the involution of the symbolic order within the unconscious of the subject.

But what if we were to look?

What if instead of thinking about the unfortunate father's moment of awakening, or limiting ourselves to asking what that moment of wakefulness meant to the bereaved father, we tried to take in the whole scene: the son, the arm, the whisper, the flames, the father's startle, the old man asleep beside the corpse? The daughter, the suicide threat, the hospitalization, the psychiatric ward at the hospital just recently occupied by the mother, the cats, the wail? The son, the bench warrant, the father, the court appearance, the death certificate, the dismissal of charges? The grandchildren, the judge, the picture frames, the overdose, the love, the grief? What if we did not filter these signifiers through an individual subject, but allowed them to stand in relation to one another? If we understood these phenomena not *just* as elements of a symbolic order flowing through individuals in a deindividuated, presubjective, way, but as themselves the materials of a social overflow? For Lacan, the "truth" of the subject "has already been written elsewhere" (2006[1966]b: 215): an elsewhere that is the other of the unconscious. What if we turned to the elsewhere of the social, to some other space, some other relation within the social field? If we considered relations in this way, what scene would be revealed?

A scene, I should think, in which responsibility becomes infinitely impossible to assign. A scene without events, without attribution, without authorship, without intentionality, without accountability—a scene, like the threat of suicide, of immanent

potentiality. Just as Lacan locates these ethical wrinkles within the unconscious, so too could one locate them elsewhere, say, in the domain of the social. The direction of Lacan's gaze enables a discourse of responsibility (1992[1986]: esp. 291-325), though Lacan interestingly means it in a decidedly illiberal way. But the words are there: the subject is responsible for himself, for his actions and their meanings, even if unhinged from his *knowledge* or *experience* of himself.

In scaling up to the domain of the symbolic order itself, or, as I put it, up to the social, I am skeptical of Lacan's dismissal of ethics. Just as ethics is possible within the subject as a result of internal relation between the ego and the other, for Lacan, so too is ethics possible between selves and others in the domain of the social. Where Lacan seems to suggest that socialized ethics are obsolete due to the impossibility of attribution of responsibility, even a responsibility *not* premised on possessed knowledge, I would not take the absence of responsibility to be an alibi for ethics. Rather than using the invisibility of responsibility as a reason to turn away from the social and back towards the subject, what if we held our gaze steady? After all, the "standing in" of transference, the *acting in another's stead*, the flow of social roles and positions that defies individuation is not *just* a psychic phenomenon, as it so clearly is for Lacan, it is a fundamentally social phenomenon, also beyond the intentions of any single individual. People stand in for one another, whether they want to or not. If Lacan uses transference to flag psychic transpositions for which the subject must claim responsibility, what order of ethics attaches the social transpositions of everyday life that cannot be pinned to disaggregated individuals, but instead structure the social system in which such "in steads" are possible? If not within a discourse of individuated responsibility, where else *within the social* might ethics reside?

3

Not in Judge Manley's courtroom, elsewhere, in a different time and a different place, Kaushik had plead *not guilty*. He told me, later, years later, years after his not guilty plea, that he never denied *doing it*. He *had done it*, well, everything but for the sodomy charge of which he was convicted. He objected to that. But his attorney, a private attorney, someone his sister, also an attorney, had arranged to represent him, had told him to plead not guilty. And then, when he was, eventually, convicted of all of the charges against him, including the sodomy charge, he appealed. "Sure, I did it, of course, I did it," he told me, "but so what? Those motherfuckers were racist. Racist, racist, racist. I might have done it. But I wasn't convicted *because* I had done it. I was convicted because of *this brown skin*. Did you know that after everything. After the trial was all over. After some asshole voted to convict me. To sentence me to prison. To ruin my life. This asshole said that I looked. Like a *terrorist*."

A juror had told a member of the press that Kaushik looked "like a terrorist." Kaushik's legal team used the description to appeal the conviction, despite, or perhaps because of, Kaushik's repeated insistence that he *did it.* "My case was heard by the Ninth Circuit Court," Kaushik had told me, with an air of pride. "I made it. All the way up. All the way."

These were the facts, as determined by the appellate court:

> Michelle B., the victim, was born in 1968 with Down's syndrome. In July, 1992, she worked in the store at the San Jose Art Museum. On July 6, she

finished work at about 4:00 p.m., left the store, and walked to her bus stop. She forgot to go to the bathroom and wet herself while waiting for the bus. She walked to the Parkway Towers office building near the bus stop to use a restroom. She knocked on the door and defendant, one of two security guards on duty, said she could use the restroom.

The victim knew where restroom was located and said she wanted to go by herself. Defendant followed her into the elevator and then to the bathroom. While inside the stall, she peeked out and saw him waiting and grew scared. When she exited, defendant accompanied her back into the elevator. In the elevator, defendant pushed the button to stop the elevator and said, "Have fun" "like sex" and proposed having some fun with toys. She replied that she did not like "it" and wanted to leave. Defendant then touched her buttocks, breasts, and vagina. Defendant took her into a room he opened with a key and shut the door.

Defendant said, "Play around sex with me." The victim began to cry. Defendant then pulled down her pants and underwear. She said for him to stop. Defendant dropped his pants and began fondling the victim's breasts and vagina. He ignored her protests and cries.

Defendant then turned the victim around and continued touching her. At one point, she turned her head around and saw him manipulating his penis and then felt it against her buttocks. He turned her around and put her up on the table. He forced her knees apart and touched her vagina. He rubbed his penis against her and then partially inserted it. He tried to kiss her, and when she said she wanted to go, he pulled her head toward his penis and said, "Kiss it." She said she did not like it, but he continued. She tried to leave, but he grabbed her arm and pulled her back. She asked if he was done and reiterated that she wanted to go home. He apologized at that time, saying, "I am sorry I hurt you, I did not mean to do that."

Defendant and the victim took the elevator back down to the lobby. She left the building, sat down on the sidewalk and began to cry. A passerby, her husband, and her sister were passing and noticed the victim sitting and crying hysterically, "like a child, just crying and shaking."

The passerby could tell that the victim had a disability and asked if she were alright. The victim said that she had been "raped" by a security guard inside the building. The passerby's husband left to call the police. The victim calmed down somewhat and explained what had happened.

The passerby reported the incident to another security guard at the building. When asked, the victim said he was not the one who had "raped" her. However, when defendant came to the door and asked what was going on, the victim, according to the passerby, "lost it" and said "[t]hat's him."

> She then covered her face with her jacket, became hysterical and clutched the passerby's sister's arm so tightly that she bruised it. The defendant denied doing anything and reentered the building.

Kaushik told me that he could get me "everything that I would need," that he had stored CD-ROMs with "evidence from the trial" on them at his mother's house—his mother, the woman who would sometimes let her son stay in his childhood bedroom but sometimes not, the woman who would let her son use her address as his residence when "complying" with sex offender registration laws that he report his address, even though he rarely stayed there, the woman who would call me "Jennifer" or just "dear" on the phone when I called to see if her son happened to be home, "Hello, Mrs. Singh, is Kaushik around? May I leave a message?" Everything that I would need, Kaushik had said, *for what*? I reminded Kaushik that I was not an attorney and that I could not help him with his case. "The case is over, woman! I'm done. Paroled. Over. The *law* is done! *Punishment* is not," he replied. Legal advice was not what he was seeking. I asked him if he wanted to talk about "the case," my legalistic language, or what he "had done," his, bracing myself for his answer.

I had taken him out for dinner, an Indian restaurant, per his request, not too far from those Parkway Towers, not too far from Manley's courtroom. When we got to the restaurant, he excused himself to go "wash up," by which he meant go to the restroom to change into some fresher clothing that he had in his backpack. At the end of the meal, he insisted that I take home the leftovers, because I had paid, though this had turned into an argument, as I had wanted to give him the food, and he wouldn't accept it, and then I felt ashamed that I was creating a fight over food that was premised on, and continued to draw attention to, the fact that I had ready access to food and he did not. But during dinner, he

had leaned back in his chair and run his hand through his balding hair. Kaushik always speaks slowly, with extra punctuation, but at dinner, he seemed to me to revel in this particular prolonged silence. He smiled at me, perhaps out of embarrassment, perhaps for more insidious reasons, I do not know, but I remember the smile, and his slow lean back over the table, so that he could say, more quietly, more intimately, with intrigue, "What do you want to know?" Nothing. I did not want to know. I changed the topic.

What I do know is that Kaushik served fifteen years in various California prisons. Those same California prisons, those overcrowded prisons without adequate medical care, that were found, in a different Ninth Circuit case that went "all the way up," even higher, to the Supreme Court, in *Brown v. Plata* (2011), those same prisons found to violate the Eighth Amendment constitutional prohibition of cruel and unusual punishment. He was moved around, never spending more than a handful of months in one place. You couldn't really make *friends*, he had told me, because of all of the moving about, but luckily, Kaushik said, "you know me, I'm a friendly dude" and so he could make new acquaintances easily in those overcrowded bunks and overcrowded halls and overcrowded yards. I suspect that he himself experienced sexual violence, on what terms I do not know, but he would regularly make comments about "the things that go on in the showers." Especially after that day when he saw Devon's picture and introduced to me that night that he had passed at a motel, he liked to tell me that he was "a heterosexual, as straight as they come," that "nothing" made him happier than "a woman," but he would also make clear that this was how he thought about himself "on the outside" of prison. I do not know whether the sex he described in clichéd terms about dropping bars of soap was wanted or forced, or if those

two terms could even possibly correspond to anything meaningful inside of a Pelican Bay shower stall.

I know that Kaushik was paroled, released early for good behavior. He had hoped to get a job, to make a decent wage, to own a home, to travel. He had worked in various training programs "on the inside" and had hours to put towards electricians' training on the outside. The union took him on, but the employers for whom the union would provide labor would turn Kaushik away because of his conviction for rape of a person incapable of giving consent, his conviction for forcible rape, his conviction for penetration with a foreign object, his conviction for sexual battery, his conviction for false imprisonment. Twenty-five years after his conviction, a decade after his release, Kaushik was still waiting, still homeless, still unemployed, still uninsured, still starving. "How am I supposed to turn my life around?" he would ask. "They released me. But I'm still being punished! When does this *end*?"

I would never attempt to offer an answer, not *just* because I did not know, I could not know. The parameters of this nonknowledge exceeded the question asked, such that my silence revealed my lack of knowledge, perhaps, but concealed, perhaps, a different concern, one that I did not know how to put to Kaushik: *should* it end? *Could* it end? Sitting across from this man who sometimes seemed to delight in telling me about his desires, some of them claimed as past sexual experiences, others claimed as fantasies; who would talk about my body in ways that made me uncomfortable; who knew that I knew about how he had raped a woman, because he would readily tell me about it, but also who knew that I knew about his sexual convictions before getting to know him; who, after that conversation in the detox center where he leaned in towards me and grabbed my nose, after I left, would

leave me voicemail after voicemail after voicemail after voicemail each day, twenty-five recordings at a time; who, after I finally answered one day to say *stop please stop*, *this is too much, I don't like this, you can't keep calling me when I don't answer, not like this,* when I got angry and exasperated and flustered, when I tried to take a step back, after knowing him for all of those months, when he finally grew quiet and then said that he was sorry, when he apologized to me, but then grew insistent, yet again, to, interrogatively, gesture towards an aspect of our relationship: *But Jessie, don't you* need *me? For your research? You say you want to write a book. You* need *me to do that.* I *teach* you. *Am I wrong? Don't you* need *me*?; who asked me questions in such a way that I did not feel like he was actually looking to me for answers, but to perform the answers he seemed to think he already knew, such that I had little confidence that if I were to say that I did *not* need him he would believe me, such that I thought he believed that I needed him regardless of what I had to say, but that he seemed to want to hear me say the words nonetheless: what could *ending* or *satisfaction* even mean?

4

"If someone were to violate you," Kaushik had said to me, a hypothetical that indexed a reality, but with a different woman in my place, a woman who had suffered in a way that I had not. How commensurable are they: the reality of Kaushik's rape and his hypothetical, a decidedly different type of violence, if that word applies at all? To locate trauma in the social is not to equate one instance of violence with all others. Indeed, the phrasing here flags a difference in scale. An *instance* of violence: an event. Certainly, not all of these events are commensurable. To say that all forms of violence and their traumatic effects are commensurable is to overlook significant material differences in vulnerability. As Elaine Scarry (1985) argues, at the level of the individual and the event, violence and its effects — *pain* – might be fundamentally incommensurable. Still: trauma flows socially, through our relationships, through our demands that others stand in for others-still all the time, microcosmic connections of commensurability, where the standing-in, the transposition, the social transference is premised upon a difference – it is, after all, a standing in, a patching of a social gap, not an untorn piece of social fabric – but where standing in is still, in some ways, *good enough*. Connective, if not commensurable. Connective enough for trauma, for affect, for other *social* phenomena, to jump from person to person, relationship to relationship, onwards.

Such social transference is possible, Judith Butler writes, because the human condition is one of "primary vulnerability" entailed by a "fundamental dependency" we all share with one another (2004: 35, 22). Our ability to injure and be injured is the least

common denominator of humanity; it is society's connective tissue. Butler's paradigmatic example of how vulnerability scaffolds the social is one person looking at the face of another, two people, alone but for themselves, recognizing in the other's face the primary vulnerability that both incites a desire to murder the other and the ethical imperative to decline, to prioritize the other above one's desire to murder and, in so doing, to recognize one's fundamental responsibility toward the other, as made manifest by the injunction to kill him—an injunction not heeded by those three Santa Clara County Jail guards. Wanting to kill and not doing so is the paradigmatic moment of ethics.

This set up is not Butler's; she takes the scene from Emmanuel Levinas, who likewise develops an ethical system predicated upon the inviolable responsibility the self has for the other. Like Lacan, Levinas's ethics turns on the relationship between self and other, in Levinas's language, or subject and other, in Lacan's. The scene of self and other as the scene of ethics, after all, is not just Butler's and Levinas's, but also Lacan's. And yet, Lacan and Levinas locate the other differently: for Levinas, the other is the ultimate external to the self (1998[1991]c), while for Lacan, the other is the most internal feature of the subject: the other is his unconscious.[52] Reading with Freud (1989[1930]), Lacan excavates the "horror" of the commandment to love one's neighbor (1992[1986]: 186). To love one's neighbor, to look the other in the face, is not "altruistic," for Lacan, but rather inspires "unfathomable aggressivity" (ibid). This "aggressivity" – that desire to kill – comes from the recognition of not of the other as other, but of the other as self, for if "fundamental evil" is to be found "within this neighbor," then "it also dwells within me" (ibid). "And what,"

[52] Butler departs from Levinas on this point. Whereas Levinas insists on the ultimate externality of the other to the self, Butler reads a thin identification between the two on the grounds of a shared vulnerability.

Lacan asks, "is more of a neighbor to me than this heart within which is that of my jouissance and which I don't dare go near?" (ibid).

While others have productively noted this interstice between Lacan and Levinas (e.g., Harasym 1998, Ruti 2015), the conjunction that most interests me is that they similarly employ scale and then turn away from the scalar systems they develop at the same point. Remember, Lacan scales with a triadic structure: the subject, the dyadic encounter between analyst and analysand, and the broader symbolic order. Likewise, though the face-to-face dyadic encounter is the paradigmatic moment of ethics, Levinas too gestures to something beyond -- a "third"—that reflects the same triadic structure as that invoked by Lacan (Levinas 1998[1991]b: 27-28). A self, that comes to be a subject, ethical or otherwise, through a relationship with another such that a dyad is formed, and a third structure transcending but encompassing the dyad. Having presented the face-to-face encounter, that encounter upon which Butler builds, as the purest moment in which ethics is articulated, Levinas surprisingly turns away from it all: this space of the ethical, the face-to-face encounter, "does not contain social reality" (21). It is all an illusion, a fantasy.

If, on Levinas's account, ethics is the assumption of responsibility for the other, a singular other, an other that is entirely external to the self, then this ethical space only comes into being when there are two people, *and only two people*, facing each other. The presence of another person, whether physical or psychical, "disturbs" the intimacy between the self and other "essentially," as "my wrong with regards to you, which I can recognize totally within my intentions, is objectified through your relations with *him*, which remain secret to me, since I, in turn, am excluded from the unique privilege of your intimacy" (19). The intimacy of Levinas's dyad is total; *there are no others*. And any division within the intimacy

of the self and other, a division that necessarily arises if any other so much as exists and therefore warrants consideration, spoils the system of ethics in place, for with the existence of another, "my intention no longer exactly measures the meaning of my act" (ibid). Unlike Lacanian ethics, Levinas predicates his ethical regime upon intention, careful consideration, restraint – all of which are voided in social reality. The existence of *more than two* flags the existence of a social beyond the dyad of self and other is a space of politics and justice, which Levinas characterizes as forms of violence, in which ethical interactions are nullified (1998[1991]a: 204; see also, Stone 2016). In other words, for Levinas, ethics, intrinsically premised on responsibility, fails at the moment of the social.

Despite different locations of the other vis-à-vis the self, then, Levinas and Lacan develop complementary paradigms in regards to scale, both jumping ship in their pursuits of ethics at the moment of the social. Responsibility, there, is too difficult to assign. Intention (Levinas) and desire (Lacan) are impossible to singularly discern. Selves do not just signify singular individuals, but instead become screens on which *other* social relations, beyond the dyad, can be projected.[53] People stand in for one another, foiling attempts at individuation and clear causality. Intentionality gives way to potentiality, for which no single individual could possibly be responsible. This is not to deny the significance of attributions of responsibility, but to point to a scale that operates in tandem, in which those same attributions cease to have stable meanings.

[53] Is this not the same dynamic as transference and countertransference for Lacan? As with his discussion of the symbolic order, Lacan's interest in transference and countertransference returns to the individual and reveals the subject to be where Lacan locates ethics. Ethical subjectivity, after all, occurs at the moment where an analysand *recognizes* transference for the tool it is and reattaches his desire to its rightful and real object. Transference run amok, with no return to the real, would comprise empty speech, which Lacan identifies as the antithesis of ethical subjectivity (2006[1966]b).

Where responsibility founders, complicity takes form. Complicity: an acknowledgement not of desire, as Lacan would have it, or intentionality, as would Levinas, but of potentiality-- of participation in a social system within which particular events, individuations, injuries, and vulnerabilities *become* possible and differentially probable at the level of the individual. To acknowledge complicity is not to assume responsibility or declare an intention or discover a desire, but instead to recognize the inevitability of injury that comes with the paradox of social personhood. If the social precedes the individual, such that asociality is impossible, complicity is the mode of ethics that functions preindividually, in a register that is uncontained by the rational assumption of responsibilities based on contractual understandings of obligation.

Recall Zahra's flattened subjects, in her suicide-talk, her easy shifts between two assertions: that *she* was going to kill *herself* and that *Judge Manley* was killing *her*. At the level of the individual, who kills whom matters very much; justice itself, in this register, keys to the identification of a perpetrator and the perpetrator's assumption of responsibility for his acts through the assumption of consequences. But at the level of the social, regardless of whether Zahra or Judge Manley could actually be described as *responsible* for Zahra's hypothetical death, both are complicit in creating a social world in which Zahra dies. Or with Kaushik's transpositions, the shift from his physical violation of Michelle B. to his hypothetical, put to me, *if someone were to violate you*, in which, at the level of the individual, it matters very much that Kaushik brutalized Michelle B. in a way I cannot fathom. But at the level of the social, fear can detach from action and hover over, enshroud, relationships, spreading a violence unencumbered by knowledge. Or with the Santa Clara guards, those three guards, it, of course, matters that they beat and kicked Michael until, according to

the coroner, half of his body's blood spilled out on to the jail floor. And yet, at the level of the social, traumatic events lose their narrative coherence, their beginnings and their ends, so that each kick and punch, however incomprehensibly vicious it might be, also stands in for another moment of violence, in an unending chain.

5

The unendingness of the chain of social connection is "without alibi," in Derrida's locution (2002a). In his collections of essays, *Without Alibi*, Derrida characterizes claims to alibi as a sort of "perilous knowledge" that "goes on endlessly producing irreducible effects of alibi through traces that refer to some other, to another place and another moment, to something else, to the absolute other, the other to come" such that "[o]ne has to go elsewhere to find oneself here" (xvi, xvii). Derrida's own invocation of alibi in order to explain its conceptual function performs critique he authors; to understand his development of the concept of alibi, one has to go elsewhere, to a text authored twenty years prior, in which he teases out the meaning of *différance*.

Différance, Derrida notes, is a "neographism" that has "impose[d] itself upon [him]" (1982: 3). "[N]either a word nor a concept," *différance* is an entexted appraisal of an economic system of language, the representational depiction of the pre-existing chain of language into which one enters upon writing (ibid). The neographism plays on the Latin root for the French *différer*, returning to the originally ambivalent meaning of *simultaneous* difference *and* deferral. By forcing "the first letter…the letter *a*" into *différence*, Derrida emphasizes the originally dual meaning of the infinitive (3, 8-9).[54] In so doing, he hinges an always present deferral to Ferdinand de Saussure's observation that signs can only be

[54] Derrida's "first letter" (1982: 3) bears striking conceptual resemblance to Lacan's *petit objet a*, that little thing that stands for l'Autre, or the other that is internalized as the subject's unconscious (1981[1973]). Whereas Lacan inters the other within the subject, Derrida buries his external *a* within the "tomb," the "Egyptian Pyramid," of the system of language (Derrida 1982: 4). Indeed, the choice of that little letter *a* flags a system of similarity whereby the leaps of *différance* dance with a Lacanian understanding of the symbolic order.

interpreted in their comparison to other signs. Sense is made through difference, through meaning deferred (5). In revealing itself through its difference to other signs, each sign contains within it the entire system of language; a sign is predicated upon other signs referring to it and continually refers (10). Language is a chain of signs, only intelligible in relation to one another. A sign without a chain of signification would be empty; to ascribe it meaning would be to be to re-emplot it within a chain of other signs. A sign cannot exist alone.

A Derridean understanding of *différance* is itself a "movement of signification" (13) that plays on presence and absence. Following Sausurre, for Derrida, the "signified concept" is "never present in and of itself" (11), hence the call for a signifier to stand in for the signified per se (10). But the signifier can only stand in for the signified by referencing an entire system of meaning from which it differentiates itself. Absence is impossible: each sign brings with it the entire system of language. Meaning is achieved "only if each so-called 'present' element, each element appearing on the scene of presence, is related to something other than itself the mark of the past element, and already letting itself be vitiated by the mark of its relation to the future element, this trace being related no less to what is called the future than what is called the past, and constituting what is called by present by means of this very relation to what it is not" (13). Difference and deferral must be conjoined for meaning. There is no such thing as absence, for meaning can only be produced in relation to the universe.

The theory that Derrida describes in regard to language through *différance*, he applies to sovereignty in *Without Alibi* (2002a: xix). Absence, there, in power relations, is

likewise impossible; alibi is always a facetious claim.[55] To claim alibi – as an absence, that *I could not have done it because I was not* there*, I was here* – is to deny one's constant implication within the social such that exculpation is, in a sense, impossible. *This* is the point of deferral: an implication of constant presence. Deferral never breaches disappearance. And this demands an attendant ethics. "You will never discharge, never acquit yourself," writes Derrida, "said I, somewhere between assertion and decision, between 'you cannot' and 'you must not, it is necessary that you not do that, especially not that.' The impossibility of acquitting oneself, the duty not to want to acquit oneself: that is what I would have liked to attest to here, at the moment of signing, without 'mercy' and without alibi" (xxxv).

To move from an individuated accountability to a socialized complicity is not to assert priority of the social over the individual or to debase responsibility. It is, instead, an effort to understand a *coexisting* ethics that is constantly overshadowed by the liberal mandate to adjudicate responsibility, even when responsibility is always understood as an imperfect paradigm. Turning to complicity is an effort to critique from a position at a remove from the liberal language of accountability spoken by law, spoken by Judge Manley even as he would point to its limit, even as he would undercut such a discourse by way of the social relationships to which his courtroom gave rise. Attempting to access ethics as complicity is an effort to imagine an ethical world that straddles the gap in which Judge Manley finds himself working, an ethics that withstands the ways in which Manley would disavow and limit and doubt his hopes for what accountability could achieve. Complicity

[55] Like Roitman's (2014) "crisis," Derrida's "alibi" produces pragmatic and political effects absent a referent, defeating the signifier's claim to transparently represent the signified on its own terms. Unlike Roitman, Derrida more explicitly flags his own ironic use of a semantically empty signifier.

attends to those moments of adjudication in which the impossibility of accountability caught up to adjudication.

Complicity is what nags, what catches, when responsibility cannot take; it inverts Evans-Pritchard's (1970[1937]) questions for the Azande, for even if there is certainty at the level of the individual, a negative certainty, in which *this individual is* not *responsible*, he remains suspect as a social being, as complicitous with larger structures and social patterns and possibilities beyond his individual control. Complicity sweeps individuals up in the realm of the social to show the necessary inevitability of collectively creating conditions of possibility, potentialities, for violence, such that trauma thrives equally but differently well *here*, in the domain of the social, as it does at the level of the individual. There is no way out, with complicity. It engages a mode of ethics without intention, without consent, without recourse, without accountability, without alibi.

6

"Where were you on the night of the incident?"

Julio Chavez, the young man on the witness stand, remained silent, as if he did not know how to answer the Assistant District Attorney's question. "Oh!" He snapped into language, "On the night, on the night…"

The prosecutor filled in some of the words, "Yes, on the night that Mr. Tyree was found dead. Were you in custody?"

"Oh, yeah, yes." Julio turned over his shoulder, where a poster-board diagram of the jail pod in which he had once lived stood on a tripod.

The "night of the incident" was, according to the prosecutor, August 27, 2015, as noted in that Statement of Facts drafted by the county's Sheriff's Department, appended to the prosecutor's indictment, that document which set in motion a series of legal hearing leading up to this moment in the middle of a trial in April 2017, nearly two years later. The prosecutor's examination of Mr. Chavez was laborious. Though he remembered that he was in custody that night, in the same pod that housed Michael Tyree, close enough that he was able to hear screams and thuds, he could not tell the prosecutor without prompting which cell he had been housed in on that particular night. "They [the guards] move you around all the time, I was moved around, like, every couple of days," he explained. But the prosecutor needed a more specific answer. He told Mr. Chavez, a young man, lanky, in a button-down shirt, one hand squeezing the other for the entirety of his testimony, that he

needed him to identify *which cell exactly* he had been inside when he had heard the screams and told Mr. Chavez to have a look at the floorplan behind him.

"Were you housed across from the showers?" the prosecutor asked. Mr. Chavez agreed that he had been, and the prosecutor used that information to pin down a cell number and, though Mr. Chavez agreed to all of the information that the prosecutor supplied, he kept returning to how he did not really know, how he was moved around all of the time, time and space could be tricky things to pin down when you are in captivity. There were other holes in Mr. Chavez's testimony, other places he did not want to name. The prosecutor asked Mr. Chavez if he knew the three defendants, which he said that he did, and how, because they had guarded him and beaten him. Then the prosecutor asked Mr. Chavez if he was working, now that he was out of custody, and he said that he was, at a restaurant, part-time, during the nightshift, and when the prosecutor asked something simple, relatable for the jurors – *where do you work, Mr. Chavez?* – there was, again silence. Mr. Chavez flicked his eyes towards the three men in suits on the defense side of the courtroom – Matthew Ferris, Rafael Rodriguez, Jereh Lubrin – who were all looking, straight-faced, straight ahead, not at Mr. Chavez, and then Mr. Chavez turned back towards the prosecutor, asking if he had to say, because he would rather not. The prosecutor let the answer stand with Mr. Chavez saying that he worked in a "nearby county."

Each answer was slow in coming, as Mr. Chavez struggled to narrate a specific timeline with specific locations attached. The judge called for a recess and I exited the courtroom with the few other people from the gallery, people I guessed to be relatives of the guards, based on how they chatted among themselves and seemed to know the bailiff

in the courtroom and when one woman sitting in the front row coughed, Lubrin passed her a box of tissues and Rodriguez turned over a cough drop that he fished out of his pant pocket. I sat down on a bench outside the courtroom and four others, in a group, took seats next to me. An older man, prepared with a briefcase full of magazines and a legal pad on which he had been taking notes during the proceeding, mouthed off, declaring one of the judge's rulings against the guards to be "bullshit." One of the women with whom he had walked out of the courtroom cut him off, with a look my way, "Careful what you say." The man grew louder, "No! I don't care who hears. It's bullshit," and the woman came back, testily, "Okay. But I do," and then we all sat in silence. The woman held her purse close to her torso and kept her elbows pinned to her waist and her shoulders pinned to her neck, her whole body wracked in tension.

After the recess, the prosecutor set up what he presented to be the most significant moment for testimony that day: video evidence. There were no cameras in the jail inside the residential pods. But that was not, according to the prosecutor, where the guards would torture inmates, anyways; rather, they would go into the housing pods to extract inmates, drag them down a hallway, and then put them in interrogation rooms, where the guards would then pin them up against walls, slam their heads into the cement, twist their arms in ways they did not go, jab them on the insides of their kneecaps so they would collapse to the ground, with their arms shackled, so they had no way to break their falls. Or, at least, that is what Mr. Chavez said that they did to him. The prosecutor had video from the hallway, showing guards dragging inmates out of the pod and then dragging bloodied inmates back towards it.

In order for the court to admit the video into evidence, the prosecutor needed Mr. Chavez to authenticate the video by identifying himself in it and saying that the video showed what he remembered to have happened. The prosecutor played the first two seconds of the video and froze on the frame of three guards leading two inmates out of the dormitory. There were two men in the orange pants of an inmate uniform. Both men were shirtless. Both were Hispanic. Both had thin builds. Both had buzzed black hair. The image was projected on a large screen between the witness stand and jury box. "Mr. Chavez," the prosecutor began, trying yet another question, this one, the prosecutor seemed to think, easier, "do you see yourself in that image?"

But Mr. Chavez came back with questions of his own, "Who? The one on the right? Or the one on the left?"

"That's what I'm asking you," the prosecutor clarified, with his voice tinged with exasperation. "Do you recognize yourself as either the man on the right or the man on the left?"

Mr. Chavez chuckled, nervously, it seemed to me, "It's hard to tell, actually. Am I the one on the right or the one on the left?"

Where were you on the night of the incident?, it turned out, was an impossible question. Not just because "the night of the incident" was difficult to identify and isolate. The "you" was equally challenging to individuate.

Not much later, after the judge had dismissed court for a lunch recess, I found myself waiting for the elevator with the man who thought that this was all bullshit, the woman who cared, and Matthew Ferris. I guessed that they were his parents—the diligent notetaking, the red hair, they seemed to be about my parents' age, Ferris was about mine.

I was surprised to realize that I was standing next to Ferris. I knew that he was out on bail, of course, and I had just spent the morning in the same courtroom has him, but it felt strange to do something so mundane, like wait for an elevator, alongside him. I thought about giving the family the elevator to themselves, but then thought that it might be rude to essentially run away from them, and so, after the three of them had filed into the car, I followed.

I wanted to look. To get a look, a solid look, of one of the men that I believed to have killed Michael. I did glance at him, fleetingly, on my way in. I glimpsed him, chin up, shoulders back, Ray-Bans nestled in his close-clipped red hair, wearing a black suit and striped tie. He seemed bigger to me, up close, like this, than I would have imagined from the photograph -- that one of him and the two other guards, seated alongside one another during an early legal hearing in the case, looking varying degrees of nervous, Lubrin with his hands on his lips -- that continued to be published with every news article about the trial. There was no conversation between Ferris and the man and woman I took to be his parents; it was silent but for the blips of the closing elevator doors. The parents leaned themselves up against the side of the elevator, along the rail, but the son stared, unmovingly, unflinchingly, straight ahead. He did not turn towards me, not even his eyes, as I walked into the space. As the doors closed, I turned my body in the same direction as Ferris's, away from *him*, and averted my eyes.

For the three flights down, not long at all, but long enough, the elevator revealed its steel skeleton and became a cage, a cage like those in the Santa Clara County Main Jail, just next door, where cages also trap people together. I had felt this crick once before, a desire to turn my head, to stare, and an inability or refusal to do so, in a different place at

a different time, a different jail, in San Francisco, where a psychologist had offered to give me a tour. As we had walked around, men in orange jumpsuits had come to the thickly-paned windows of their cells and stared at us, shouted, some banged. But others had not: through these same windows, I saw some men laying on their cots, sitting, doing other things, doing nothing, and I had wanted to look *at them*, but then had felt myself unable to do so, with the realization that my gaze would be one from which they could not escape, while I could and would walk away from those clamoring at their windows to look at me and the psychologist. It had been awkward: my tour guide pointing at people in their cells to show me things, me trying to hold my head low, to *not stare*, but also deeply wanting to do so. We had been stuck together, trapped – only for a couple of hours, for me, but years for some others -- with nowhere comfortable to rest our differently directed gazes.[56]

The elevator chimed as we landed on the first floor. I walked out first, trying to leave the family be, but got held up at the front door of the courthouse, just across from the elevator vestibule. Fifty or so schoolchildren were jammed on to the courthouse steps, smiling, laughing, holding their fingers up into bunny ears, while adults stood across from them, squealing for them to "Say cheese!"—a fieldtrip. Everyone trying to exit the building

[56] Shame, of the variety that I felt while in the San Francisco jail, feels personal, but, of course, it both is and is not. I'm struck by the similarities between my experiences in the San Francisco jail and the Santa Clara elevator and how Carol Greenhouse rendered her experience on a tour of a different American jail – a passage with which I was not familiar until I had drafted my own take. She writes, "The guard explained jovially—I cannot recall the reason – that the only access to the women's jail that day was through the men's jail. This was not the ordinary route, he was saying as he escorted us up a flight of stairs into the men's jail. He was just ahead of us, turned perhaps 45 degrees back, toward us, smiling and speaking; we followed, smiling too, poised for polite conversation-- as if what we were doing was walking somewhere together. But up in the men's section, it was even hotter than down below. At first, my main impression was of the heat, and this distracted me from whatever our guide was saying at that point. My glance wandered and fell on the eyes of one man. I could not look away right away; his eyes were simply miserable -- utterly sad. He was not looking *to* us, as if inviting some response, but –from the darkenss at the back of his cell – toward us. At that instant, I felt my freedom as a wall of embarrassment between us. If I looked uninvited, either I was an intruder or he was an animal in a cage; if I did not look, either I was in league with the warden or he was not a person" (2003: 271).

at that moment held themselves behind the heavy glass doors so as to not ruin the picture. The woman with the red hair, the woman I took to be Ferris's mother, stepped on the heel of my shoe and touched my arm, "I'm sorry." I smiled, told her not to worry, and she smiled back.

Only a few moments later, we all exited the courthouse, the family just a few paces behind me. The sky was grey and it was starting to rain; the drought had ended during those two years that Ferris and his fellow guards had been out on bail, awaiting trial. Everyone knew to expect rain this spring. I turned off of the sidewalk to go to the parking garage and, from the stairwell, such that I could only see their backs, watched the family continue down the street. The person I took to be Ferris's father took out a collapsible umbrella from his briefcase and passed it to his son. Ferris opened it and held it high over himself and the woman I took to be his mother, protecting them both from the increasingly heavy drops. The family turned the corner in front of the Main Jail, that building in which Ferris used to work as a guard and to which he might return as an inmate, taking the place of the man he had killed, standing in, so to speak, for Tyree—a transposition that might be required for an individualized achievement of justice, but also a transposition that keeps social trauma flowing, ever onwards, without end.

Coda: Over the Horizon

It had been a while – months – since we had spoken, Harriet and I. In part, this was because I had pulled away, becoming less accessible, not inclined to pursue contact, replying by text only sometimes when I would receive photos of the woods and her tent and her two new kittens from her cell phone number. In part, this was because she had spent the past year or so, a little more, as Dragomir, making Harriet inaccessible even if I had wanted to stay in touch.

When I had returned to the Bay Area in September 2017, a year after our almost-daily interactions had slowed, I had re-encountered Dragomir. That was who I had left the year prior and who, had I bothered with expectations, I would have expected to see. Last I had heard, Harriet had been killed, limbs hacked off, by Dragomir in a cell in the Santa Clara Main Jail -- a claim, from Dragomir, about which I might have been more dubious if he and I had not known someone who had been pummeled and killed in that jail, in a different cell, by different perpetrators. Of course, Dragomir had held open the possibility of Harriet's return, not as a ghost or as memory but as an enfleshed self in a manner that was not possible for Michael. Not all deaths are the same.

In any event, I was not surprised to find Dragomir in a folding camp chair by a riverbank in the middle of one of the state parks that cuts through Santa Clara county, based both on his priority in my mind, as the person whom I had left, but also because of the tenor of our text message exchange while making arrangements to find one another. He had struck me as insouciant in a way that I had not experienced with Harriet. Harriet liked to talk

about herself, Dragomir did not like to ask about me, and somehow those two orientations managed to convey a sense of difference.

I had never been to this park before. Dragomir had begun camping in it, at different sites, after his falling out with Tamar had taken away some of his reasons for hanging around parking lots and cafes in the town where she lived. All but one of his cats had died, one cat being more easily manageable in the woods than three, but the day before I went to meet him in the park, the last cat, too, had passed. His car had been towed and sold by the towing company while he had been in jail – Rebecca had been trying to move it for him, to keep it from being illegally parked in a spot for too long, but, after several months, moving the car daily got to be too much and she let one day lapse and then the car was gone and she did not have the money to get it back. In any event, he and Rebecca were sharing a single car. When they slept in it together, they would tend to park in the lots of 24-hour big box stores so that Rebecca could use the restroom in the night, if she needed to, but they were getting hassled there and Rebecca had managed to find a friend from work – because she was working, now, at one such big box store, even though she still did not have a place to live – on whose couch to crash, but that friend could not also accommodate Dragomir. And so, to the woods Dragomir went. Dragomir did not make it easy to find him, refusing to send me directions in a mode that were easily legible to me, instead texting me pictures of trees and his path into the woods and down to the river, "clues" about his location. Evading me was a game he wanted to lose, but his location was not easy to find in this unfamiliar place, no doubt because evading the police and rangers who knew that camping in this park was illegal was a game he needed to win. It wasn't a game at all.

By my assessment, some things had improved for Dragomir since I had left. He was no longer in jail or living in the halfway house where he said that he was "treated like shit"

by the man without a license who owned it. Even if camping was not immune from risk, in the sense that he could get cited for doing so, he expressed satisfaction with his peaceful life in the woods. He liked how the river churned, how the light fell through the trees, how he could say a casual hello to families who would hike through the area. The charge for which he had once thought that he might be sentenced to prison – assault with a deadly weapon, for when he had beaten that Julian, another homeless kid, on the head when they had gotten into a scrape one night – had been sent to Judge Manley's court, so he was back, even though he had, at first, been adamant about not wanting to return to the mental health court supervision that he had found so impossible to manage. Or he had been back: Manley had already, within the year, graduated him, again, from the program. And he had finally, after years, been approved for Social Security Disability Insurance, netting him close to $900 a month. Not enough for rent and other costs of living in the Bay Area, but not nothing either. I had expressed enthusiasm about this last bit of news; not having his Disability claim approved had been one of his, and Harriet's, most common complaints when I had been around for fieldwork. Upon my excitement, though, Dragomir had been nonplussed.

My assessment was not one that mattered much, if at all, to Dragomir. It certainly was not one that I was going to insist on, in light of Dragomir's continued complaints about his quality of life, even if he seemed somewhat *better*, in a generalized and more-energetic way, than he had when I had left. We spent the afternoon together, perched on boulder. I too liked how the river churned, how the light fell through the trees, how we could say casual hellos to families who passed by on hikes. The hours somehow felt both intimate – in that we were talking about the particularities of Dragomir's life, particularities that I cared about, and the manner in which we were talking about those particularities was a return to a once-familiar interaction – and impersonal – in that I realized, at some point, hours in, that it

seemed to make very little difference to Dragomir that he was speaking to *me* at all. It was not until the sun set and he walked me back up the steep hillside to my car that he asked me a single question about how the particularities of my life had changed in the year that had transpired. At the last minute he had asked, "Everything's good with you? Elmore and your wife are both doing well?" My "wife" – as if he did not even remember Devon's name.

I drove home that day and wondered who the "you" was that Dragomir had referenced in his penultimate question, the only two he had asked the whole day about "me." Dragomir had once told me that he thought that Harriet liked me more than Dragomir did. At the time, I had found that claim amusing – Dragomir was not saying that he did *not* like me, but was expressing that there were times when the person who shared his body liked me *more* than he did at present. He had asked me who I liked more – Dragomir or Harriet – and I had refused the premise of the question. I did not land at an answer on my drive home from the campsite, but found myself pondering whether *I* liked *myself* more around Harriet than around Dragomir. I thought so: the me-around-Dragomir tended to listen more than engage, in a manner that was not always so comfortable, and then get huffy that neither of us, neither Dragomir or I, was going out of our way to get me to participate more in the conversation. It was anonymity that I felt on that last day by the river: what difference did it make that it was *me* rather than anybody else chattering with Dragomir? And if the answer was not much of a difference at all, who *was* the person seated with Dragomir atop that boulder? Dragomir would have understood her to be a different person altogether than the person who had sat on park benches and in the grass and on benches in the courtroom gallery with Harriet.

I do not know whether I will ever encounter Dragomir again. I received a series of calls – Facetime audio calls, over wifi networks, still no cell phone plan or data to be had –

a few months ago from the cell phone number that I had come to associate with Harriet and Dragomir. I addressed the person on the other end of the line as Evan, the name that Rebecca had given her child, until further direction. Evan was calling from Nevada. His sister and her husband and her baby had moved out of California; Rebecca had followed them, Jackie offering to give her a room in their house. But the implicit exchange had been that Rebecca could not contact Evan from Jackie's home. She did, of course, just as unable to not dial her older child herself as she had been unable to decline his calls to her from jail, no matter what the price. But, Evan told me, Rebecca would hang up whenever Jackie came home. "I've never seen Jackie this controlling," Evan relayed to me, "Maybe it's just her dissociative identity disorder, like they said in the hospital all those years ago. But she and her husband are both abusive. I wasn't going to leave Mom out there all alone. She doesn't have any friends or family." After passing the thirty-fourth Christmas of his life in the Bay, the first he had spent without Rebecca, he got in the car that he and Rebecca shared and that Rebecca had left in California and drove out to Nevada. It was a rescue mission, he said.

A rescue mission gone awry. When Evan showed up in Nevada, Jackie realized that Rebecca had stayed in touch with him. Jackie kicked Rebecca out. Rebecca and Evan went back to sleeping in the car that had broken down on the trip east. Rebecca got blood clots, Evan said, from sleeping in the car, her arthritic legs unable to stretch out in the small cab. Jackie would not let Rebecca move back in until Evan left, which he refused to do, so now they were spending all of his Disability money on motel rooms. "She's a sociopath," he said, referring to his sister. "She doesn't understand that this doesn't have anything to do with her or her family. It has to do with my mother. Jackie just needs to butt out, stop making problems."

Until, later on in the conversation, the person on the other end of the line said in a creakier, more confidential tone, "How can there be anything so wrong with me wanting to be an aunt? How can she keep me from him?"—a reference to Jackie's now-two-year-old son, Jason. I didn't offer answers to the questions and then, through the quiet, the person on the other end of the phone drew attention to their own language, "Did you hear that? Aunt." I said that I had. "Yeah," she sighed, "I've been feeling more like Harriet lately." And then Harriet began to cry.

Who cried Harriet's tears? What provoked them? And who or what could possibly be held accountable for their streaking down her face? I do not believe those to be answerable questions: they were not answerable for Harriet, Evan, Dragomir and I do not find myself able to offer anything better. After a few minutes of sitting quietly on the line, I asked Harriet why she was crying. It struck me as a stupid question. And, though she did not chastise me for asking it, her answer implied that she agreed with my judgment of the question: "Everything." Everything: her dependence on her mother and her perception that her mother was dependent on her, a spiral that was bringing about blood clots and broken-down cars and pain. Her resentment of her sister and her wish that her sister would let her into her life. Living out of motels that gave her trouble about her two new kittens and that threatened to evict her. Her relationship with me, I suspected, someone who cared about her but was not quite a "friend" and someone who sent some money, but couldn't send enough to make her life all that much better, beyond buying a few more days of safety in a motel room while she considered her options. Her turn to a public social worker in the town in Nevada where her sister lived, to try to get support for her mother after she claimed elder abuse, yet another social worker who called Harriet back but said she could not do much to fix the problem as Harriet would have liked it to be fixed. At that moment, as I had at others,

I understood Harriet to find all of the relationships in her life vexing. Necessary. Inevitable. And troublesome. The more she tried to take refuge in relationships with those who cared about her and those for whom she cared, the more she realized that peace was not to be had.

As much as negotiations over accountability come to shape our ethical worlds, they are not exhaustive. To divvy Harriet's reply into parts – her mother, her sister, me, the latest social worker – is to miss that totality of her answer: everything. And to divvy Harriet's reply into parts – her mother, her sister, me, the latest social worker – is to create, in the name of accountability, entities that Harriet would not recognize as complete. Who was her mother? Her sister? Me? That latest social worker? Harriet understood us each to fractionate into multiple selves, unaccountable to one another, in the way that Harriet deemed it impossible to take responsibility for her other selves. An ethics of accountability recognizes dependence in a technological way, in the sense that an ethics of accountability aspires to order dependencies so as to arrive at justice should each subject account for themselves. My turn to unaccountability, inspired by Harriet, Dragomir, and those many others whom I encountered in the course of fieldwork, is not to point to differences in understandings of how to imagine that ideal order of justice. Rather, I am gesturing to those parts of social engagement, like care, that exceed the terms of debate over visions of justice, those parts that overflow individuation and flow through affective encounters. Instead of laboring to assess and assign accountability, a turn to the unaccountable as such reveals an ethics of care irreducible to law. Mental health courts' aspirational promise of a justice elicited through care occasioned relationships between professionals and clients. The irony of these relationships was that the ethics they brought into being by caring for one another subverted their articulated understandings of justice as accountability.

I do not like to think about that memory – me, sitting on a couch in my apartment, listening to Harriet weep, imagining her sitting on some scratchy bedspread in a motel somewhere in Nevada. It is an important one that I do not wish to forget, but I do not enjoy recalling it. I prefer to think of her on a different day, when the sun was setting behind the evergreens and a gold light filtered through the trees as we sat on the bumper of her car parked in a lot in Alta Vista. No other person was around, though you could hear the cats – all three were still alive – mewing through the cracked windows of her car. Her mother was with her sister. Julian, the kid with whom Dragomir would later brawl, sending him back to jail, had passed us to say hello but then walked off down a path into the park. But for the cats, we were alone. Harriet had reached into her car through the window to grab a fruit crate of peaches and offered me one. I had hesitated, not wanting to deplete her food stock, but she seemed to want to share and so I partook. Juice ran down our chins; at some point, we stopped trying to wipe it off with our sleeves as it spilled.

Harriet told me some myths that she liked about dwarves and fairies. She told me about her maternal grandfather whom she could not remember, but about whom she had been told. She told me that she wanted to travel to Budapest, where her grandfather or her great-grandfather had been born and stand in the middle of the Danube, perfectly between Buda and Pest, "so that I'd be in both cities and neither city at once." She pulled up images of the town and the river on her phone, imagining walking down different streets. I asked her which museums she'd like to visit, how she'd spend her days, in which neighborhood she would like to stay. She had smiled at my questions and answered them, zooming in and out of a Google map on her phone to access the names of places that neither of us had ever been. We would, later, talk about her "trip to Budapest" on other occasions – when she was laying on the gurney waiting for the psych bed to open for her suicide watch, when she was

waiting to pick Rebecca up from the hospital, at the funeral we held for her cat. I do not believe that Harriet ever expected to go on the trip, but that did not matter in the least. The dream was enough. And on that day that we had first dreamt it, she had put her phone back in her pocket; the screen had gotten sticky from the peach. She had reached back up to her mouth to extract its pit. "Come on, Jessica," she had said, "see if you can get your pit over the horizon." And with that, she threw it into the trees.

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