

MOUNDVILLE PENITENTIARY RECONSIDERED:
SECOND THOUGHTS ON HYPERREALITY AT A SMALL
TOWN PRISON TOUR

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*I site and lay in my
bed, and hear the words running
throu my bad'. I think some time's
I mite be dead, but death can't
be this bad.*

*I sity and lay on my bead, I can
fill the blad running throu my chest*

*Some time's I'll weak in a swat thinking
It's blood running down my chest, some time I think
It's Hell but Hell can't be this bad...*

*I was 17 teen wine I did the crime,
I 19 teen not bafe way throu the time,
I fill the bleed runing
throu my chest.*

— Cell marking, Moundsville Penitentiary¹

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ON A COLD, WINDY DAY IN OCTOBER, equipped with nothing but a pen and some 3×5 inch notecards, I toured Moundsville Penitentiary in Moundsville, West Virginia, bent on writing an article. Enrolled in a graduate course on prison literature, I'd spent the last two months reading a wide variety of works by authors like Richard Wright, Jeremy Bentham, Albert Camus, Piri Thomas, Etheridge Knight, and Henry David Thoreau. I'd read dozens of articles on America's incarceration culture, and watched at least two chilling documentary films. At some point, curiosity got the better of me, and I decided to see for myself how one local prison was dealing with its fraught history of escapes, riots, abuses, and executions.² I took the official tour, explored the grounds for some two hours, and chatted with other tourists, all the while cobbling together observations on my notecards. That night I dashed off brief reflections, which I later willed into something of a narrative. The result was a short essay, which, after two months of revision, became a long essay accepted for publication in *The International Journal of Baudrillard Studies*.³

Moundsville Penitentiary, sometimes called West Virginia Penitentiary ("WVP"), is no longer operational except as a tourist attraction. Built in 1867, it stopped functioning as a prison in 1995. In 1986, after a highly publicized prison riot, Chief Justice Thomas B. Miller of the Supreme Court of Appeals of West Virginia ruled the prison conditions unconstitutional.⁴ His opinion opened by saying, "It is difficult to accurately summarize the

¹ John William Larner & Michael J. Rydeski, *West Virginia Penitentiary Cell Wall Markings 49* (West Virginia Humanities Council, n.d.).

² For a brief history of such events, visit the Moundsville Penitentiary website at www.wvpentours.com/page/category.detail/nav/5368/Executions--1938-1959-.html. To date, nobody has written a full history of the penitentiary. John William Larner and Michael J. Rydeski have this to say of the prison's history:

[I]nmates were all male in ages from 18 to 80, with the largest number being in their 20's and 30's. Roughly 90% were West Virginia natives; the others from almost anywhere in the United States. Slightly over 15% were African-Americans; the remainder whites. Religion, if any, was mostly Protestant Christian. Upon arrival at the prison, inmates' formal education levels ranged from the 6th to the 10th grades with virtually no skill or trade mastery. It is said that these figures remained relatively constant throughout 1960–1995. [...] The prison's population during these decades hovered around 750, although WVP at one point prior to 1960 housed as many as 2,200 prisoners!

Larner & Rydeski at 2.

³ Allen Mendenhall, *Moundsville Penitentiary—Model and Symptom of Hyperreality*, *THE INTERNATIONAL JOURNAL OF BAUDRILLARD STUDIES*, Vol. 6, No. 1 (2009) [available at www.ubishops.ca/baudrillardstudies/vol-6_1/v6-1-mendenhall.html].

⁴ See generally *Crain v. Bordenkircher*, 176 W.Va. 338, 342 S.E.2d 422 (W.Va. 1986).

deplorable conditions that were found to exist at WVP.”⁵ At Miller’s writing, prisoners were living in 5 × 7 foot cells filled with feces.⁶ During hot summer months, the stench of baking excrement, both human and animal, permeated these cramped spaces.

During its active years, the prison carried out 94 executions, 85 by hanging. Its final hanging resulted in accidental decapitation. Afterwards, executions were accomplished by electric chair until West Virginia abolished the death penalty in 1965. From its inception, the prison oversaw hunger strikes, beat-downs, and murders. It was a violent place. It’s now a theme park extravaganza, a place where parents take small children to delight in cheerful recreation. Announced by Gothic towers and tall, formidable walls, it’s an anachronistic, symbolic structure whose architectural message amounts to one word: power.

As a libertarian, I support the autonomy of the individual, but I believe that individuals forfeit moral rights when they violate or interfere with rights of others. For that reason, I believe that murderers and rapists (and the like) surrender some degree of control over their person. Whether and to what extent citizens should delegate coercive authority over criminals to an amorphous and omnipotent sovereign is another issue altogether. Should the state, for instance, enjoy the power to eliminate a human life without consequence? Is state-sanctioned killing revenge or justice when its agents aren’t intimately connected with the victim or the victim’s family? Are mass incarceration and maximum security prisons the best way to deal with criminals? And is the goal of prison to punish, deter, or rehabilitate? I leave these and other related questions unanswered in this article but hope that readers will have them in mind as they proceed. In particular, I hope that libertarian readers will use this article as an occasion to discuss an issue—prison policy—that is too often overlooked in our circles. Prison is an icon of the state; as such, it requires high levels of scrutiny.

In my essay, I argued that the commercialized portrayal of Moundville Penitentiary distorted the history of the prison and distracted tourists from the plight of actual prisoners who suffered there. Borrowing heavily from Jean Baudrillard’s theory of hyperreality, I suggested that the penitentiary’s self-portrayal relegated death and punishment to the realm of the fantastic. Hyperreality is a term in semiotics referring, in short, to phenomena whereby virtual and physical reality interact until the former is indistinguishable from the latter. “Reality itself founders in hyperrealism,” Baudrillard once playfully

⁵ *Id.* at 342.

⁶ *Id.*

explained, “the meticulous reduplication of the real, preferably through another, reproductive medium, such as photography. From medium to medium, the real is volatilized [...] [...] But it is also, in a sense, reinforced through its own destruction. It becomes *reality for its own sake*, the fetishism of the lost object: no longer the object of representation, but the ecstasy of denial and of its own ritual extermination: the hyperreal.”⁷ So, for instance, we might experience hyperreality when we watch the nightly news to see what the Iraq War is “really” like, only to be misled by heavily mediated images, signs, and sounds that flicker and flash in clips and cuts. These effects have undergone strategic cropping, editorializing, photo-shopping, and altering—so much that they seem at once pleasurable and patriotic even if they no longer represent reality. When people can’t distinguish reality from fantasy, they legitimate and authorize the fantastic, and as that happens, the fantastic becomes increasingly unreasonable. Layers of unreality mask the underlying reality beyond recognition. During my tour of the prison in Moundsville, I worried that the mechanisms of hyperreality had occurred, and were occurring, in West Virginia. Instead of hearing the story of Bud Peterson, the last man hanged at Moundsville, families on my tour witnessed the mock hanging of a human effigy. Instead of understanding what it’s like to be locked up, families came and went from cell to cell, took turns standing behind iron bars, flashed pictures and struck poses. Instead of learning that prison is horrible, children learned that it was fun, a playground of sorts. The message of the tour wasn’t “prison is a place where you don’t want to be.” It was, instead, “prison is a place where you *want* to be.”

Sentenced for killing a woman over a poker debt, Bud Peterson, a black man from Logan County, was decapitated at Moundsville during his execution in 1949. Before plummeting to his death, he declared to a crowd of 10 witnesses, “Look what sin has brought me. You folks should stay with Jesus.” Peterson’s family refused to claim his corpse, which is buried in the prison’s cemetery.

Peterson was not the first man decapitated during a Moundsville hanging. Frank Heyer, a white man from Pocahontas County, was decapitated on June 19, 1931. His was the last hanging open to the general public. After Heyer’s execution, hangings at Moundsville were invitational affairs. Peterson’s grotesque death effectively put an end to publicly ritualistic executions at Moundsville; Heyer’s put an end to the hangings there. Clearly, somebody in power considered these events and processes too gruesome for public consumption. Yet my Moundsville tour recreated these

⁷ JEAN BAUDRILLARD, *SELECTED WRITINGS* 147–48 (Stanford University Press, Ed. Mark Poster) (1988).

experiences as lighthearted entertainment. Having been led into a barn-like building called “the Death House,” our tour guide startled us by pulling a lever releasing a human effigy from the ceiling. The noise of falling doors and unfurling rope was tremendous, and several children screamed and then laughed, relieved, when the initial shock had worn off. The tour guide, a curly haired woman, laughed at having tricked us. Everyone was having a grand time.

This counterfeit hanging glorified capital punishment while evacuating the meaning and consequence of capital punishment. It was group performance; we all played along. Effigies aren’t, of course, human. And tourists are okay with “executing” things that bear little resemblance to real people. But the fact of the matter is that real people died in the Death House. Real people were hanged—decapitated even. This simulation divorced tourists from any emotional or intellectual engagement with the harsh reality of death and punishment. “Look what sin has brought me,” Peterson said moments before his death. He had a message for us. That message was lost on the Moundsville tour.

What does the copy killing teach tourists? One disgruntled tourist had this to say on *RoadsideAmerica.com*:

Sadly, “live” hangings are no longer performed [during the tour], as the head popped off their hanging-dummy and he has yet to be repaired. No word of when this practice will resume. My suggestion that they compensate us with an electric chair demonstration was met with blank stares and an uncomfortable silence.⁸

As this quote suggests, Moundsville has become a space of disappearance: a fantasy and fiction that dehumanizes prisoners and desensitizes tourists. It does not offer the story of prisoners, victims, or families of prisoners and victims—the storyless thrill of horror-themed spectacle.

Moundsville also has become a virtual alternative to physical reality. At the “Lock Up” room, my tour traversed space and time when our tour guide closed us within a cell to see what confinement was “really” like. After just minutes, the gates were open again. Tourists were free to roam. “That wasn’t bad,” one lady said to her husband. She was right: it wasn’t. But it wasn’t *real*, either. What we experienced was in no way comparable to what actual prisoners experienced.

⁸ *Moundsville, West Virginia—West Virginia State Penitentiary Tour*. ROADSIDEAMERICA.COM. [Available at www.roadsideamerica.com/tip/4474].

The conclusion of my essay—passionately delivered if only partially supported—was that the penitentiary should remain open to the public only if it's going to tell the truth about its history. What is the truth about Moundsville Penitentiary? The truth is buried beneath layers of duplicated untruths. Mining for it isn't easy. Dry facts are available about the institution itself but tell us nothing about actual humans—their lives, stories, families, friends, upbringing, psychology, and sentencing. How did these prisoners become murderers, thieves, and rapists? What drove them to crime? How did they spend their time in prison? Did they read books? Write poetry? Attend church? Who visited them, and how often? Were they remorseful? These are the questions I'd prefer the tour to address. Instead, my tour portrayed prisoners as ghosts. It replaced the human element of incarceration with make-believe illusion. Because my tour was in October, Halloween decorations—dummies of goblins and ghouls, bloodied masks strewn about the walls—mystified the already artificial experience.

Moundsville Penitentiary continues to market itself as haunted. It offers ghost hunts and night tours on weekends. It has appeared on MTV Fear, the Travel Channel's Ghost Adventures, and SciFi's Ghost Hunters series. It employs horror signs and tropes to suspend tourists in hyperreality. With its various simulacra, the prison connotes the unreal as the real, day after day, year after year. Its visitors receive sanitized and spectacular myths that have become authority. At the end of a long day, tired of being on their feet, visitors pile into their vans, buses, and cars, brushing aside uncomfortable thoughts of life behind bars—of constant and inescapable banality, cruelty, depression, and boredom. They plan their family dinners while driving along the highway, forgetting the plight of prisoners who never had such mobility, whose stories have been erased and supplanted by playful, staged diversions. Or, worse than forgetting, visitors remember the stories but only as filtered images of fun and fancy.

A Baudrillardian paradigm may seem somewhat odd for a libertarian to adopt, especially in light of Baudrillard's various critiques of capitalism.⁹ But hyperreality *per se* is not hostile to capitalism or libertarianism. In fact, libertarians could borrow much from Baudrillard without, so to speak, throwing the baby out with the bathwater. Baudrillard's critiques of "capitalism" are usually not critiques of capitalism at all; rather, they are critiques of corporatism, elitism, consumerism, and materialism—troubling organisms that non-libertarians (especially literary types) often naively mistake

⁹ Baudrillard often employed Marxist literary criticism, which is not the same as political Marxism but which has had a destructive effect on the humanities.

for, or equate with, capitalism.¹⁰ Most of the time, hyperreality is about the angst of abandoning folk culture for commercial interests (an angst with which many paleoconservatives can sympathize). It warns about the desensitizing effects of modernization, technology, and media. Besides Baudrillard, my essay borrowed from the ideas of Michel Foucault, about whom I also have several misgivings. Nevertheless, Foucault's conjectures are not always incompatible with libertarian theories, as at least one writer has pointed out on *LewRockwell.com*.¹¹ Suffice it to say that neither Baudrillard nor Foucault represents the quintessence of libertarian thought. Yet libertarians should not dismiss these landmark philosophers out of hand, for their ideas are highly critical of statism in all its manifestations.¹²

Since the publication of my essay, I've received several emails—most of them polite and most of them from my libertarian friends—questioning my use of hyperreality. The prevailing criticism seems to involve my skepticism about Moundville's profit motive. Not one to cling to bad ideas just because I came up with them, I read each email carefully, often several nights in a row, and after months of reflection resolved that my initial judgments—for they *were* judgments—were slightly rash but not altogether misguided.

I now believe that my essay may have stretched the negative consequences of horror-themed experiences. I myself delight in horror films and “haunted” houses, and even if the people closest to me complain about

¹⁰ See, e.g., Baudrillard, *supra* note 7, at 10–25, where Baudrillard purports to criticize capitalism and the ideology of competition when really he criticizes advertising systems of signification as well as cultures that obsess over material goods to the extent of defining social relations by what people own. Similar points come up frequently in Baudrillard's oeuvre; more than anything, they reveal Baudrillard's ignorance of the etymology of capitalism. For an interesting and welcome literary perspective on Austrian economics and capitalism, see generally PAUL CANTOR & STEPHEN COX, EDs., *LITERATURE AND THE ECONOMICS OF LIBERTY* (Ludwig Von Mises Institute, 2010).

¹¹ Daniel McCarthy, “The Libertarian Foucault,” LEWROCKWELL.COM [available at www.lewrockwell.com/dmccarthy/dmccarthy9.html]. See also John Hasnas, *The Myth of the Rule of Law*, 1995 WIS. L. REV. 199 (1995) (relying on “the Crits” to make libertarian points).

¹² Libertarians, perhaps out of suspicion, have been slow to “ally” with literary theorists. One would think, however, that the ideas of self-described “libertarian” thinkers like Noam Chomsky (who is actually a libertarian socialist or an anarcho-syndicalist) are more compatible with anarcho-capitalist libertarianism than right-wing movements that fly under the banner of libertarianism while promoting the military industrial complex, executive power, the war on drugs, mass incarceration, ballot restrictions, and suppression of speech. Perhaps a reevaluation of such literary figures is in order.

my idiosyncrasies, I think I'm fairly—for want of a better word—normal. I'm no expert in psychology and so don't know how harmful the horror tour at Moundsville really is. I *do*, however, think that the tour could seem insulting to families of prisoners and perhaps even disrespectful of the dead. For that matter, it could cause visitors to overlook the plight of prisoners while downplaying the seriousness of capital punishment.

Which brings me to a major *volte-face*: educating the public isn't the only legitimate goal for the penitentiary—entertainment is also a legitimate, if problematic, goal. The Moundsville prison is trying to generate revenue, and although a documentary-style portrayal might be educational, it wouldn't bring in much money (not as much as the current “show” at least). I'd be callous to overlook Moundsville's poverty rates—35% of residents with an income below the poverty line and an estimated median household income of \$27,592 (\$9,468 less than the median household income for all of West Virginia). The penitentiary obviously plays a role—albeit a small role—in alleviating these numbers. But at what expense?

My essay suggested that the harm of the prison tour (dehumanization, etc.) far outweighed the benefits (minimal profits). I stand by this conclusion. The problem for me is not making money (that's a *good* thing); it's the nature of the product that the consumers demand—i.e., the type of commodity that we as a culture value enough to spend our money on—as well as the face of the “business” itself (the government). “Regular” businesses respond to consumers by adjusting production to fit consumers' wants, and if consumers want something potentially immoral or desensitizing, they will respond accordingly. Businesses are like mirrors reflecting cultural conditions back to us. This is not to say that Moundsville Penitentiary is a cultural symptom of West Virginia alone, since people come from far and wide to tour the site. It's simply to say that businesses are not necessarily to blame for supplying things that consumers demand (explicitly or implicitly). But what happens when the state and not a regular business turns history into a commodity alienated from a past reality? What happens when government agents fictionalize the true lives of prisoners into a “new” reality as commoditized ghosts? I would argue that the state, which already enjoys the presumption of validity in the public mind, thereby secures for itself the legitimacy of its prison policies because ghosts can't resist their exploitation the way real people can.

A particularly problematic aspect of the penitentiary's horror theme is consumer demand for grotesque spectacles instead of legitimate education. This is *not* something government can fix—actually, it's something government manipulates. Government isn't the answer but part of the problem itself. The penitentiary isn't just an icon of government but a

working government instrumentality. When the current prison tour supplies visitors with uncontroversial, sanitized facts, it inadvertently validates and thus enables inhumane state action such as ritualistic public execution. The horror tour is an example of how politicians exploit public sentimentality not in the service of justice, but in the service of the state and its numerous branches and beneficiaries. If the sheer enormity of the costs of maintaining our penal system, or the pettiness of the crimes that land one in that penal system (e.g., drug distribution) are any indication, then the prison power apparatus is all about consolidating government control—not about rehabilitating or punishing wrongdoers. Government actors and agents transform the penal system into a fantasy space for tourism in order to downplay or erase, as it were, unpalatable truths.

People put money before education all of the time. As one of my anonymous readers put it, “While we could all be in school or doing serious research with our time, many of us work in jobs instead to make money. Is that wrong? Most of us do not think so.” It’s actually worth quoting this reader at length, if only because his or her arguments are particularly persuasive. Having indicted me for thinking that prison conditions represent the “true” story of Moundsville, the reader opined,

That is too simplistic. To really tell the story accurately would involve investigating the crimes, the personalities of the prisoners, the prisoner’s behavior, and so forth. My point is that the “true” story would be long and complex and perhaps even unattainable. It would certainly be too much for “the public” to consume in a short tour. You seem to ignore the fact that there is only so much the prison tour can do, and if it has the goal of making money, and attracting visitors, it will not be able to tell the long and full [and] true story.

This, I think, is right. But only partially so. The argument, after all, privileges practicality over morality and fails to account for the public demand for products like “true crime” television shows, books, and documentaries, which often make plenty of money without resorting to sensationalism. I maintain, at any rate, that the history of Moundsville Penitentiary is haunting enough without the “extra” dramatized, exaggerated, and fantastical effects—it’s horrifying even without make-believe ghosts and ghouls.

I think I’m reasonable in assuming that psychological aversion to shame predicated the Moundsville Economic Development Council’s (MEDC) decision to create a new reality—a hyperreality—for the prison. The members of the MEDC probably wanted visitors to overlook Moundsville’s dishonorable past, so they removed the prison’s inconvenient or uncomfortable realities. Or if they didn’t totally remove them, they

recreated them in the form of amusing spectacles (e.g., the hanging of a human effigy). Just as Colonial Williamsburg long ignored its history of slavery, so Moundsville Penitentiary makes light of its history of cruel and unusual punishment (among other things).

The ghost theme may have provided the MEDC with a politically noncontroversial and therefore legitimate definition of the meaning of the prison. But this alternate meaning is incomplete and injurious without an articulation of human dignity and an acknowledgment of past *violations* of that human dignity. The membership of the MEDC is no doubt made up of various individuals who probably are upstanding in their own right. For that reason alone, the MEDC's intentions cannot be summarized or reduced to simplistic schemata to solidify state power or the prison system writ large. That does not mean, however, that we should ignore unpleasant historical truths or excuse the way in which the MEDC's actions produce government control (intentionally or otherwise). We must remember that the prison tour not only *contains* history, but also *makes* history: it alters and revises an unseemly past while simultaneously "storing" the new past for future (mis)education.

The Moundsville prison originally served the aim of isolation and surveillance of a category of individuals. This objective didn't go away when the prison community transferred to Mount Olive, West Virginia, in 1995. One wonders whether Mount Olive replaced the disciplinary and retributive character of penology at Moundsville. Probably not. The fraught qualities of prison policy—evident not just at Moundsville but all across America¹³—couldn't accommodate a comprehensive, judicially generated policy shift in the treatment of criminal offenders. Responding to negative publicity over the penitentiary, judges ordered the use of equitable remedies to "require" better physical conditions for the incarcerated at Mount Olive. But the latter institution hasn't substituted rehabilitating measures for the excessively retributive protocols at Moundsville. We might therefore interpret the empty Moundsville prison as a hollow victory for human rights.

My attitude towards Moundsville Penitentiary is probably more ambivalent than my present tone suggests. On the one hand, the MEDC seems overeager to avoid a shameful past that's counter to an idealized vision of America and West Virginia. On the other hand, Moundsville Penitentiary generates much-needed revenue for a poor community. If forced to balance these interests, I'd say that the reconstruction of history for profit has hurt

¹³ See, e.g., Lew Rockwell, *Prison Nation*, LEWROCKWELL.COM [available at www.lewrockwell.com/rockwell/prison-nation.html].

more than it has helped West Virginians. It clearly has harmed the prison population—and not just in West Virginia. Haunted prison tours are available for tourists at prisons all across America. Alcatraz and the Ohio State Reformatory are just two notable examples.

The MEDC has re-imagined past events to appeal to the tastes of contemporary consumers—who love a scare or thrill—and in so doing has not only disposed of reality but also encouraged people to ignore problems that supposedly don't affect them (as if an increase in state power, even on a small scale, didn't affect *everyone*). The prison tour dispenses the thrill of an adrenaline rush to tourists. It then spreads the pleasure of profits to the Moundville community. It avoids the pain of incarceration. The only warning and guidance it offers is that prison disembodies the soul. Of course, it depicts this disembodied soul without moral-religious overtones, thereby removing what might challenge the entire presentation or at least appeal to visitors' pathos. It provides a pleasure that offsets any indication of the excessive financial, social, or personal costs of imprisonment—costs that ultimately dwarf the slight revenue that a site like Moundville can generate. Finally, it distorts public perception of prisons' atrocities and makes mass incarceration seem like a reasonable, efficient, and legitimate strategy.

Truly educating the public would require that people *want* to confront reality. People shy away from the immediacy of suffering, especially when the sufferer is a prisoner: a figure associated with evil and the alien. More to the point, people shy away from suffering that will implicate them or otherwise expose their support for shameful actions. Therefore, if truth is conveyed at Moundville, it will not educate. Without offering pleasure, the prison will have no audience. It will shut down. The walls will be ground to dust and become the base for a highway: a way to speed toward a future that's unencumbered by a legacy of abuse and death. Moundville needs to change. But if closing the prison means wiping out the possibility that one tourist might learn about the harms of state power, then I say leave it open. At least for now. Closed, Moundville teaches nothing. Open, it teaches those who *want* to learn.¹⁴

¹⁴ I wish to clarify that I intend this logic to apply to Moundville Penitentiary *only*. I recognize the disastrous consequences of applying this logic to *all* state-run facilities.