Other than war, punishment is the most dramatic manifestation of state power. Whom a society punishes and how it punishes are key political questions as well as indicators of its character. This course considers connections between punishment and politics in the contemporary United States. We will ask whether we punish too much and too severely, or too little and too leniently. We will consider the politicization and racialization of punishment and examine particular modalities through which the state dispenses its penal power. Among the questions to be discussed are: Does punishment express our noblest aspirations for justice or our basest desires for vengeance? Can it ever be an adequate expression of, or response to, the pain of the victims of crime? When is it appropriate to forgive rather than punish? Throughout we will try to understand the meaning of punishment by examining the way it is represented in politics and popular culture.

Books for the course are:

Stephen Mitchell, *The Book of Job*
James Whitman, *Harsh Justice*

Other readings are available on electronic reserve.

Please note that there are several films which will be shown as part of the course.

**I. INTRODUCTION: PUNISHMENT AND PAIN**

1. *Introduction* (January 15-330-500)

   Francis v. Resweber, 329 US (1947) 459

   **FILM:** Noon Wine

2. *The Phenomenology of Suffering: If There Is Punishment There Must Be Guilt, But Without Punishment Can There Be Innocence?* (January 15-630-900)

II. PAIN AND ITS POLITICAL USES

3. *Punishment and the Constitution of Culture (January 16-330-500)*

James Whitman, *Harsh Justice*, Introduction, Chapter 1, 2, 3, 5, Conclusion (P)
William Connolly, “The Desire to Punish,” in *The Ethos of Pluralization*, 41-49, 58-74

III. PUTTING PAIN TO WORK


Herbert Morris, “Persons and Punishment” 52 The Monist (1968), 475-501


Marc Klass, “Victim Impact Statement”

IV. THE PAINS OF PUNISHMENT

FILM: *Shawshank Redemption*

6. *Imprisonment and Indignity (January 17-630-900)*

Ruffin v. Commonwealth, 62 Va. (1871) 1024

7. *Imprisonment and Indignity: Is the State of Nature Inside Law? (March 5-330-500)*


8. *Prison Violence (March 5-630-900)*


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Austin Sarat, *When the State Kills: Capital Punishment and the American Condition*, chapters 1, 3, 4, 7, and 9
Alex Kotlowitz, “In The Face of Death,” *NY Times* (July 6, 2003)

VI. BEYOND PAIN?

**FILM:** *Dead Man Walking*


Austin Sarat, *Mercy on Trial; What It Means to Stop an Execution*, chapters 1, 3, 4, 5, and 6