Syllabus

Punishment, Politics, and Culture

Amherst College

July 2-27, 2018

Introduction

What follows is a TENTATIVE guide to our work together. It is tentative in the sense that we will get inspired and want to spend more time on some issue than is allotted, and when the spirit moves we will. We may find some point or argument to be not worth the time allocated, and, in such a case, we will move on. But this schedule should give you a sense of my thinking about our work together and my hopes.

We will want to be FLEXIBLE in assessing our workload and our progress. This schedule is NOT written in stone. We can and will make adjustments as we go along.

I have provided a list of suggestions for secondary sources should you wish to do additional reading. In addition, I advance a plan to do some writing and group projects.

Room and Time

Our Seminar will meet in Clark 100 (which is on the first floor of Clark House) Monday through Thursday from 2 p.m. to 4:30 p.m. *time subject to change*

Seminar Material

Books for our Seminar will be available for purchase from at the Amherst Books. You should plan to get the books as soon as you get to town since we will dive right in or to get them in advance from Amazon or anywhere else. The following books are for purchase:

Herman Melville, Billy Budd and Other Tales (New American Library, Signet Classic, 1979)
Toni Morrison, Beloved (Plume Book, 1987)
Hannah Arendt, Eichmann in Jerusalem (Penguin, 1992)

A packet containing the other reading material will be available at the registration area where you will check in on Sunday, July 1. If we have a chance, we will send these materials to you via e-
mail as well.

There will be films that you’ll need to see as indicated on the syllabus. They will be available here, but you should feel free to see them in advance.

**Background**

Our Seminar—**Punishment, Politics, and Culture**—is intended to examine the nature and limits of punishment as well as its place in what I call the “American story.” Using a variety of material—classics in the sociological, historical, or literary treatment of punishment as well as readings that engage pressing legal, political, and cultural issues in contemporary American society—we will address three questions about punishment that go to the heart of humanistic inquiry.

1. **What is punishment and why do we punish as we do?** Punishment involves the imposition of pain in a calculating and deliberate manner. To acknowledge this fact locates the subject of punishment in relation to significant political and ethical issues, e.g. how do we deploy political and legal power in defining the limits of freedom? What justifies legal restrictions on our conduct? What are the responsibilities of those who punish in relation to those subject to punishment?

2. **What can we learn about politics, law, and culture in the United States from an examination of our practices of punishment?** How have issues of punishment figured in our “national story”? What are the arguments that today shape our thinking about punishment?

3. **What are the appropriate limits of punishment?** Do we punish too much and or too little? Are we too strict or too forgiving? What is the appropriate relationship of punishment and mercy? Are there some acts which strain our capacity to make judgments or for which punishment, no matter how severe, seems an inadequate response?

These questions open up the subject of punishment to people without formal training in law and to those interested in political science, sociology, history, philosophy, and literary studies. They provide perennial sources of controversy and lively debate. The Seminar will provide an opportunity for you to take a fresh look at some familiar texts, and it will also provide new resources on which you might draw if and when you teach about punishment.

**Group Work**

During weeks 2, and 3, I will be asking you to do group projects. I will create three groups (the membership of the groups will be shifted each week). Each group will meet during the week to prepare a presentation for the seminar.

That presentation should (a) deal with one of the three questions around which the Seminar is organized, or (b) respond to a question framed by our readings or discussion.
Each week someone from each group will act as a reporter for their group and be responsible for organizing/facilitating their group’s presentation. This responsibility will be rotated.

Individual Meetings

In preparation for the last session of weeks 2 and 3 I will meet with the three group reporters. In addition, I will schedule individual meetings with each on a regular basis while you are here.

Schedule

WEEK 1. What Is Punishment About?

We will not meet on July 4


   Francis v. Resweber, 329 US (1947) 459-481

2. Wednesday, July 3-Introduction: On the Just Imposition of Pain-II.


3. Thursday, July 5-If There Is Punishment There Must be Guilt: On The Phenomenology of Pain

   Stephen Mitchell, The Book of Job, 5-92
   Elaine Scarry, The Body in Pain, 27-59
3. Friday, July 6 - *When and Why Punishment is Essential*

*FILM: Noon Wine*

Henry David Thoreau, “Essay on Civil Disobedience,” 265-288


**WEEK 2. What Does Punishment Say About Those Who Punish?**

1. Monday, July 9 - *“Respect”: Is There a Right to Be Punished?*

*FILM: Judgment at Nuremberg*

Herbert Morris, “Persons and Punishment,” 111-134


2. Tuesday, July 10 - *“Duty”: On the Duty to Judge and Punish*

Herman Melville, *Billy Budd* (7-88)

3. Wednesday, July 11 - *“Vengeance” and Other Emotions: On the Psychic Life of*
**Punishment**


William Connolly, *The Ethos of Pluralization*, 41-49, 58-74

Marc Klass, “Victim Impact Statement”


4. Thursday, July 12—Group Projects


**WEEK 3. Modalities of Punishment in the American Story.**

1. Monday, July 16-*Imprisonment and the Democratic Dilemma*

*FILM: I Am a Fugitive from a Chain Gang*

*Ruffin v. Commonwealth*, 62 Va. 1024 (1871) (5 pages)


2. Tuesday, July 17-When Death is the Punishment-I

Furman v. Georgia, 408 US 238 (1972), 238-314, 375-405


3. Wednesday, July 18-When Death is the Punishment-II


4. Thursday, July 19-Group Projects

WEEK 4. On the Importance and Limits of Punishment

1. Monday, July 23- What Is the Place of Capital Punishment in a Just Society?

   FILM: Dead Man Walking


   Walter Berns, For Capital Punishment, 153-176

2. Tuesday, July 24-On the Place of Mercy and Forgiveness-I

   FILM: Dead Man Walking

   Martha Nussbaum, “Equity and Mercy”

3. Wednesday, July 25- On the Place of Mercy and Forgiveness-II

   Toni Morrison, Beloved

4. Thursday, July 26-Are There “Crimes” for Which No Punishment Can be Just or Adequate? And Wrap Up

   Toni Morrison, Beloved (continued)
   Hannah Arendt, Eichmann in Jerusalem, 3-12, 21-111, 135-150, 216-219, 234-252, 267-279, 287-294