

## Daily Schedule with Readings (Nov. 29)

DATE	TOPIC
<i>Sunday</i>	Arrival and reception
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<b>WEEK 1.</b>	<b>What Is Punishment and Why Do We Punish as We Do?</b>
<i>Monday</i>	<i>Welcome, Overview of Institute</i>
	<b>Readings for Monday Sessions:</b>
	<b>H.L. A. Hart, <u>Punishment and Responsibility</u>, p. 1-13</b>
	<b>Francis v. Resweber, 329 US (1947) 458-462, 472-481</b>
1000-1130 am	Welcome, Overview of Institute and Preview of Why Definitions of Punishment Matter
	Discussion Leaders: Austin Sarat and Roy Blumenfeld
1130-1230	Lunch
1245-200	What Makes Punishment Cruel?
	Discussion Leader: Austin Sarat
200-215	Break
215-330	Getting to Know You: Small Group Discussions [Groups to be Assigned]
345-500	Reading and project development time and timer for individual appointments
<i>Tuesday</i>	<i>On the Just Imposition of Punishment</i>
	<b>Readings for Tuesday:</b>
	<b>Stephen Mitchell, <u>The Book of Job</u>, 5-92</b>
	<b><u>Harmelin v. Michigan</u>, 501 US (1991), 957-966, 975-996, 1009-1027</b>
	<b>Leo Zaibert, <u>Punishment and Retribution</u>, 16-37</b>
830-1000	Reading and Prep Time

- 1000-1130            Review and Preview: On the Just Imposition of Punishment  
 Discussion Leader: Austin Sarat
- 1130-1230            Lunch
- 1245-200            On the Meanings of Punishment  
 Presentation by Leo Zaibert
- 200-215              Break
- 215-330              Colloquy and Round Table Discussion: On the Meanings of Punishment ]  
 Discussion Leaders: Austin Sarat and Leo Zaibert
- 345-500              Talking About Teaching [**GROUP A**]  
 Discussion leader: Roy Blumenfeld
- 345-500              Reading and project development time and time for individual  
 appointments [**GROUP B**]

**Wednesday**

*Is There a Right to Be Punished and A Duty to Punish?*

**Readings for Wednesday Sessions:**

**Reading: Herman Melville, “Billy Budd”**  
**Herbert Morris, “Persons and Punishment”**  
**Paul Robinson, “A Truce in Criminal Law’s Distributive Principle Wars?”**

- 830-1000            Reading and Prep Time
- 1000-1130            Review and Preview: Is There a Right to Be Punished and A Duty to  
 Punish?  
 Discussion Leader: Austin Sarat
- 1130-1230            Lunch
- 1245-200            Purposes and Justifications of Punishment  
 Presentation: Paul Robinson
- 200-215              Break

215-330 Colloquy and Round Table Discussion: Purposes and Justifications for Punishment

Discussion Leaders: Austin Sarat and Paul Robinson

330-345 Break

345-500 Talking About Teaching [**GROUP B**]

Discussion leader: Roy Blumenfeld

345-500 Reading and project development time and time for individual appointments [**GROUP A**]

**Thursday** *The Experience of Punishment and the Punitive Emotions*

Readings for Thursday Sessions:

**Film: Noon Wine**

**Elaine Scarry, The Body in Pain, 27-59**

**George H. Mead, "The Psychology of Punitive Justice," 23 American Journal of Sociology (1917), 577-602**

**Marc Klass, "Victim Impact Statement"**

830-1000 Reading and Prep Time

1000-1130 Review and Preview: The Experience of Punishment and the Punitive Emotions

Discussion Leader: Austin Sarat

1130-1230 Lunch

1245-200 The The Experience of Punishment and the Punitive Emotions

Presentation: Waverly Duck

200-215 Break

215-330 Colloquy and Round Table Discussion: The Experience of Punishment and the Punitive Emotions

Discussion Leaders: Austin Sarat and Waverly Duck

330-345 Break

345-500 Reading and project development time and time for individual appointments

*Friday* *From Zero Tolerance to Restorative Justice*

**Readings for Friday Sessions:**

**Henry Giroux, "Zero Tolerance, Part 2" Z Magazine (Feb., 2001), 44-48**

**Russ Skiba and Reece Peterson, "The Dark Side of Zero Tolerance," 80 The Phi Delta Kappan (1999), 372-382**

**Fania Davis, "Discipline with Dignity: Oakland Classrooms Try Healing Instead of Punishment"**

**Anne Gregory and Katherine R. Evans, The Starts and Stumbles of Restorative Justice in Education: Where Do We Go from Here?**

830-1000 Reading and Prep Time

1000-1130 Punishment in Schools: From Zero Tolerance to Restorative Justice  
Presentation: David Karp

1130-1230 Lunch

1245-200 Colloquy and Round Table Discussion: Punishment in Schools  
Discussion Leaders: Austin Sarat, Roy Blumenfeld, David Karp

200-215 Break

215-430 Pedagogical Applications  
Discussion Leader: Roy Blumenfeld

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**WEEK 2. What Can We Learn About Politics, Law, and Culture in the United States from an Examination of Our Practices of Punishment?**

*Monday* *Imprisonment in America*

**Readings for Monday Sessions:**

**Beaumont and Tocqueville's On the Penitentiary System of the United States and Its Application in France, 53-60, 72-79**

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

**James Whitman, Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe, chapters 1-3**

**Ashley Rubin, "The History of the Prison," 1-15**

- 830 to 1000 Reading and Prep Time
- 1000-1130 Review and Preview: Imprisonment in America [all participants]  
Discussion Leader: Austin Sarat
- 1130-1230 Lunch
- 1245-200 The Origins and History of Incarceration in America  
Lecture presentation: Ashley Rubin
- 200-215 Break
- 215-330 Colloquy and Round Table Discussion: The Origins and History of Incarceration in America [all participants]
- 345-500 Talking About Teaching [**GROUP A**]  
Discussion leader: Roy Blumenfeld
- 345-500 Reading and project development time and time for individual appointments [**GROUP B**]

***Tuesday***

*Conditions of Confinement and Prisoners' Rights*

**Readings for Tuesday Sessions:**

**Pugh v Locke, 406 F. Supp. (1976), 318-337**

**Rhodes v. Chapman, 452 U.S. (1980), 337-369**

**Keramet Reiter, "The Exception to Every Rule: Constitutional Exemptions and Limitations"**

- 830 to 1000 Reading and Prep Time
- 1000-1130 Review and Preview: Conditions of Confinement and Prisoners' Rights  
Discussion Leader: Austin Sarat

11130-1230	Lunch
1245-200	What Rights Do/Should Prisoners Have? Presentation: Keramet Reiter
200-215	Break
215-330	Colloquy and Round Table Discussion: What Rights Do/Should Prisoners Have?  Discussion Leader: Austin Sarat and Keramet Reiter
330-345	Break
345-500	Talking About Teaching [ <b>GROUP A</b> ]  Discussion leader: Roy Blumenfeld
345-500	Reading and project development time and time for individual appointments [ <b>GROUP B</b> ]
<b>Wednesday</b>	<i>The Death Penalty in America: Philosophical Considerations</i>  <b>Readings for Wednesday Sessions:</b>  <b>Albert Camus, “Reflections on the Guillotine”</b> <b>Walter Berns, <u>For Capital Punishment</u>, 153-176</b> <b>Robert Blecker, <u>Death of Punishment: Searching for Justice among the Worst of the Worst</u>, Chapters 5,6, 9, and Appendix A</b>
830-1000	Reading and Prep Time
1000-1130	Review and Preview: The Death Penalty in America: Philosophical Considerations  Discussion Leader: Austin Sarat
1130-1230	Lunch
1245-200	The Death Penalty in America: Philosophical Considerations  Presentation: Robert Blecker
200-215	Break
215-330	Colloquy and Round Table Discussion: The Death Penalty in America

Discussion Leaders: Austin Sarat and Robert Blecker

345-500 Talking About Teaching [**GROUP B**]

Discussion leader: Roy Blumenfeld

345-500 Reading and project development time and time for individual appointments [**GROUP A**]

*Thursday* *The Death Penalty in America-Legal Considerations*

**Readings for Thursday Sessions:**

**FILM: Dead Man Walking**

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

**Gregg v Georgia, 428 US 153 (1976), 153-187, 196-198, 206-207, 227-231**

**McCleskey v Kemp, 107 S. Ct. (1987), 1756-1794**

830- 1000 Reading and Prep Time

1000-1130 Review and Preview: The Death Penalty in America: Legal Considerations

Discussion Leader: Austin Sarat

1130-1230 Lunch

1245-200 The Death Penalty in America: Legal Considerations

Presentation: Austin Sarat

200-215 Break

215-330 Colloquy and Round Table Discussion: The Death Penalty in America: Legal Considerations

Discussion Leaders: Austin Sarat and Roy Blumenfeld

330-345 Break

345-500 Talking About Teaching [**GROUP B**]  
 Discussion leader: Roy Blumenfeld

345-500 Reading and project development time and time for individual appointments [**GROUP A**]

*Friday* *Race and Racism in American Punishment: Continuing the Story*

*Readings for Friday Sessions*

**David Garland, “Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America”**  
**Loic Waquant, “Deadly Symbiosis: Rethinking Race and Imprisonment in Twenty-First-Century America,” The Boston Review (April/May, 2002)**  
**Micelle Alexander, “The New Jim Crow”**  
<https://www.youtube.com/watch?v=Gln1JwDUI64>  
**Southern Poverty Law Center, “Teaching Hard History: American Slavery”**

830-1000 Reading and Prep Time

1000-1130 Race and Racism in American Punishment  
 Presentation: Naomi Murakawa

1130-1230 Lunch

1245-200 Colloquy and Round Table Discussion: Race and Racism in American Punishment  
 Facilitator: Austin Sarat and Naomi Murakawa

200-215 Break

215-430 Pedagogical Applications  
 Discussion Leader: Roy Blumenfeld

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**WEEK 3. The Limits of Punishment**



**Monday**

*Civil Disobedience and the Limits of Punishment*

**Readings for Monday Sessions:**

**Henry David Thoreau, “Essay on Civil Disobedience,”  
Walker v Birmingham, 388 US 307 (1966), 307-338  
Octavia Butler, “Amnesty”**

830-1000	Reading and Prep Time
1000-1130	Review and Preview: Civil Disobedience and the Limits of Punishment Discussion Leader: Austin Sarat
1130-1230	Lunch
1245-200	The Place of Punishment in Civil Disobedience Presentation: James Martel
200-215	Break
215-330	Colloquy and Round Table Discussion: The Place of Punishment in Civil Disobedience [all participants] Discussion Leaders: James Martel and Austin Sarat
330-345	Break
345-500	Reading and project development time and time for individual appointments

**Tuesday**

*Are There Crimes for Which No Punishment is Adequate?*

**Readings for Tuesday Sessions:**

**FILM: Judgment at Nuremberg  
Hannah Arendt, Eichmann in Jerusalem, 3-12, 21-111, 135-150, 216-219, 234-252, 267-279, 287-294  
Lawrence Douglas, The Right Wrong Man, 1-16**

830-1000	Reading and Prep Time
1000-1130	Review and Preview: Are There Crimes for Which No Punishment is Adequate?

Discussion Leader: Austin Sarat

1130-1230

Lunch

1245-200

What Punishment is Adequate for Crimes Against Humanity?

Presentation: Lawrence Douglas

200-215

Break

215-330

Colloquy and Round Table Discussion: What Punishment is Adequate for Crimes Against Humanity?

Discussion Leaders: Lawrence Douglas and Austin Sarat

330-345

Break

345-500

Talking About Teaching [**GROUP A**]

Discussion leader: Roy Blumenfeld

345-500

Reading and project development time and time for individual appointments [**GROUP B**]

**Wednesday**

*Mercy, Forgiveness and Restoring Community*

**Readings for Wednesday Sessions:**

**Martha Nussbaum, "Equity and Mercy"**

**Martha Minow, Between Vengeance and Forgiveness, 118-147**

**Adriaan Lani, "Taking Restorative Justice Seriously," 635-651**

830-1000

Reading and Prep Time

1000-1130

Review and Preview: Forgiveness and Restoring Community: Are Some Crimes Unforgivable?

Discussion Leader: Austin Sarat

1130-1230

Lunch

1245-200

On the Nature of Forgiveness and Restoration

Presentation: Adriaan Lani

- 200-215 Break
- 215-330 Colloquy and Roundtable Discussion: On the Nature of Forgiveness and Restoration  
Discussion Leaders: Adriaan Lani and Austin Sarat
- 330-345 Break
- 345-500 Talking About Teaching [**GROUP B**]  
Discussion leader: Roy Blumenfeld
- 345-500 Reading and project development time and time for individual appointments [**GROUP A**]

**Thursday** *Mercy, Clemency, and the Limits of Law*

**Readings for Thursday Sessions:**

Austin Sarat and Nasser Hussain, “On Lawful Lawlessness: George Ryan, Executive Clemency, and the Rhetoric of Sparing Life”  
**States of Incarceration: The Global Context 2021**  
<https://www.prisonpolicy.org/global/2021.html>  
Criminal Justice System Flowchart  
<https://bjs.ojp.gov/media/image/45506>  
Callins v Collins, Justice Blackmun dissent  
<https://www.law.cornell.edu/supct/html/93-7054.ZA1.html>

- 830 to 1000 Reading and Prep Time
- 1000-1130 Review and Preview: Mercy, Clemency, and the Limits of Law  
Austin Sarat  
Discussion Leader: Austin Sarat
- 1130-1230 Lunch
- 1245-200 Is Mercy Just?  
Presentation: Linda Meyer
- 200-215 Break
- 215-330 Colloquy and Roundtable Discussion: Is Mercy Just?

Discussion Leaders: Linda Meyer and Austin Sarat

330-345

Break

345-500

Reading and project development time and time for individual appointments

*Friday*

*Symposium: Bringing the Institute Home*

1000-1130

Symposium: Bringing the Institute Home-I  
Presentations by Participants

1130-1230

Lunch

1245-200

Symposium: Bringing the Institute Home-II  
Presentations by Participants

200-215

Break

215-330

Symposium: Bringing the Institute Home-III  
Presentations by Participants

330-430

Institute: Wrap Up and Next Steps  
Discussion Leader: Austin Sarat

*\*If conditions permit we may be able to include a field trip to the Hampshire County Jail*