

## **Seminar Abstract Instructions**

Each Member in the School will give a presentation at the weekly School Seminar. While we do not ask for your paper or any readings to be submitted in advance, we do require a one-page abstract of your talk for our School's archive. Below is an example; please follow that formatting and submit to Didier's assistant, Munirah Bishop, prior to your presentation.

### **WHY DO WE PUNISH? BEYOND THEORIES OF JUSTIFICATION**

**Didier Fassin**

The world is undergoing an unprecedented punitive moment. Over the past half century, prison demographics and, more broadly, the population under various forms of supervision have considerably increased, most notably in Western countries. Remarkably, however, this evolution is not correlated to an upsurge in crime, but results for the most part from a combination of cultural and political changes, as penal populism manipulates diffuse anxieties in society and contributes to intolerance regarding deviance and difference. Such a phenomenon, which culminates in the United States, calls for a reappraisal of what is fundamentally at stake in the act of punishing. Based on ten years of ethnographic research conducted on police, justice and prison in France, the research tries to answer three questions: What is punishment? Why do we punish? Who gets punished? The present lecture addresses more specifically the second one. This triple inquiry into the definition, justification and distribution of punishment thus engages a critical dialogue with moral philosophy and legal theory, breaking the enchantment of their normative stances via both genealogical and empirical approaches.

The two most common justifications for punishment are utilitarian (protecting society) and retributive (correcting a wrong). In the current implementation of these principles, however, the inefficacy of the former and the excess in the latter lead to a dual revision of these theories. Following Nietzsche and using case studies, one can establish that there are multiple reasons for punishing – affirmation of a social order, application of a bureaucratic routine, satisfaction of a political constituency, extraction of financial resources, etc. – but that beyond these rationalities there are also emotional aspects in the form of the pleasure of inflicting

physical and moral suffering – either directly, for the police officer, the judge or the guard, or by proxy, for the general public who implicitly delegates to these professions the dirty work of institutionalized vengeance. Underlying these rational and emotional dimensions of punishment is the differentiated allocation of retribution, with some being regarded as punishable while others are spared. A troubling fact is that, in the end, punishment as it is practiced in most contemporary societies participates in the desocialization of individuals and destructuring of families in the short term, increases recidivism and illegalisms in the medium term, generates inequality and insecurity in the long term.

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