

Paradoxes of

Punishment

Racialized Violence in the US Carceral Regime

CCS Seminar Series: The Politics of Difference

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Joshua Price is Professor and Chair of the Sociology Department of the State University of New York at Binghamton. His ethnographic research on race, gender, and state violence in jails and prisons serves as the basis for his two books, *Prison and Social Death* (2015) and *Structural Violence: Hidden Brutality in the Lives of Women* (2012).

Salladin Barton died in solitary confinement in a jail in Broome County, New York in 2015, while being held prior to trial on robbery charges. In 2016, Mohamedou Ould Slahi was released from Guantánamo Bay after being held for fourteen years without trial. He was tortured repeatedly during his detention. Neither of these cases involved “punishment.” That is, neither Slahi nor Barton had been tried or convicted of any crime. Nevertheless, as examples of state-inflicted pain, they can tell us a lot about the nature of punishment, both legitimate and illegitimate, proportional and excessive

If we think of these kinds of cases as a class, the number and kind of “non-punishment punishments” is quite large. We could include people incarcerated in jails who have not been convicted of any crime. In the United States alone, this number would be about half a million. We would also include people shot by police: capital punishment-non-punishment. In fact, anyone who is detained, injured, or humiliated by the police undergoes a

corresponding degree of non-punishment punishment. At the United States border with Mexico, hundreds of thousands of people are detained and deported each year.

Analysis of this vast, subterranean world of banal, everyday cruelties reveals a nested set of contradictions or paradoxes of punishment. Delight in deliberate cruelty is accompanied by its opposite, indifference to suffering. Contemporary punishment simultaneously reveals a display of unbridled sovereign authority and dispersed circuits of power and responsibility. State-orchestrated racialized death is portrayed as normal and inevitable. The presumption of innocence is confused with the presumption of guilt. So are these experiences punishment or not punishment? The distinction between the two perspectives or standpoints is philosophical, but it is also ideological. The cases of Slahi and Barton serve as an entry point to this reflection on the nature of contemporary punishment.