**The Death Sentence: When the State Kills**

Yale, Spring 2020

GMAN 316, HUMS 317

Tuesday 3:30-6:30 (please note 3-hour seminar length)

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**Syllabus**

**Course Description**

The political, economic, and philosophical figure of the “death sentence,” although it has archaic roots, continues to haunt the 21st century. It may seem strange—modern politics, economics, and philosophy all begin from death sentences. The French revolution depended on bloody executions that were deemed “necessary” for founding a new polity. The Atlantic slave trade condemned millions of Africans to death, under economic reasoning, for the benefit of world capitalism. Athens killed the philosopher Socrates because he was dangerous to the polis, and philosophy has enshrined this death sentence as its mythical origin and its most modern moment. Together we will inquire into the logics these stories have in common.Why does the state kill its own? Why are death sentences necessary for the modern complex of state-nation-capital? Why did “barbaric” practices not end with enlightenment, the critique of religion, scientific rationalism, modernization, capitalism? Responses to these dilemmas will come from texts in literature, philosophy, history, political theory, and the social sciences. Not only “capital punishment,” but all moments where the lives of certain persons and populations are thrown into question, all instances where the state kills, sanctions killing, or benefits directly or indirectly from killing its own citizens are in question in the course.

**Writing Focus**

Writing is thinking—we hold this truth to be self-evident. In this seminar, we will focus on your writing as the chief means of articulating thoughts. The genre we will emphasize is critical writing. In two workshops outside normal class hours, you will discuss writing objectives and techniques for critique, do exercises specific to this topic, and read and analyze peer work. By studying examples of writing and art from multiple disciplines, we will consider which forms of expression are best suited to the problems that the death sentence poses to us as thinkers, writers, and political actors.

**Session with Visitor**

We have invited a scholar and legal expert in the area of the death penalty, Austin Sarat of Amherst College, to give one evening session, for which attendance is required.

**Note on Course Content**

Students in the course must be prepared to read about and discuss violence critically and openly. Indeed, the course proposes that violence has been and remains a central aspect of American society, emerging in myriad, diverse forms of lived experience, and we are dedicated to supporting students from many different backgrounds as they engage with course material. We do ask all prospective students to read the syllabus carefully before deciding whether they can commit to the course. We are happy to be in conversation with you about these matters.

**Provisional Schedule** (subject to alteration)

Sentences to Death

Week 1

Kafka, “In the Penal Colony”

Philosophy’s Death Sentence

Week 2

Socrates, *Apology* and *Crito*

Jacques Derrida, *The Death Penalty* (vol. I, II) (selections)

Theology’s Death Sentence

Week 3

*Tanakh*, “Bereshit”/“Book of Genesis”

Gospels of Matthew and John

Thomas Hobbes, *De Cive* (1651) (selections); *A Dialogue Between a Philosopher and a Student of the Common Laws of England* (1681) (selections)

Revolution Blade

Week 4

“Ban on Clemency,” French Revolutionary Penal Code of 1791

Adam Sitze, “Capital Punishment as a Problem for the Philosophy of Law” (2009)

Büchner, *Danton’s Death*

Sovereign Execution

Week 5

Immanuel Kant, *Metaphysical Elements of Justice* (1797)

Cesare Beccaria, *On Crimes and Punishments* (1764)

Adam Sitze, “Capital Punishment as a Problem for the Philosophy of Law” (2009)

Law and Sovereignty

Week 6

Schmitt, *Political Theology*

Benjamin, “Toward a Critique of Violence”

Nietzsche, Genealogy of Morals — on punishment

**Due: Midterm paper**

**Date TBA: VISITOR: AUSTIN SARAT, Amherst College**

Sarat, *When the State Kills* (selections)

Austin Sarat and Nasser Hussain, “On Lawful Lawlessness: George Ryan, Executive Clemency, and the Rhetoric of Sparing Life” (2004) (selections)

Cover, *Violence and the Word* (selections)

*Callins v. Collins* (Blackmun Opinion: “ I No Longer Shall Tinker With the Machinery of Death”) (1994)

Power and Autoimmunity

Week 7

Michel Foucault, “Right of Death and Power Over Life: from *History of Sexuality* (Vol. I) (1976)

Roberto Esposito, *Immunitas*: *The Protection and Negation of Life* (2002)

Hannah Arendt, “Decline of the Nation State and the End of the Rights of Man” from *Origins of Totalitarianism* (1951); Epilogue to *Eichmann in Jerusalem* (1963)

Biopolitics

Week 8

Michel Foucault, *The Birth of Biopolitics* (Lectures at the College de France 1978-79)

Friedrich Hayek, *The Road to Serfdom* (1943)

Elizabeth Povinelli, “The Child in the Broom Closet: States of Killing and Letting Die” (2008)

Police

Week 9

Angela Davis, *Abolition Democracy* (2005)

Daniel Loick, “Critical sociology of the police: Towards an abolitionist perspective” (2012)

Jacques Rancière, *Disagreement* (1999)

Race and the Death Sentence

Week 10

Shatema Threadcraft, “North American Necropolitics and Gender: On #BlackLivesMatter and Black Femicide”

Foucault, *Society Must Be Defended* (1976) (selections)

David Garland, *Peculiar Institution: America’s Death Penalty in an Age of Abolition* (2010)

Listen: Billie Holiday, “Strange Fruit”

Life Sentences

Week 11

Karl Marx, *Capital* (2nd ed, 1872) (selections)

Achille Mbembe, “NecroPolitics” (2003)

Melinda Cooper, “Life as Surplus” (2008)

Maurice Blanchot, “The Instant of My Death”

Suspended Sentences

Week 12

Nelson Mandela, “Speech from the Dock at the Rivonia Trial”

Adam Sitze, “To Live, With It” (2007)

Zackie Achmat, selections from *It’s My Life*

Week 13

TBA

**Due:** **Group presentations on objects from the cultural life of capital punishment (music, film, art, prison journals etc.)**

For examples, see “Scenes of Execution: Spectatorship, Political Responsibility, and State Killing in American Film” by Austin Sarat, Nica Siegel, et all, *Punishment in Popular Culture* (2015)

Exam Week:

**Due: Final paper**

**Texts**

Assigned readings will be available as pdf files on Canvas.

**Assignments**

For this class you will write one midterm paper (5 pages), one final paper (12 pages), weekly reading responses (1 paragraph each), and produce a group project (10 minute presentation on a cultural object).

**Grades**

Participation 10%

Reading responses 15%

Group Presentation 10%

Midterm paper 25%

Final paper 40%

**Academic Integrity**

Any work you submit in this class is understood by you and by the instructor to be your own original work and no one else’s. You may want to include in your text some words or ideas written by others, but you may do so only with the proper attribution. This means that you openly and obviously mark the words or ideas of others as taken from their work, whether they be another’s exact words or a paraphrase of their text or a key idea taken from them. It also means that you fully identify the original source in the proper place in your paper, in parentheses or footnotes, and if necessary in a bibliography as well. Submitting another’s work as your own without proper attribution carries serious consequences. For details please see Yale College’s statement on academic honesty at http://yalecollege.yale.edu/new-students/class-2019/academic-information/intro-undergrad-education/academic-honesty.

**Electronics Policy**

Use of computers and tablets for reading and note-taking is provisionally allowed. You may use your dispositive device during seminar provided that Wi-Fi and cellular connections are switched off and no windows other than your note-taking and reading apps are open. At the first class-session students will sign a contract, promising to turn off Wi-Fi and cell connections before class and to open no other windows. This means also that students must refrain from using the prosthetic cultural memory systems, such as google or Wikipedia, during class. In any case, our objective is to clear a few narrow paths for thinking, not to repeat supposedly settled facts.