



CENTER FOR THE STUDY OF LAW AND SOCIETY BERKELEY LAW

CSLS SPEAKER SERIES

Monday, August 29, 2016

JONATHAN SIMON

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“Exploring the Dignity – Deterrence Trade Off in Criminal Justice Reform”

The deepening legitimacy crisis of mass incarceration, and the larger set of state or state sponsored organizations that enable it, is opening up an unprecedented opportunity to reshape the carceral state for the 21st century and perhaps beyond. While an impressive body of innovative ideas today competes for policy attention and empirical support under the banner of criminal justice reform, most of them can be located along the axes of two more basic tendencies. Unfortunately, while not opposite they are distinct directions. One tendency is to enhance respect for the human dignity of all of those caught up at the capillary levels where the power to punish is actually exercised and not just theorized. That includes victims and those suspected, accused, or convicted of crimes, and also those frontline carceral workers that we employ to exercise it. Enhancing the degree to which individuals and whole communities feel substantively respected by the carceral state, will, according to this tendency, increase identification and compliance with the law. The second tendency is to reframe deterrence based social control away from the ever lengthening periods of punishment through incarceration in favor of focused surveillance and brief but immediate periods of custody (so called “flash incarceration”). There is one major agreement between these approaches the value of which should not be understated. Both reject reliance on long prison sentences to achieve crime reductions. On a broader range of practices, however, these paths appear to diverge rather than converge. If we want achieve the most significant benefits of enhancing dignity, we may simply have to forgo the social control effects of the new deterrence and vice versa. It is doubtful that we can establish empirically in advance which one will produce the greatest reduction in crime. As is so often the case when it matters most, we may have to choose which path to pursue on historical and normative grounds.

PLACE Selznick Seminar Room, 2240 Piedmont Ave.
TIME **12:45 – 2:00pm.** Coffee and water provided. Bag lunches welcome.
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>
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