Charles J. Ogletree and Austin Sarat, eds.
Punishment in Popular Culture

New York: New York University Press, 2015, 318 pages

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- 1 Reviewing a book that has been reviewed several times is a difficult task – especially if previous reviewers found the work remarkable and stimulating. Let it be known at the outset that such is the case for Charles J. Ogletree and Austin Sarat’s edited collection entitled *Punishment in Popular Culture*, and that I entirely share the book’s eulogies that others have provided before me. In my own assessment, therefore, I shall resist the natural temptation to focus on the volume’s minor blemishes that previous reviewers have supposedly overlooked – there are very few of those – and refrain from presenting my reading as more thorough – it is not. On the contrary, I will focus on what makes the book essential in my view, once again, but through a perspective that is slightly different from that offered by other reviewers. Indeed, as a scholar who has specialized in analyzing American history and society through the way they are present – and represented – in popular culture, and mostly on film and on television, my approach of the topic of punishment in popular culture may be different from, and hopefully a useful addition to, that of sociology or law academics.
- 2 To me, this is an outstanding volume for one main reason, which helps it transcend the collage aspect of any volume based on conference proceedings. In fact, the book draws its unity and coherence from the way its chapters all contribute, in one way or another, to the demonstration that it has become awkward, not to say irrelevant, to study important social issues (in this case punishment) without looking at their representations and traces in popular culture. If, as the authors state in the

introduction, “how a society punishes reveals its true character,” it is even more true that how a society depicts itself wielding punishment as a protectionary or retributive weapon is an even more relevant marker of its essence.

- 3 A key asset of the book is the way it takes account of the two-way relationship between culture as a system of practices on the one hand, and cultural productions on the other. The many forms this relationship may take are examined in the collection. One of them can be described as a legitimation process, thanks to which cultural representations validate and substantiate forms of punishment. Another one is an illustration process: this approach accounts for the presence of depictions of – sometimes harsh – punishment on-screen by looking at their real-life causes. This is not, however, a binary system, as there are many midway points between those two extremes, and many circular effects that combine the illustration of social change in popular culture with the prompting of change by popular culture. In this respect, the examples making up the list of works in the book’s corpus are all the more appropriate since they allow the authors to collectively address the multiple layers of influence of popular culture on society, and vice versa. The complex connection between entertainment as culture and the way some of its key aspects trickle down into practices that are culturally shared by American citizens is thus delved into quite extensively.
- 4 To justify this approach, the editors make an important observation in the introduction: more and more, reality reaches us in the form of images. As a result, depictions of punishment that are semi or fully functional merge with extant usages. The result is a view of punishment that combines real techniques and strategies with imaginary ones, the impact of which is sometimes actual, sometimes purely fictional. As a result, it may have become almost useless to assess how a society punishes without gauging the role of represented punishment in that same society’s evaluation of the efficiency of those strategies, as well as of the origins thereof.
- 5 An equally crucial observation that is made in the book’s introduction and repeated at regular intervals throughout the chapters is that punishment is, in itself, a spectacle. Even though this has been a well-known fact since Michel Foucault’s *Discipline and Punish* (1975), at least, the repercussions of this situation, especially concerning contemporary times, have received little attention. Considering that the spectularity of punishment has varied quantitatively as well as qualitatively throughout history, to finally include popular-culture portrayals, it has become more important than ever to apply the techniques of visual culture analysis to punishment *per se*, but also, as a complement, to apply the conceptual frameworks of political science, sociology, or ethics, to fictional representations of punishment.
- 6 In this respect, my only regret while reading the book was the near total absence in the corpus of works under study of one of the most striking examples of the entanglement between represented punishment and actual punishment: the TV show *24* (Fox, 2001-2010). In fact, while the show spurred controversy for its treatment of torture at a time when some Americans were likely to crave revenge after 9/11, while others may have *needed* revenge in its cathartic form, it also became clear that the show contributed to legitimizing the use of torture in actual warfare. This entanglement later took an even more surprising form, as, in a now well-documented turn of events, the torture strategies depicted in *24* eventually inspired American soldiers with new horrible procedures. Finally, in what is perhaps the most striking illustration of how culture currently impacts real-life policies, the ticking time bomb effect directly drawn

from 24 was used as a sensationalist strategy within political debates in the 2007 Democratic primary campaign, when candidates were candidly asked how they would react if, as had been the case on the show, a prisoner had been captured who probably held information about an upcoming terrorist attack on American soil. The question was, would they allow torture to be used on the prisoner, or not. In this example, the capacity for cultural representations of punishment to prompt political decisions was taken for granted as an element that populated popular imagination to such an extent as to encourage or deter voters to favour Joe Biden, Hillary Clinton, or Barack Obama, based on the acknowledgement that what voters think they know about punishment includes – and may sometimes be limited to – the type of punishment used in popular culture productions of the 24 ilk. Strikingly, this question that was generated by popular culture appeared during an MSNBC debate, not one on Fox, and it was addressed by Democratic candidates to their likes, rather than occurring in a Republican context.

- 7 Yet to be fair to the volume, the book's seventh chapter applies roughly the same reading to the *humilitainment* trend on reality TV, to its pollution of our perception of the Abu Ghraib photographs featuring torturing and tortured parties, while taking into account that those photos also impacted the framework of our perception of television programmes. In that case as in that of 24, the combination of on-screen and off-screen punishment has indeed turned into a vicious circle. In what follows, I propose to select elements from the chapters that help further investigate the relationship between visual representations and real-life practices, as illustrated in the example above. Hopefully, this review will provide a reading grid aimed at advancing our knowledge of the current equilibrium between the real and the fictional in our perception of the mechanisms of justice.
- 8 With this in mind, the first chapter, "Redeeming the Lost War: Backlash Films and the Rise of the Punitive State," by Lary May, may be the least clear of all in its approach of the bilateral influence between actual punishment and its depiction in cultural productions. The chapter, albeit quite substantial, starts by setting out to explain policy changes by looking at their cultural causes, then contents itself with the assumption that backlash films operate "in tandem with contemporary policies." How culture influences social policies, therefore, is often left behind to foreground long descriptions of historical context, and of the matching punishment strategies.
- 9 The next chapter, "Better Here than There: Prison Narratives in Reality Television," by Aurora Wallace, offers a more convincing take on the same issue, by demonstrating why and how prison-based reality TV formats provide viewers with the comforting feeling that, by comparison with the situation abroad, the US prison system is a decent one. The effect of cultural productions, in that case, is clearly to replace documentary-type perception of the actual state of American penitentiaries with a scary depiction that invites viewers to look away from the state of affairs at home. Popular culture thus screens reality away, allowing policies that further deteriorate living conditions in US prison-houses to endure or even thrive.
- 10 Kristen Whissel's "The Spectacle of Punishment and the 'Melodramatic Imagination' in the Classical-Era Prison Film: *I Am a Fugitive from a Chain Gang* (1932) and *Brute Force* (1947)" is indeed quite classical in its approach itself, as it treats the films under study as documents illustrating and exposing the barbarity of punishment. The chapter, however, stands out for the way it tackles the key issue of how surveillance, an

essential part of disciplinary processes, acts as the main transfer area between represented punishment and its actual form. As the film apparatus is one that recycles panoptic surveillance, it endows viewers with a surveillant gaze that is in turn likely to change citizens' scopic regime into one that values discipline and promotes punishment, on a daily basis.

- 11 The next chapter, "'Deserve Ain't Got Nothing to Do with It': The Deconstruction of Moral Justifications for Punishment through *The Wire*," by Kristin Henning, looks into David Simon's acclaimed series. As *The Wire* spans over five seasons, its duration and long-term character identification allow Simon to depict the nuances and the evolution of punishment practices in the Baltimore drug-trade milieu. The author convincingly shows that *The Wire* reads as an extensive study of punishment, from origins to effects, that differentiates between retributivism and consequentialism.
- 12 In the next chapter, "Rehabilitating Violence: White Masculinity and Harsh Punishment in 1990s Popular Culture," Daniel LaChance further demonstrates the agency of culture. Indeed, the relationship between collective constructions and on-film depictions is nowhere clearer than in the case of white supremacist views of punishment. The chapter offers a thought-provoking argument: that submission to punishment may have become an essential element in the construction of the self, especially the masculine self. Thanks to narrative experiments in fictional chastisement, new uses for punishment are considered as real-life possibilities. In particular, the depiction of whiteness in the films and TV shows under study rehabilitates acceptance of violence as a coping mechanism. Nevertheless, the chapter does not always evince sufficient awareness that the cases it presents are very specific, not to say quite extraordinary, which consequently undermines their applicability under real-life circumstances.
- 13 The next chapter, "Scenes of Execution: Spectatorship, Political Responsibility, and State Killing in American Film," distinguishes itself for its collective quality. It was written by Austin Sarat, Madeline Chan, Maia Cole, Melissa Lang, Nicholas Scholnik, Jasjaap Sidhu, and Nica Siegel. The chapter offers a typology of execution scenes on-screen, based on the position of the convict being executed, the executioner, and the witnesses. For each character in this drama of punishment, a mode of identification with the viewer is defined, by appealing to the theory of the gaze. As the chapter was written hand-in-hand with the author's students, it mostly reads as a catalogue of recurring patterns. It also has a somewhat repetitive quality. This is a minor flaw, however, which is additionally easily forgiven, given that the chapter offers students the chance to publish in a high-quality volume, but also given that it rounds up its arguments by examining a crucial fact: that film may, by eliding degree and turning a round character into a flat one, help legitimize cruel and unusual forms of punishment, such as the death penalty. Conversely, although TV series are not tackled in the article, it becomes obvious that their longer duration and often character-driven plots may enable viewers to fully identify with characters, understand their motivations, and maybe even cathartically suffer punishment with them.
- 14 The next chapter, "The Pleasures of Punishment: Complicity, Spectatorship, and Abu Ghraib," by Amy Adler, also uses a reading grid, applying it to visual culture. The pattern, in that case, is Freud's psychology. It is exploited to understand cases in which someone watches someone else being punished, alternatively putting themselves in the position of hating the convict, identifying with the person being punished, and being a neutral observer. Interestingly, the pattern applies to a visual culture that includes real

photographs alongside reality TV programs: the Abu Ghraib pictures of humiliation on the one hand and the humiliation found in reality TV entertainment on the other hand. While others than myself have found this chapter less convincing than the others, I find it unique and extremely useful because of the way it takes as its starting point that popular culture blurs the boundary between real photographs, the seriousness of which tends to be diminished in the face of their reality-TV equivalent, and semi fictional programs, the harmlessness of which tends to be toned down by the effect they have in legitimizing forms of cruelty, leaving them to transpire into real-life politics and warfare – in a case quite similar to that I have described above about the influence of 24 on American politics.

- 15 The final chapter was written by Brandon L. Garrett, and it is entitled “Images of Injustice.” It shares that very same quality, which I deem essential in volumes dealing with popular culture. In fact, it thoroughly examines the meandering ways in which CSI, as depicted on screen, has generated new behavioural patterns in juries all around the United States. Once again, the two-way influence between popular culture and legal culture is demonstrated through the investigation of several specific cases, in an article that gradually develops as a trial of forensics. The latter is debunked as a “science” that has become so influenced by fiction that it sometimes neglects its duty by rushing to the conclusions that jury members seem to crave, influenced as they are themselves by the necessary closure of fictional narratives. Very convincingly, the chapter concludes by examining the new patterns of viewership and forensic modes of participation also exemplified in *The Jinx*, *Making a Murderer*, or the audio podcast *Serial*, where democratic justice is achieved when watchers start looking for new clues, to aid the judicial system with their own eyes and documents put in the service of freeing the wrongly-accused innocent.
- 16 To conclude, I wish to identify the concept that lurks in the background of most chapters, without being tackled as an essential aspect of contemporary strategies: fear. Had this notion been addressed in one section of the volume, the result would have been even more thought-provoking. Indeed, even if fear has always been an essential cog in making the spectacle of punishment a useful deterrent, this mechanism has taken new shape and strength with the advent of terrorist warfare, and has been amplified with terrorists’ use of new media. This is one of the key areas in which the two-way pattern of influence between represented and actual punishment has suffered a sea-change, to the extent of exposing older patterns of analysing punishment as instantly obsolete. With terrorist executions, for instance, represented punishment has the sole purpose of threatening viewers into adapting their ways to fundamentalist ideology. In turn, the depiction of terrorism in films or TV shows may either promote similar fears or expose – and thereby demolish – the visual strategies deployed by terrorists. As punishment is visually weaponized in a new way, popular culture is endowed with the crucial task of demonstrating its ability to fight back by tackling terrorism as a cultural phenomenon.
- 17 Altogether, this is a very minor blemish. As a whole, the volume is of outstanding quality, due to the innovative way in which it shows the relevance of studying popular culture alongside actual social development, as the former does not merely represent the latter, but is also more and more likely to prompt social change, block it, or reshape it completely by coming up with new ideas. In 2017 United States, when both presidential finalists supported capital punishment, and the winner is a former reality-

TV host who distinguished himself by overusing the punishingly humiliating phrase “You’re fired,” which is a TV show cliché in itself, taking account of this connection is more essential than ever.

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