

2013

Life Sentence Doesn't Deliver Punishment

Robert Blecker

New York Law School, robert.blecker@nyls.edu

Follow this and additional works at: https://digitalcommons.nyls.edu/fac_other_pubs

 Part of the [Law and Society Commons](#), and the [Law Enforcement and Corrections Commons](#)

Recommended Citation

Blecker, Robert, "Life Sentence Doesn't Deliver Punishment" (2013). *Other Publications*. 156.
https://digitalcommons.nyls.edu/fac_other_pubs/156

This Article is brought to you for free and open access by the Faculty Scholarship at DigitalCommons@NYLS. It has been accepted for inclusion in Other Publications by an authorized administrator of DigitalCommons@NYLS.

Life Sentence Doesn't Deliver Punishment

By **ROBERT BLECKER** | OP-ED

The Hartford Courant

NOVEMBER 18, 2013, 6:50 PM

The following is an excerpt from Robert Blecker's book "The Death of Punishment." In this chapter, the New York Law School professor talks about his late-night testimony before the *Connecticut General Assembly's* judiciary committee on life in prison without parole.

"The question has come up over and over again today, what is ... life [in prison without parole] like?" I knew. And now so would they. "One month after being sentenced to life without parole for the rape and murder of a child, that person will be outside his cell, free to shower, talk on the phone, play with others, rec indoors or out, 10 to 12 hours a day. Every day — for the rest of his life. Ten to 12 hours a day! Within one month of being sentenced to life without parole for the rape and murder of a child. You tell me this is justice.

"Ask yourself, 'Why is there no punishment?' I'll tell you why there's no punishment in Connecticut, and no punishment in Tennessee, Oklahoma, Ohio, Florida, and other states I've visited. Because not one word in any department of corrections mission statement in the United States of America mentions the word 'punishment.' Not one. Officers say, 'It is not our job to punish. It is our job to keep the people of Connecticut safe, keep the inmates safe from each other. And help those preparing to go outside to reintegrate into society.' But for those who are never going outside, still no part of their mission is punishment. ...

"There's an interdisciplinary arts program, including dance, poetry, sculpture. More prisoners want to get into it than there are spaces. Do they take those who murdered and raped children last? No! You submit a portfolio; it's on the basis of talent. Everything is future oriented. Life begins when life begins. At day one, inside.

"And you ask the officers, 'Is this justice?' Answer — 'Justice is not my issue.' 'Is this punishment?' Answer — 'Punishment is not part of our mission here. The judge punishes them.' Don't take my word for it. Tour the prisons. You're the legislature. They can't deny you. Ask the questions I asked: 'Is it your job to punish? Is there any different lifestyle for those who committed the most serious crimes?'"

I told them of my visit to death row, which housed Steven Hayes, the Petit family murderer. "I peeked into Steven Hayes' cell to see this man who raped, who doused them with gasoline and lit them. He was sleeping. On his desk, a Hershey bar. On the empty bunk above him, bags of potato chips and other goodies from the commissary. All these little pleasures in life. This is not justice.

"You've heard retribution disparaged here — punishing people because they deserve it. 'We swear forever, we will not forget, we will not forgive!'" I looked at the legislators. "If you reject retribution, you cannot support life without parole! Life without parole makes a covenant with the past: 'No matter how much this person may

change, no matter that he no longer poses a danger; that he regrets and feels remorse — we forever commit ourselves, never to forgive, never to forget, never to release. Life without parole is retributive to the core.

"You heard the claim, 'You can only get the justice you can afford.' That demeans the capital defenders of Connecticut. But you do only get the privileges you can afford. From the first day on death row, if you have the money in your commissary, you can get a color TV. It may take months or years in general population if you're a drug dealer, or a car thief. But if you raped and murdered a child, if you've got the money, that TV is yours, from day one.

"If the legislature wants to do something about unequal justice, mandate that commissary privileges aren't a function of how much money you have. Your life inside should reflect the seriousness of your crime. In short," I urged the legislators, "especially if you abolish the death penalty, you should designate a special form of punishment for the worst of the worst of the worst."

© Robert Blecker. Reprinted with permission of Palgrave Macmillan.

Copyright © 2018, Hartford Courant

This article is related to: [Crime](#), [Homicide](#), [Connecticut General Assembly](#)

GET 10 FREE WEEKS
Unlimited Digital Access

START TRIAL >