

References

- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen. Stanford: Stanford University Press.
- . 2005. *State of Exception*. Trans. Kevin Attell. Chicago: University of Chicago Press.
- Alexander, L. 1986. "Consent, Punishment, and Proportionality." *Philosophy and Public Affairs* 15:178–82.
- Arendt, Hannah. 1973. *Crises of the Republic*. New York: Harcourt Brace Jovanovich.
- Aristotle. 1962. *Nicomachean Ethics*. Trans. Martin Oswald. Indianapolis: Bobbs-Merrill.
- Austin, John. [1832] 1965. *The Province of Jurisprudence Determined*. New York: Humanities Press.
- Avineri, Shlomo. 1962. "War and Slavery in More's *Utopia*." *International Journal of Social History* 7:260–90.
- Bailyn, Bernard. 1967. *The Ideological Origins of the American Revolution*. Cambridge: Harvard University Press.
- Balak, Benjamin, and Jonathan M. Lave. 2002. "The Dismal Science of Punishment: The Legal-Economy of Convict Transportation to the American Colonies." Manuscript.
- Baumgold, Deborah. 1988. *Hobbes's Political Theory*. Cambridge: Cambridge University Press.
- Beauchamp, Lord. 1785. "Recommendations for the Disposal of Convicts." *Commons Journals* 40:1161–64.
- Beccaria, Cesare. 1995. *On Crimes and Punishments and Other Writings*. Ed. Richard Bellamy and trans. Richard Davies. Cambridge: Cambridge University Press.
- Beck, Evelyn Torton. 1971. *Kafka and Yiddish Theater*. Madison: University of Wisconsin Press.
- Benjamin, Walter. 1969. *Illuminations*. Ed. Hannah Arendt. New York: Harcourt Brace Jovanovich.

- . 1978. "Critique of Violence." *Reflections: Essays, Aphorisms, Autobiographical Writings*. Ed. Peter Demetz and trans. Edmund Jephcott. New York: Schocken.
- Bennett, Jane. 1994. "Kafka, Genealogy, and the Spiritualization of Politics." *Journal of Politics* 56, no. 3: 650–70.
- Bentham, Jeremy. 1802. "A Comparative View of the System of Penal Colonization in New South Wales and the Home Penitentiary System." Pamphlet presented to the Lord Chancellor. In American Philosophical Society Library.
- . 1843. "Fragment on Ontology." *The Works of Jeremy Bentham*. Ed. John Bowring. Vol. 8, 193–211. Edinburgh: William Tait.
- . 1988. *A Fragment on Government*. Ed. J. H. Burns and H. L. A. Hart. Cambridge: Cambridge University Press. Epigraph for chapter 5, this vol., at 52.
- . 1996. *An Introduction to the Principles of Morals and Legislation*. Ed. J. H. Burns and H. L. A. Hart. Oxford: Clarendon.
- Berkowitz, Roger, ed. 2005. "Revenge and Justice." *Journal of Law, Culture, and the Humanities* 1, no. 3.
- Bodin, Jean. 1992. *On Sovereignty*. Ed. and trans. Julian Franklin. Cambridge: Cambridge University Press.
- Bradford, William. 1793. "An Enquiry How Far the Punishment of Death Is Necessary in Pennsylvania." American Philosophical Society library.
- Camus, Albert. 1955. *The Myth of Sisyphus and Other Essays*. New York: Random House.
- Caso, Adolph. 1975. *America's Italian Founding Fathers*. Boston: Branden Press.
- Clark, D. S. T. Forthcoming. *Vanities of the Eye: Vision in European Cultural Debate, 1425–1680*. Oxford: Oxford University Press.
- Comaroff, Jean, and John Comaroff. 2004. "Criminal Obsessions, After Foucault: Postcoloniality, Policing, and the Metaphysics of Disorder." *Critical Inquiry* 30, no. 4: 800–825.
- Cooke, Paul D. 1996. *Hobbes and Christianity: Reassessing the Bible in "Leviathan"*. Lanham, MD: Rowman and Littlefield.
- . 1997. "An Antidote to the Current Fashion of Regarding Hobbes as a Sincere Theist." In *Piety and Humanity*, ed. D. Kries, 79–108. Lanham, MD: Rowman and Littlefield.
- Culbert, Jennifer L. 2001. "The Sacred Name of Pain: The Role of Victim Impact Evidence in Death Penalty Sentencing Decisions." In *Pain, Death, and the Law*, ed. Austin Sarat. Ann Arbor: University of Michigan Press.
- Dayan, Joan. 1999. "Held in the Body of the State." In *History, Memory, and the Law*, ed. Austin Sarat and Thomas R. Kearns. Ann Arbor: University of Michigan Press.
- Duff, R. A., and David Garland. 1994. Introduction. In *A Reader on Punishment*. Oxford: Oxford University Press.

- Dumm, Thomas L. 1987. *Democracy and Punishment: The Disciplinary Origins of the United States*. Madison: University of Wisconsin Press.
- Duster, Troy. 1995. "Postindustrialism and Youth Unemployment in the US." In *Poverty, Inequality, and the Future of Social Policy: Western States in the New World Order*, ed. K. McFate, R. Lawson, and W. J. Wilson. New York: Russell Sage Foundation.
- Ekrich, Roger A. 1987. *Bound for America: The Transportation of British Convicts to the Colonies, 1718–1775*. Oxford: Clarendon.
- Emrich, Wilhelm. 1968. *Franz Kafka: A Critical Study of His Writings*. Trans. Sheema Zeben Buehne. New York: Frederick Ungar.
- Engerman, Stanley. 1992. "The Economic Response to Emancipation and Some Economic Aspects of the Meaning of Freedom." In *The Meaning of Freedom*, ed. F. McGlynn, 49–68. Pittsburgh: University of Pittsburgh Press.
- Farrell, Daniel. 1988. "Punishment Without the State." *Noûs* 22, no. 3: 437–53.
- Fitzpatrick, Peter. 2001. *Modernism and the Grounds of Law*. Cambridge: Cambridge University Press.
- Foner, Eric. 1970. *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party*. New York: Oxford University Press.
- Forster, Greg. 2003. "Divine Law and Human Law in Hobbes's Leviathan." *History of Political Thought* 24 (Summer): 189–217.
- Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage Books.
- . 1991. *The Foucault Effect: Studies in Governmentality*. Ed. Graham Burchell, Colin Gordon, and Peter Miller. London: Harvester Wheatsheaf.
- . 2003. "Society Must Be Defended": *Lectures at the Collège de France, 1975–1976*. Trans. David Macey and ed. Mauro Bertani and Alessandro Fontana. New York: Picador.
- Fraser, Nancy, and Linda Gordon. 1997. "A Genealogy of 'Dependency': Tracing a Keyword of the U.S. Welfare State." In *Justice Interruptus*, Nancy Fraser. New York: Routledge.
- Freud, Sigmund. 1960. *Totem and Taboo*. Trans. James Strachey. London: Routledge and Kegan Paul.
- Garland, David. 2001. *The Culture of Control*. Chicago: University of Chicago Press.
- Gilman, Sander. 2005. *Franz Kafka*. London: Reaktion Books.
- Goldberg, David Theo. 2000. "Surplus Value: The Political Economy of Prisons and Policing." In *States of Confinement: Policing, Detentions, and Prisons*, ed. J. James. New York: St. Martin's Press.
- Goldman, Alan H. "The Paradox of Punishment." *Philosophy and Public Affairs* 9, no. 1: 42–58.
- Goldman, Emma. 1969. "Prisons: A Social Crime and Failure." In *Anarchism and Other Essays*, 109–26. New York: Dover.

- Gordon, Robert J. 2004. "Popular Justice." In *Companion to the Anthropology of Politics*, ed. D. Nugent and J. Vincent, 349–66. Malden: Blackwells.
- Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge: Cambridge University Press.
- Greenberg, Karen J., and Joshua Dratel, eds. 2005. *The Torture Papers: The Road to Abu Ghraib*. Cambridge: Cambridge University Press.
- Greenberg, Martin. 1968. *The Terror of Art: Kafka and Modern Literature*. New York: Basic Books.
- Greenleaf, W. H. 1974. "A Note on Hobbes and the Book of Job." *Anales de la Catedra Francisco Suarez* 14:11–34.
- Grotius, Hugo. 1925. *De Jure Belli ac Pacis*. Trans. Francis W. Kelsey, 462–521. Oxford: Clarendon.
- . 1950. *De Jure Praedae Commentarius*. Trans. G. L. Williams and Walter Zeydel. Oxford: Clarendon.
- Halliday, R. J., Timothy Kenyon, and Andrew Reeve. 1983. "Hobbes's Belief in God." *Political Studies* 31:418–33.
- Hallinan, Joseph T. 2001. *Going Up the River: Travels in a Prison Nation*. New York: Random House.
- Hardt, Michael, and Antonio Negri. 2000. *Empire*. Cambridge: Harvard University Press.
- Harrison, Wilfred. 1967. "Introduction" to Jeremy Bentham, *A Fragment on Government and An Introduction to the Principles of Morals and Legislation*, ed. W. Harrison. Oxford: B. Blackwell.
- Hart, H. L. A. 1968. *Punishment and Responsibility: Essays in the Philosophy of Law*. Oxford: Oxford University Press.
- . 1982. *Essays on Bentham: Jurisprudence and Political Theory*. Oxford: Oxford University Press.
- Heath, James. 1963. *Eighteenth Century Penal Theory*. Oxford: Oxford University Press.
- Hegel, G. F. W. 1952. *Philosophy of Right*. Trans. T. M. Knox. Oxford: Oxford University Press.
- Hinton, R. W. K. 1973. "Bodin and the Retreat into Legalism." *Proceedings of the International Conference on Bodin in München*, ed. Horst Denzer, 303–13. Munich: C. H. Beck.
- Hirschmann, Nancy. 2002. "Liberal Conservatism, Once and Again." *Constellations* 9, no. 3: 335–55.
- Hobbes, Thomas. 1996. *Leviathan*. Ed. Richard Tuck. Cambridge: Cambridge University Press.
- Honderich, T. 1988. *Punishment: The Supposed Justifications*. New York: Penguin.
- Hubbell, Webb. 2000. "Without Pardon: Collateral Consequences of a Felony Conviction." *Federal Sentencing Reporter* 13, no. 3–4: 223–24.
- Jackson, Shirley. 1982. *The Lottery and Other Stories*. New York: Farrar, Straus and Giroux.

- Janouch, Gustave. 1953. *Conversations with Kafka*. Trans. Goronwy Rees. New York: Praeger.
- Jefferson, Thomas. 1944. *The Life and Selected Writings of Thomas Jefferson*. Ed. Adrienne Koch and William Peden. New York: Random House.
- Kafka, Franz. 1971. "In the Penal Colony" and "Jackals and Arabs." Trans. Willa Muir and Edwin Muir. In *The Complete Stories*, ed. Nahum Glatzer. New York: Schocken.
- . 2001. *The Trial*. New York: Schocken Books.
- Kantorowicz, Ernst H. 1957. *The King's Two Bodies: A Study in Medieval Political Theology*. Princeton: Princeton University Press.
- Kateb, George. 2002. "The Adequacy of the Canon." *Political Theory* 30, no. 4: 482–505.
- Kaufman-Osborn, Timothy. 2001. "What the Law Must Not Hear: On Capital Punishment and the Voice of Pain." In *Pain, Death, and the Law*, ed. Austin Sarat. Ann Arbor: University of Michigan Press.
- Kessler-Harris, Alice. 2001. In *Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in Twentieth Century America*. Oxford: Oxford University Press.
- Kohn, Margaret. 2005. "Kafka's Critique of Colonialism." *Theory and Event* 8, no. 3.
- Levinson, Sanford, ed. 2004. *Torture: A Collection*. Oxford: Oxford University Press.
- Lichtenstein, Alex. 1996. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. New York: Verso.
- Locke, John. 1824. "A Second Letter Concerning Toleration." In *The Works of John Locke in Nine Volumes*, vol. 5. 12th ed. London: Rivington.
- . 1959. *An Essay Concerning Human Understanding*. Vol. 1. New York: Dover.
- . 1988. *Two Treatises of Government*. Ed. Peter Laslett. Cambridge: Cambridge University Press.
- Logan, George M. 1983. *The Meaning of More's "Utopia"*. Princeton: Princeton University Press.
- . 1989. "The Argument of Utopia." In *Interpreting Thomas More's "Utopia"*, ed. John C. Olin, 7–35. New York: Fordham University Press.
- Lownes, Caleb. 1793. "An Account of the Gaol and Penitentiary House of Philadelphia, and of the Interior Management Thereof." American Philosophical Society library.
- Machiavelli, Niccolò. 1950. *The Prince and the Discourses*. New York: Modern Library.
- Marquis, Joshua. 2006. Editorial. *New York Times*. January 26.
- Martinich, Aloysius. 1992. *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics*. New York: Cambridge University Press.
- Matravers, Matt. 1999. *Punishment and Political Theory*. Oxford: Hart.

- Mayer, Jane. 2006. "The Hidden Power." *New Yorker* 82, no. 20: 44–55.
- McBride, Keally. 2005. *Collective Dreams: Political Imagination and Community*. University Park: Pennsylvania State University Press.
- Meastro, Marcello. 1973. *Cesare Beccaria and the Origins of Penal Reform*. Philadelphia: Temple University Press.
- Mehta, Uday Singh. 1999. *Liberalism and Empire: A Study in Nineteenth Century British Liberal Thought*. Chicago: University of Chicago Press.
- Meranze, Michael. 1996. *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760–1835*. Chapel Hill: University of North Carolina Press.
- Merriam, Charles E. 1972. *History of the Theory of Sovereignty since Rousseau*. New York: Garland.
- Mink, Gwendolyn. 1998. *Welfare's End*. Ithaca: Cornell University Press.
- Mitchell, Stephen, trans. 1992. *The Book of Job*. New York: Harper Perennial.
- Montesquieu, Baron de. 1949. *The Spirit of the Laws*. Trans. Thomas Nugent. New York: Hafner Press.
- More, Thomas. 2001. *Utopia*. Trans. Clarence H. Miller. New Haven: Yale University Press.
- Morris, Herbert. 1968. "Persons and Punishment." *Monist* 52, no. 4: 475–501.
- Munger, Frank. 2002. "Dependency by Law: Welfare and Identity in the Lives of Poor Women." In *Lives in the Law*, ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey, 83–121. Ann Arbor: University of Michigan Press.
- Neumeyer, Peter. 1971. "Franz Kafka, Sugar Baron." *Modern Fiction Studies* 17, no. 1: 5–16.
- New York Times*. 2003. Editorial. "Two Million and Counting." May 19.
- Nietzsche, Friedrich. 1989. *On the Genealogy of Morals*. Trans. Walter Kaufman and R. J. Hollingdale. New York: Vintage Books.
- Nino, C. S. 1983. "A Consensual Theory of Punishment." *Philosophy and Public Affairs* 12:289–306.
- Nonet, Philippe. 1995. "Sanction." *Cumberland Law Review* 25, no. 3: 489–532.
- Northey, Anthony D. 1986. "Kafka and Foreign Lands: The Life Stories of His Uncles." *Journal of the Kafka Society of America* 10, no. 1–2: 68–79.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Oakeshott, Michael. 1946. Introduction. In Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott. Oxford: Basil Blackwell.
- Paine, Thomas. Laws of The Society for Political Enquiries. In American Philosophical Society archives.
- . [1791] 1995. *The Rights of Man; Common Sense; And Other Political Writings*. New York: Oxford University Press.
- Parenti, Christian. 1996. "Making Prison Pay." *Nation* 262:4.
- . 1999. *Lockdown America: Police and Prisons in the Age of Crisis*. New York: Verso.

- Pateman, Carol. 1988. *The Sexual Contract*. Stanford: Stanford University Press.
- Peters, Paul. 2001. "Witness to the Execution: Kafka and Colonialism." *Monatshefte* 93, no. 4: 401–25.
- Philadelphia Prison System Fiscal Year Report. 2001.
- Piper, Karen. 1996. "The Language of the Machine: A Postcolonial Reading of Kafka." *Journal of the Kafka Society of America* 20, no. 1–2: 42–54.
- "Pitt Government's Plan for Botany Bay Settlement." 1786. August 18. <http://www.le.ac.uk/esh/ca26/eh400/sources>.
- Pitts, Jennifer. 2005. *The Turn to Empire*. Princeton: Princeton University Press.
- Politzer, Heinz. 1966. *Franz Kafka: Parable and Paradox*. Ithaca: Cornell University Press.
- Prison Industry Reform Legislation. 1998. Congressional Hearing. June 25.
- Quinn, Warren. 1985. "The Right to Threaten and the Right to Punish." *Philosophy and Public Affairs* 14, no. 4: 327–73.
- Reynolds, Morgan. 1997. "The Economic Impact of Prison Labor." National Center for Policy Analysis.
- Reynolds, Morgan, and Knut Rostad. 2001. "Creating Factories behind Bars." National Center for Policy Analysis.
- Robin, Corey. 2004. *Fear: The History of a Political Idea*. Oxford: Oxford University Press.
- Ross, W. D. 1965. *The Right and the Good*. 56–64. Oxford: Clarendon.
- Rousseau, Jean Jacques. 1968. *The Social Contract*. Trans. Maurice Cranston. London: Penguin.
- Rusche, Georg, and Otto Kirschheimer. 1939. *Punishment and Social Structure*. New York: Columbia University Press.
- Rush, Benjamin. 1787. "An Inquiry into the Effects of Public Punishments upon Criminals and Society." Delivered at Society for Political Enquiries.
- Sarat, Austin. 2001. "Killing Me Softly: Capital Punishment and the Technologies for Taking Life." In *Pain, Death, and the Law*, ed. Austin Sarat. Ann Arbor: University of Michigan Press.
- Sassen, Saskia. 1998. *Globalization and Its Discontents*. New York: Free Press.
- Schmitt, Carl. 1985. *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. George Schwab. Cambridge: MIT Press.
- Schofield, Philip. 1999. "Political and Religious Radicalism in the Thought of Jeremy Bentham." *History of Political Thought* 20, no. 2: 272–91.
- Shklar, Judith. 1991. *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press.
- . 1998. "The Political Theory of Utopia: From Melancholy to Nostalgia." In *Political Thought and Political Thinkers*, ed. Stanley Hoffman. Chicago: University of Chicago Press.
- Simon, Jonathan. 1993. *Poor Discipline*. Chicago: University of Chicago Press.
- . 1997. "Governing through Crime in a Democratic Society" Paper presented at American Sociological Association Meeting, Toronto.

- Simon, Jonathan, and Malcolm Feeley. 1995. "True Crime: The New Penology and the Public Discourse on Crime." In *Punishment and Social Control*, ed. T. Blomberg and S. Cohen. New York: Aldine de Gruyter.
- Skinner, Quentin. 1978. *The Foundation of Modern Political Thought*. Cambridge: Cambridge University Press.
- Smith, A. E. 2000. *Colonists in Bondage: White Servitude and Convict Labour in America, 1607–1776*. Baltimore: Clearfield Company.
- Steinberg, Erwin R. 1976. "The Judgment in Kafka's 'In the Penal Colony.'" *Journal of Modern Literature* 5, no. 3.
- Steves, David. 2001. "As Many Oregonians Lose Work, Prisons Add Inmate Jobs." *Register Guard*, December 24.
- Taylor, A. E. 1965. "The Ethical Doctrine of Hobbes." In *Hobbes; Studies*, by Leo Strauss [and others], ed. K. Brown, 35–56. Cambridge, MA: Harvard University Press.
- Teeters, Negley K. 1955. *The Cradle of the Penitentiary: The Walnut Street Jail at Philadelphia, 1793–1835*. Publication sponsored by Pennsylvania Prison Society.
- Thoreau, Henry David. 1997. "Civil Disobedience." In *Political Thought in the United States: A Documentary History*, ed. Lynn Tower Sargent. New York: New York University Press.
- Tocqueville, Alexis de. 1969. *Democracy in America*. Ed. J. P. Mayer. New York: Harper and Row.
- Tocqueville, Alexis de, and Gustave de Beaumont. 1970. *The Penitentiary System in the United States and Its Application in France*. New York: Augustus Kelley.
- Toth, Stephen A. 1999. "Colonisation or Incarceration?" *Journal of Pacific History* 34, no. 1: 59–74.
- Transportation Statute. 1717. *Statues at Large, from Magna Charta to 1761*, carefully collated and revised by Danby Pickering. Vol. 5. Cambridge, 1762.
- Tuck, Richard. 1993. *Philosophy and Government, 1572–1651*. Cambridge: Cambridge University Press.
- Tully, James. 1990. "Political Freedom." *Journal of Philosophy* 87:517–23.
- Turnbull, Robert J. 1796. "A Visit to the Philadelphia Prison." Philadelphia: Budd and Betram. American Philosophical Society Library.
- Uggen, Christopher, and Jeff Manza. 2002. "Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States." *American Sociological Review* 67: 777–803.
- United Nations, Economic and Social Council. 2006. Commission on Human Rights. "Situation of Detainees at Guantanamo Bay." Report released February 15.
- Warrender, Howard. 1957. *The Political Philosophy of Hobbes: His Theory of Obligation*. Oxford: Oxford University Press.

- Weber, Max. 1948. "Politics as a Vocation." In *From Max Weber: Essays in Sociology*. New York: Taylor and Francis.
- Weil, Simone. 1987. *The Need for Roots: Prelude to a Declaration of Duties towards Mankind*. Trans. A. F. Wills. London: Routledge and Kegan Paul.
- Weinstein, Arnold. 1990. "Kafka's Writing Machine: Metamorphosis in the Penal Colony." In *Critical Essays on Franz Kafka*, ed. Ruth V. Gross, 120–49. Boston: G. K. Hall.
- Western, Bruce. 2006. *Punishment and Inequality*. New York: Russell Sage Foundation.
- Western, Bruce, and Katherine Beckett. 1999. "How Unregulated Is the U.S. Labor Market? The Penal System as a Labor Market Institution." *American Journal of Sociology* 104, no. 4: 1030–60.
- White, Thomas I. "The Key to Nowhere: Pride and Utopia." In *Interpreting Thomas More's "Utopia,"* ed. John C. Olin, 37–60. New York: Fordham University Press.