

Nation Building and American Criminal Justice

Chia-Wen Lee

School of Law, Indiana University, Bloomington
E-mail: wen0703@hotmail.com

Abstract

Criminal justice is often overlooked by researchers in political science as a site of nation building and national imagination. At the same time, researchers in criminal justice generally ignore the role that national identity has played in criminal justice. This paper looks into several important events and issues in the history of American criminal justice, including penal reform in the early Republic, anti-radicalism campaigns in the twentieth century, race issues, and today's American war on terrorism, with the aim of uncovering the entanglement of national identity with American criminal justice. By providing an alternative angle from mainstream scholarship, I wish to show how thinking about identity in terms of the self and other is not only highly useful, but also crucial in understanding American criminal justice.

Key Words: national identity, penal reform, Red Scare, race issue, American war on terrorism