
**The Center for Justice
Education at Eastern State
Presents:**

EDUCATOR GUIDE:
**JUSTICE 101: THE EIGHTH
AMENDMENT: CRUEL AND
UNUSUAL PUNISHMENT**

**EASTERN STATE
PENITENTIARY**

JUSTICE 101 EDUCATOR GUIDE: THE EIGHTH AMENDMENT

This guide supports a classroom viewing and discussion of [“Justice 101: The Eighth Amendment: Cruel & Unusual Punishment”](#) [Runtime 52 minutes]

This guide provides essential information, discussion questions, and teaching strategies for exploring the 8th Amendment. The focus is on fostering students’ understanding of its historical context and ongoing debates around issues like capital punishment, bail reform, and prison conditions. This amendment emphasizes fairness, and human dignity in the justice system.

Grade Levels:

9th through 12th

Number of Class Periods:

Two periods

Author:

Designed by the Eastern State Education Team.

Speakers:

Amy Fettig (she/her), legal analyst, former Deputy Director of the ACLU's National Prison Project, and former Executive Director of The Sentencing Project.

Professor Kermit Roosevelt III (he/him), author of *The Nation That Never Was: Reconstructing America's Story*.

Dr. Kerry Sautner (she/her), President and Chief Executive Officer of Eastern State Penitentiary Historic Site.

The Eighth Amendment:

The Eighth Amendment, part of the Bill of Rights, states:

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

“Excessive bail shall not be required...” – Prohibits setting bail amounts that are unreasonably high.

“...nor excessive fines imposed...” – prevents overly severe fines as punishment.

“...nor cruel and unusual punishments inflicted.” – prohibits inhumane or overly severe penalties.

Modern Issues and Debates:

- **Death Penalty** – ethical and legal debates around its fairness, racial bias, and the potential for wrongful convictions.
- **Bail Reform** – impacts of high bail amounts on low-income individuals, leading to calls for reform.
- **Prison Conditions** – concerns about overcrowding, abuse, inadequate healthcare and solitary confinement as violations of the 8th Amendment.
- **Juvenile Justice** – ongoing discussions about whether certain punishments for minor violate the amendment’s protections.

Discussion Questions:

- What does “cruel and unusual punishment” mean, and how has its interpretation evolved over time?
- What role should public opinion play in determining what constitutes “cruel and unusual” punishment?
- How can society balance accountability for crimes with the protections of the 8th Amendment?

Teaching Strategies:

1. **Case Study Analysis:** Divide students into groups to analyze major Supreme Court cases. Have them present the facts, decisions and their implications.
 - *Furman v. Georgia* (1972); Issue: Death Penalty
 - *Roper v. Simmons* (2005); Issue: Juvenile Justice
 - *Timbs v. Indiana* (2019); Issue: Excessive Fines
2. **Comparative Analysis:** Compare how other countries address issues like bail, fines, and punishment to spark dialogue on fairness and justice.
3. **Interactive Timeline:** Create a visual timeline of major events and cases related to the 8th Amendment to understand its evolving interpretation.

Further Resources:

Books:

Just Mercy: A Story of Justice and Redemption by Bryan Stevenson

Monster by Walter Dean Myers

Documentaries:

13th, directed by Ava DuVernay

The Eighth Amendment: Cruel and Unusual Punishment by Annenberg Classroom

QUESTIONS OR CONCERNS?

Contact education@easternstate.org.

Learn more about the Center for Justice Education at Eastern State Penitentiary Historic Site, and about Justice 101, at

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