

# Failure and Success of the Panopticon in Bernhard Schlink's *The Reader*: An Analysis From the Perspectives of Legal Moralism and Feminist Jurisprudence

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**Abstract**—In *The Reader*, Hanna is twice subjected to Foucault's Panopticon structure, in the courtroom and prison. This paper uses Panopticon theory, along with legal moralism and feminist jurisprudence, to analyze the Panopticon's successes and failures in the novel. It explores the adjudication of female crime, related moral boundaries, and the basic rights of female criminals. The paper examines the construction of women's "Otherness", the partial erosion of substantive justice, and the relationship between law and morality, and further proposes that recognizing the "value of intimacy", initiating "restorative justice", and fostering gender awareness among judicial personnel are crucial for the rational adjudication of female crime. Within the societal context of the Panopticon, a typical male discourse system, this paper also seeks to affirm the fundamental rights of female criminals.

**Index Terms**—*The Reader*, Panopticon, feminist jurisprudence, legal moralism, rights of female criminals

## I. INTRODUCTION

British philosopher and social theorist Jeremy Bentham has proposed the "Panopticon" design concept, which allows a few observers to monitor numerous prisoners continuously, aiming to achieve effective regulation and behavioral norms through this layout. French philosopher Michel Foucault conducted an in-depth analysis of Bentham's Panopticon concept in his work *Discipline and Punish*. Foucault argued that the Panopticon is not just a prison architectural design but a symbol of power and control, reflecting modern society's pervasive surveillance and disciplinary mechanisms. He explored the operational modes of social control and power relations through the Panopticon concept. The central tower of the Panopticon constantly monitors every corner of the prison microcosm, with power permeating this society; every prisoner within is acutely aware of being watched. Their souls endure confinement and surveillance no less than their bodies. An unshakable foundation of the most solid empire gradually establishes itself within the soft tissue of their brains (Foucault, 1977). Ultimately, legal norms become internalized, self-discipline is achieved, the soul is tamed, and subjectivity is lost. Moreover, various forms of the Panopticon structure exist to ensure the human mind's actual confinement and permanent surveillance. People can understand the "Panopticon" design concept as realizing legal moralism in practice. The omnipresence of laws (or rules) is enforced through design and surveillance, mandating social, behavioral, and moral standards. Modern feminist jurisprudence criticizes this surveillance mode, arguing that excessive compulsion leads to undue restriction and oppression of individual freedom. Hence, the excessive implementation of legal moralism can also suppress personal freedom, autonomy, and female self-respect, resulting in legal abuse.

Schlink has been a legal scholar and writer, which helped him to merge his jurisprudential knowledge with his literary creations to explore the limits and possibilities of law through his novels. Scholars like Richard H. Weisberg have noted that Schlink's works demonstrate the potential of law as a platform for moral discourse. Since its publication in 1995, various scholars have analyzed the legal phenomena in *The Reader* from different perspectives. Regarding the "conflict between law and morality", Roth (2004) in "Reading and Misreading *The Reader*" discusses the characters' internal struggles when facing legal and moral dilemmas and their complex emotions and moral judgments concerning Nazi history. Weisberg (2004), in "A Sympathy That Does Not Condone", points out that through Hanna, the author expresses sympathy without condonation, emphasizing the limitations of law in addressing historical crimes. Concerning "trials and historical memory", MacKinnon (2004), in "Law and Tenderness", analyzes Hanna's trial process and argues that through Michael's observation of Hanna's trial, Schlink illustrates the relationship between freedom and responsibility, law and emotion. Donahue (2003), in "Illusions of Subtlety", critically analyzes Schlink's handling of Holocaust themes, discussing the moral boundaries of law when faced with such immense crimes. Tetrushvily (2012), in "A Moral Dilemma", proposes a moral limit to address the critiques raised by the novel and argues that *The Reader* contributes valuably to human understanding of history by satisfying Berel Lang's "radical theory of historical representation". Regarding "intergenerational trauma and reconciliation", Finn (2001) in "Truth

Without Reconciliation” compares *The Reader* with Simon Wiesenthal’s “The Sunflower”, exploring issues of guilt and forgiveness and revealing the moral dilemmas and intergenerational trauma faced by post-war German generations regarding Nazi crimes. Concerning “legal judgment and individual responsibility”, Tabensky (2004) in “Judging and Understanding” explores the best interpretation of free will and advocates for the elimination of retributive ethics in legal moral discourse.

These references discuss the profound connections between law, morality, and historical memory. Through Michael and Hanna’s story, Schlink reveals the collective and individual dilemmas faced by post-war German society in confronting Nazi history, emphasizing the limitations and moral challenges of law in handling historical crimes. However, Hanna, as a female and a female criminal, has not received special attention and research. The female protagonist, Hanna, is twice subjected to the “gaze” of Bentham’s Panopticon structure in the courtroom and prison. What are the successes and failures of this design when applied to Hanna? This essay explores the reasons for the Panopticon’s success and failure using Panopticon theory as an analytical framework and from the perspectives of legal moralism and feminist jurisprudence in this novel. It further explores the adjudication of female crime, the related moral boundaries, and the female criminals’ remaining rights.

## II. THE FAILURE OF THE PANOPTICON IN THE COURTROOM

The first gaze of the Panopticon upon Hanna in *The Reader* appears in the second part of the novel. Hanna is placed on trial for her involvement with the Nazi SS and her role in the persecution of concentration camp prisoners. The most controversial charge is that during a prisoner march, on a night when bombs set a church ablaze, Hanna, in an attempt to maintain “order”, commanded her subordinates to keep the prisoners locked inside the church, leading to their deaths by fire. In the Nazi trial, everyone except the defendants seems eager to wield the sword of justice against these heinous perpetrators. Judges, prosecutors, lawyers, and spectators all play the role of guards in the Panopticon’s central tower, gazing at these heinous Nazis in the dock; the law, representing justice, is their weapon, attempting to use its gaze to incarcerate the criminals forever.

The “banality of evil” makes Hanna commit Nazi crimes, and she deserves trial and punishment. However, when other accomplices shift the blame onto her, Hanna, to hide her illiteracy, takes the fall and is ultimately sentenced to life imprisonment. Has the gaze of the Panopticon (i.e., the gaze of the law representing justice) succeeded in this round? The author argues that although Hanna loses the case in this courtroom scene, her insistence on dignity disrupts the established hierarchy between the law in the central tower and herself in the cell. In other words, Hanna’s wrongful conviction leads to a partial erosion of substantive justice, questioning the authority of the law and “imprisoning” the gazers within the dynamic structure of the Panopticon.

### A. *Hanna’s Struggle for Dignity and the Collapse of Legal Authority*

One reason is that, for Hanna, any judgment is less severe or shameful than revealing her lifelong illiteracy. As the protagonist, Michael, abstractly questions his father in the novel, his father explains that the struggle concerns “freedom and dignity”, emphasizing “human being as subject and the fact that one may not turn him into an object” (Schlink, 1995, p. 79). Hanna’s defense in court is to protect her “freedom and dignity”. Her illiteracy made her a volatile mix of vulnerability, helplessness, fear of exposure, and resentment (Niven, 2003, p. 386). The intense shame and the attempt to preserve self-respect explain why Hanna remains evasive and ultimately incriminates herself. In a shame culture, people would adopt any form of external social value deemed vital for sustaining life at all costs (Niven, 2003). Undoubtedly, self-respect and freedom are such “social values” for Hanna. John Rawls’ *A Theory of Justice* mentions that each person possesses “an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others (Rawls, 1971, p. 302).” Even as a defendant, Hanna has the freedom and right to choose. The law’s attempt to gaze upon evil, expose crime, maintain order, and delineate good from evil through a rigid hierarchy of power allocation does not succeed in Hanna’s case. The distribution of guilt is flawed, and rights are inverted: Hanna’s reckless, unflinching fear of shame breaks the boundary between prisoner and guard in the Panopticon (Niven, 2003), and the authoritative legal gaze in the center fails to scrutinize and uncover the facts and truth. The law’s authority and centrality have collapsed in the face of Hanna’s pursuit of individual dignity and freedom.

Human dignity is an essential legal value that should be at the core of legal systems, ensuring that laws respect and protect individual self-worth and freedom, while legal structures sometimes fail to adequately address and uphold the dignity and rights of marginalized people, thus undermining the authority and effectiveness of the law (Goubau, 2018). The solemn law is helpless before the female defendant, and the male authority and power it represents have failed against a self-assertive female criminal. Robin West argues that while the law is generally accurate for men, it is patently illusory for women, as social institutions are built on presumed universal truths that are merely male truths (Baer, 1999). As Rudolph noted, “The dignities of the sovereign and court can learn that a system that undermines either the dignity of the individual or the individual’s conscience is a system that hollows out its moral core and charts the course for its weakening and revision (Rudolph, 2023, pp. 305-362).” In a country with a low illiteracy rate like Germany, Hanna, as an alienated female illiterate, defends her humble self-respect with all her might. In a male-dominated society and a courtroom filled with male discourse, Hanna, as a woman yearning for selfhood, can only

hold on to her dignity. This stubborn persistence, while imprisoning her “rightfully” guilty body, also subverts the authority of law built on “male experience”. In the courtroom, even the protagonist, Michael, who once had an intimate relationship with Hanna, can not understand her through their mutual gaze. As a female defendant, Hanna has established the Lacanian “Otherness” (Miler, 2013, p. 55); her alterity protects her from male identification and assimilation. The courtroom gaze can not penetrate her inner self or construct her identity. As Bendor (2022, pp. 739-772) noted, “Human dignity shall be inviolable. Respecting and protecting it shall be the duty of all state authorities. The German people, therefore, acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.” However, in Hanna’s case, the court quickly closes its eyes to respecting and protecting every individual’s human dignity. Therefore, when the conduct shocks the general conscience, systemic biases may also limit the legal effectiveness and substantive justice.

### *B. The Partial Erosion of Substantive Justice*

Another reason is the partial erosion of substantive justice. Substantive justice is associated with the actual outcomes of legal decisions and whether the law itself is morally right and just, aiming to ensure that the substance of the law is fair and equitable. It embodies the true fairness and value behind the law. The partial erosion of substantive justice implies a moral failure to some extent within the legal system. Law should be based on moral principles to achieve social justice and moral values, promoting fairness and human dignity. One fundamental standard of judicial substantive justice is accurate and well-evidenced case facts. As explained, people must prove case facts with evidence to be confirmed; otherwise, if they are universally known facts, they cannot be the object of proof in litigation (Du, 2011). However, in the novel, defense lawyers skillfully employ an attitude of “professional objectivity” and use her concessions to “incriminate Hanna and exonerate the other defendants”. In contrast, other defendants echo this with “impassioned interjections” (Schlink, 1995, p. 64). Although there are testimonies, the lack of material evidence should have precluded their historical claims from being elevated to case facts as the basis for legal application (Du, 2011). While scholars acknowledge that the facts recognized by judges (formal truth) are just if they fully align with the facts of the case (substantive truth), achieving this alignment can sometimes be challenging.

Nevertheless, shouldn’t judges responsible for adjudicating individual cases strive to overcome the limitations of substantive law, endow generalized substantive legal norms with specific, concrete content, and apply them to specific litigants? As Vredenburg notes (2023), judicial discretion must apply policy rules in a context. However, in the novel, the judge ignores the actual context and gazes at Hanna with an unfeeling, bureaucratic attitude, using only abstract, disembodied rules to regulate her. The reasonable exercise of judicial discretion aims to promote substantive justice in specific contexts, meaning that officials should balance various interests and avoid rigidly enforcing laws. However, the fact is that the court naturally retreats into applying only rigid frameworks, never considering what anyone in Hanna’s situation would have done (Mackinnon, 2004). The law should help everyone in court find their justice. If judges adopt an objective stance, the law loses part of its effectiveness in pursuing substantive justice.

Shouldn’t the law also aim to experience what litigants experience, feel what they inevitably feel, from their perspective? (Mackinnon, 2004) “In terms of minimizing errors in adjudication”, judges should avoid “the risk of oversimplification”, especially when the parties are “self-represented or unable to provide the necessary evidence”, and “the case for inquisitoriality as a route to substantive justice becomes stronger”. Therefore, “assuming that the decision-maker is neutral and competent”, active adjudication can help ensure that the outcome of the cases turns on their merits, not on the parties’ relative ability to navigate the legal system (Semple, 2022, p. 145). In Hanna’s case, the excessive judicial discretion and the neglect of inquisitoriality lead to the abuse of power and the hidden unfair treatment. If judges can actively gather and examine evidence, the legal system can ensure the effectiveness of the evidence.

Countries like Canada and Australia train judges and law enforcement officers in gender sensitivity to ensure fair treatment in cases involving women. Like his protagonist, Michael, Schlink hopes the law can embody humane love, recognizing and respecting the inviolable particularities of the cases it handles. One of the law’s fundamental values is the relentless pursuit of substantive justice. Legal moralism demands that judicial practice treat everyone justly and impartially. However, in Hanna’s case, the partial erosion of substantive justice stems from bias, discrimination, or neglect of the rights of specific groups within judicial practice. Substantive justice remains far from being exhausted; how can it be abandoned?

### *C. The Panopticon’s Initial Failure*

For these reasons, in the courtroom scene, the gaze from the Panopticon’s central tower (i.e., the gaze of “just law”) has not conquered Hanna’s inner self nor achieved Foucault’s self-discipline. Instead, the female prisoner walks away, with eyes penetrating all worldly matters; the law in the central tower falters, compromising substantive justice for procedural justice. Hanna’s case shows that true justice requires balancing legal norms and specific context, which the rigid Panopticon gaze fails to achieve. The Panopticon structure, with its typical hierarchical characteristics of male society and its claimed justice, has only achieved a formal “victory” but failed, being insufficient in achieving its ultimate goal of complete domination over and punishment of the individual.

### III. THE VICTORY OF THE PANOPTICON IN PRISON

#### A. Transformation Through Literacy by Literary Art

In the novel's third part, Hanna musters the courage to overcome her illiteracy, marking a significant step towards enlightenment. Reading literary classics leads her to knowledge, reason, and civilization, gradually allowing her to think, analyze, reflect, and critique independently as a woman, rights traditionally reserved for men, thereby acquiring female subjectivity. As the prison warden notes, Hanna enjoys high prestige among the female prisoners, acting as an authority figure to whom others turn for advice and judgment in disputes. Hanna constructs her authoritative subjectivity through her reading and understanding of literary classics, akin to a Muse traversing the darkness (Zhang, 2007). The Panopticon's disciplinary efforts seem to fail in this regard. However, this acquired subjectivity also carries great destructive power, as literary art, especially books about concentration camps, became a platform for Hanna to lead a moral life, allowing her to grasp ideological achievements fully (Zhang, 2007). The author believes that in this round, the authority in the Panopticon's central tower is not merely the legal and civilized prison warden but also the moral civilization borne by literary art. Under the gaze of literary art, Hanna's seemingly solid subjectivity is gradually stripped away, ultimately collapsing. The Panopticon structure appears ineffective in the early stage of Hanna's female subjectivity construction process. However, as civilization infiltrates and art cultivates remorse, the protagonist has gradually internalized the consciousness of civilization, including legal and moral civilization, ultimately achieving Foucault's self-discipline and completing self-punishment.

The court has determined Hanna's criminal responsibility, although the judgment is unfair to an illiterate person. Initially, Hanna's mind is not restrained by the law; she passively lives a negative life of being forced to obey the law (Guo, 2010). Although the penalty punishes Hanna's immoral behavior, the law's power over her is limited because she has not developed a moral sense of guilt. The law's physical confinement has only eradicated her external behavior, while her internal condition is entirely ignored. Subsequently, in prison, Hanna has undergone a profound transformation from illiteracy to civilization and from shame to guilt. When the moral power of literary classics is applied to Hanna, she truly begins to live a positive moral life actively (Guo, 2010). The novel seeks the help of humanistic moral consciousness by fleeing from the helplessness of the law to literature. As Confucius said, guide the people through edicts and keep them in line with punishments. They will avoid punishments but have no sense of shame. Guide them by virtue, keep them in line with rites, and they will have a sense of shame and become good (Confucius, 1999). The influence of literary art has gradually instilled in Hanna a sense of moral responsibility, whipping her with past actions which have been transformed into guilt rooted in her heart. The resolute Hanna is destroyed by the ability to read and write and tamed by humanistic classics (Niven, 2003). Humanistic and moral education stood alongside legal punishment, compelling Hanna to face herself, deny herself, and punish herself.

#### B. The Integration of Feminist Connection and Moral Education in Legal Punishment

From the perspective of feminist jurisprudence, legal provisions based on male experience advocate for separating people from one another and society, thus increasing the psychological distance between Hanna, the judges, the lawyers, Michael, and the victims. However, women are oriented towards relationships and interdependence psychologically. In other words, women need connection rather than separation (Baer, 1999). The moral development of men emphasizes "rights and non-interference"; thus, legal theories based on male experiences generally accept the "separation of subject", meaning that each individual is physically separated from others. However, this viewpoint applies only to men and not women because women's moral development requires "care" and "connection", especially emotionally. Therefore, the male-dominated legal discourse has long excluded women's perception of the world and their moral norms. In the novel, the cold law separates Hanna in prison from the outside world, leaving her soul without an outlet or support initially. Only through the moral consciousness of literary classics can Hanna finally find resonance and connection in literature. Understanding judgment in legal contexts can be enhanced by engaging with literature that explores complex human emotions and ethical dilemmas (Darda, 2013). By examining her spiritual connection with characters in literary works, Hanna has gradually resolved the tension between selfishness, self-respect, and inferiority, starting to face her guilt head-on. Therefore, in the arduous legislative process that legal theorists have always strived to achieve—from the moralization of law to the legalization of morality (Guo, 2010) — morality should always play a guiding, auxiliary and supplementary role in the law's function, ensuring that women are not separated and that female criminals receive the most appropriate punishment.

Morality and law join hands to achieve the shared goal of justice. In the third part of *The Reader*, the Panopticon's gaze does not entirely abandon the female prisoner despite the apparent failure due to the successful construction of female subjectivity. The authority of the law in the central tower turns to moral education in literature to thoroughly subdue Hanna from within. According to Foucault's theory, the Panopticon structure becomes effective here, imposing a form of consciousness (in this case, moral consciousness) on the prisoner, ensuring that the prisoner is perpetually exposed to the central gaze, thereby automatically maintaining power (Foucault, 1977). The prison system here seems to embody an abstract moral principle, and most likely, former prisoners will adhere to these internalized moral principles even upon release. These internalized moral principles make Hanna recognize her ignorance and guilt, redefining her position. Feeling Michael's inner distance and guilt, Hanna chooses to end her life upon release, as no

one understands her, and life outside prison has become too challenging. Only “the dead” can understand and forgive her (Schlink, 1995, p. 106).

Law and morality can complement each other and develop harmoniously. The shared goal of law and morality is to achieve justice and construct an effective social order. Legal norms achieve justice concerning human life’s external actions, while moral norms address people’s inner selves, constructing social justice from a higher internal spiritual level. The dimension that legal coercion cannot reach can be maintained by moral power. Indeed, law is reason free from passion (Aristotle, 2003), but actual law is right reason in agreement with nature (Aristotle, 2003). Here, nature can represent harmony, composed of emotional morality.

### C. *The Panopticon’s Ultimate Victory*

According to the theory of desert, punishment should respond accordingly to the moral wrongness of the act so that offenders should be justly punished based on their moral responsibility. This perspective emphasizes the importance of justice and moral responsibility. So, what is the desert for Hanna, considering both the criminal and moral senses? There are always “nuances regarding the success or failure attributed to certain behavior and agents”, so there are also “important nuances in the matters of blame and punishment (Beade, 2021, pp. 1-10).” Therefore, moral enlightenment and legal punishment upon Hanna are her due desert. In her case, moral education and legal punishment have complemented each other, not only enacting the individual’s physical confinement but also inflicting the spiritual transformation, thus strengthening social control and promoting moral reform and the construction of moral walls (Macpherson, 2007). In this round, the Panopticon seems to lose but has achieved a substantial victory in achieving its ultimate goal of complete domination over and punishment of the individual.

## IV. THE ADJUDICATION AND ULTIMATE RIGHTS OF HANNA AND HER PEERS

### A. *The Adjudication of Hanna and Her Peers*

With its cold and objective perspective, the law sentences Hanna to life imprisonment, but what truly awakens her is the moral education in literary classics. Does the law only use abstract principles to address defendants? Can the law not project a small quantity of emotion and care? Must the law avoid any personal risk in its pursuit of absolute justice? Author Schlink believes the law must operate in an environment of love, recognizing the inviolable particularities of the cases it handles (Mackinnon, 2004). Judging these particularities relies not only on the “facts” presented before the law but also on the attitudes and interpretations of those representing the law (primarily male subjects) towards these “facts”. Their “objectivity” reflects these male subjects’ expression of their power and privilege. Female Hanna, illiterate Hanna, is voiceless in the face of male power; she cannot provide evidence to prove her innocence, and evidence inscribed on the body is always misread (Macpherson, 2007, p. 227).

As Peter Brooks states, in the confessions people observe, whether true or false, the confessions are not the product of free and rational will. They are compelled by physical or psychological pressure. Shame, guilt, humiliation, contempt, self-loathing, reconciliation, and atonement intertwine, ultimately leading the defendant to confess. Here, truth is no longer direct but deviates from its original reference, becoming the product of the confessor and the confession situation (Brooks, 2000). As a female defendant and an illiterate person, Hanna has never had the power to dialogue with the law. What strategy should the law adopt to achieve justice in the face of such particularities? Scholars, when discussing female crime and punishment, often combine the viewpoint of legal moralism, advocating alternative punishments and rehabilitation (McNeill, 2014), focusing on the humanization of punishment and restorative justice (Lanni, 2021), reflecting on the impact of punishment on women, and promoting gender awareness training for judicial personnel (Surya, 2023).

**First, emphasize “the value of intimacy”** (West, 1993, p. 525). According to legal moralism, punishment should also aim to educate and rehabilitate society. Therefore, female offenders’ circumstances and social backgrounds should be considered, and more humane punishment methods should be adopted. The law should attentively consider the life experiences of women, different from men, and provide a legal language suitable for women to express their desires, dreams, and journeys (West, 1993), allowing these subjects, who have been silenced before the male-oriented legal provisions, to regain their voice and thus transform the lowercase “other” identity of female offenders in criminology. The distance between women and the law needs “intimate” contact to shorten it, enabling women to apply the law to protect and defend their rights. In asserting male power, cold, objective law only achieves partial justice, maintaining a male-centered social order, while offering women “intimate” care and understanding can help the law achieve “the other half” of substantive justice. Therefore, in line with the value of intimacy, the “reactions to female offenders”, “the curriculum in women’s prisons”, “women as correctional professionals”, and “the unique requirements of female inmates” are especially vital in the transformation of the “other” identity of female offenders in feminist criminology (Vashistha, 2022, p. 1272).

**Second, initiate “restorative justice”** (Lanni, 2021, pp. 635-682). Restorative justice concerns fixing social relationships, compensating victims’ losses, and providing offenders with societal rehabilitation and reintegration opportunities. Restorative justice takes into consideration the impact of punishment on women’s physical and mental health, social roles, and families, aiming not to exacerbate female predicaments but to seek methods more conducive to rehabilitation and social reconstruction, which is a legal practice based on “the value of intimacy”, gathering victims,

offenders, and important related parties, including families and the community, to discuss the occurrence of crimes and compensation. Although this informal judicial practice has faced criticism from “internal”, “external”, and “effect” aspects, the relationship of “competition”, “integration”, and “compensation” between restorative justice and traditional criminal justice also demonstrates their common but distinct goals (Fang, 2006). If, during Hanna’s trial and imprisonment, the surviving female writer, the male protagonist as a “family member”, and post-war German society had been willing to engage in such seemingly cruel meetings and communications, perhaps all parties could have liberated their “imprisoned” minds sooner. The female writer could have received maximum repentance from the offender, the male protagonist could have faced his “displacement” and “repositioning” as the second post-war generation (Zhang, 2007, p. 113), German society could have achieved procedural and substantive justice, and Hanna could have been “understood” (Schlink, 1995, p. 106), not seeking eternal life in destruction, but being punished, compensating for her wrongs, and achieving redemption in the present world, accomplishing a more significant “good”.

**Third, cultivate gender awareness among judicial personnel** (Surya, 2023, pp. 40-49). Legal moralism holds that judicial personnel are responsible for treating everyone fairly, unaffected by factors such as gender or race. Judicial personnel should receive gender awareness training to treat female offenders and victims more sensitively and avoid gender bias and discrimination. Part of the injustice inflicted upon Hanna in court derives from gender bias. As a woman, especially one who serves as a guard in a Nazi concentration camp, she is seen as an extraordinary betrayal. Society typically expects women to be gentle, loving, and obedient, and Hanna’s role conflicts with these gender stereotypes, leading to harsher judgment and condemnation. Courts and society tend to view female criminals as moral betrayers, which can lead to harsher sentences and less sympathy. Male criminals might be understood and analyzed for their military or political roles, while female criminals are more likely to be moralized and demonized. Additionally, the judicial personnel fail to adequately consider Hanna’s illiteracy, directly impacting her defense capability and final judgment. Therefore, judicial personnel should focus on the particularities of female crime, learn about the social, psychological, and economic backgrounds of female criminals, and understand the unique needs and challenges they face during the crime and sentencing process. Gender awareness training helps the judicial system respect and protect women’s rights and subjectivity not only in fair trials but also in the rehabilitation and resocialization of female criminals (Daly, 2008), which enhances the diversity and inclusivity of the judicial system and ensures fair treatment for criminals of all genders. This diverse perspective helps improve the effectiveness and social trust of the judicial system overall (Johnstone, 2007), with the help of which the judicial system can become a force for social change, promoting gender equality and social justice, which benefits female criminals and improves gender relations and social structures, ultimately achieving broader social substantive justice.

#### *B. The Ultimate Rights of Hanna and Her Peers*

So, what fundamental rights should the law protect for the “heinous” Hannas? As women, what ultimate rights should not be deprived by the “Panopticon” under the male discourse system?

**First, the Right to Gender-Responsive Justice.** Gender awareness among judicial personnel and the judicial system should be implemented to make sure that women are not influenced by gender bias during trials, receive equal legal aid and defense rights, and ultimately obtain a fair trial. Granting women the Right to Gender-Responsive Justice, the judicial system gets to focus on substantive justice in women’s trials, ensuring they are treated relatively in legal practice, which protects women’s human rights, ensuring they enjoy fair treatment, freedom from violence, and the right to substantive justice, thus achieving genuine social justice and gender equality. Therefore, fair legal and judicial practices, women’s comprehensive human rights, and substantive justice are ensured by the Right to Gender-Responsive Justice regarding legal moralism and feminist jurisprudence. In recent years, the ICC has set high standards for the integration of gender in all areas of its work (Women’s Initiatives for Gender Justice, 2018) by actively seeking to mainstream gender within its units, functions, and procedures and to ensure that field officers, legal officers, administrators, and judicial officers, have gender-specific competencies which are continually updated and enhanced. Owning the right to gender-responsive justice can ensure that the law is “an instrument for the improvement of sexual and gender inequality, as well as a facilitator of sexual and gender subordination (West, 2019, pp. 1-21).”

**Second, the Right to Restorative Justice.** The Right to Restorative Justice emphasizes achieving comprehensive justice through victim, offender, and community participation and therapeutic solutions. Although victim participation may raise additional obstacles in expanding restorative justice to more serious crimes, the surrogate victim program offers an alternative to direct victim participation to ensure the right to restorative justice (Lanni, 2021). Criminal responsibility and social relationships restoration is required by the right to restorative justice, which is more consistent with the moral principles of the law; because this solution is a more comprehensive, humane justice solution, offenders like Hanna recognize and understand their responsibilities with the help this right, and their awareness of the consequences of their actions, has been dramatically enhanced. Beyond legal responsibility, how offenders like Hanna “recover”, reintegrate into society, and rebuild positive social connections through psychological health services, education, and vocational training, reducing recidivism risks, is crucial. Thus, restorative justice focuses on the needs and recovery of victims and offenders’ understanding and rehabilitation process, striving for more comprehensive, humane judicial justice.

According to Summers (2022), “Punishment will only be justified if it conforms to the limits set by human rights.” Female criminals will then deserve their punishment as long as they are guarded by implementing restorative justice,

especially in the face of gender discrimination, violence, and social exclusion, because women's human rights have been protected throughout this process. So, women can achieve more just and inclusive social justice with fair judicial trials and comprehensive rehabilitation support to offer equal legal protection and dignity for all. With the Right to Restorative Justice, based on legal moralism and feminist jurisprudence, women can enjoy comprehensive human rights and substantive justice.

**Third, the Right to Dignified Treatment.** In *The Reader*, Hanna's suicide can be understood as her attempt to maintain her dignity and control in the face of extreme personal and moral dilemmas. She believes that by committing suicide, she can escape inner pain and external judgment, achieving self-liberation and maintaining her dignity and self-worth. Legally, suicide is considered illegal or morally unacceptable because it touches on the dignity of life and social order stability. However, individuals see suicide as the last resort to maintain their dignity. Human rights advocates emphasize that individuals should have the right to choose their life and death, and society should provide support and understanding. Maintaining the Right to Dignified Treatment means that society should respect individuals' choices regarding self-determination and provide appropriate support and mental health services. Dignity is regarded as "a right and a principle" to be used "as a criterion for interpretation by judicial bodies in order to provide a broader understanding of human rights (Bueno, 2021, p. 332)." However, how should the legal system balance individual free will and public interest? Future research in protecting personal freedom while ensuring greater justice is so needed. Appropriate measures, ethical concerns, and judicial reviews are significant. Future research should explore effective frameworks and develop societal values to refine this balance, aiming for a just and adaptable legal system.

## V. CONCLUSION

In *The Reader*, the protagonist Hanna's experiences in the courtroom and prison illustrate the complex interplay between individual agency, legal authority, and moral enlightenment, with Foucault's "panopticism" applied in these contexts to show how disciplinary power and surveillance succeed and fail in different rounds. The male-centered legal gaze in the court has failed to consider Hanna's specific circumstances, especially ignoring her illiteracy. Finally, the literature she has accessed in prison has transformed her from rock bottom, for she has been granted intellectual illumination and enlightenment for the first time and forever, thus achieving her finality of transformation.

The legal system at that time failed to treat Hanna in the most just way, which appeals to the legal combination of legal moralism and feminist jurisprudence. Only with the concern of "the value of intimacy" and the application of restorative justice practices can the legal system achieve justice in the particular contexts of female criminals. In addition, cultivating gender awareness among judicial staff is vital for ensuring fair treatment and a broader understanding of women's crimes. The author also states that at least three fundamental human rights should be endowed to Hannas: the right to be mainly put in the context of gender-responsive justice, the right to be punished explicitly through the integration of restorative justice into legal structures, and finally, the right to be punished in a dignified way. In conclusion, this ongoing literary and legal dialogue is crucial for addressing the particularities of human behaviors and promoting substantive justice and human rights for all individuals.

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