

# PHIL 141: Punishment & Responsibility

Whitman College – Spring 2017

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## Course Description and Goals

Walla Walla is home to the Washington State Penitentiary, which currently houses over 2000 inmates. That is just one small piece in a very large system: American society places extraordinary emphasis on punishment, with one of the highest incarceration rates in the world, and well over two million people in our prisons and jails. At the same time, it's clear that our society has no good sense of *why* we are doing these things – or more importantly why we *should* be, or even *if* we should be.

These practices stand in need of justification, since the very nature of punishment is to do something which would ordinarily be wrong: intentionally to impose suffering and/or hardship on someone. In this course, we will take some first steps toward determining exactly how and when those practices can be justified (if, indeed, they can be). We will focus on two sets of questions:

- ★ **Punishment:** What is the ultimate justification and purpose of punishment?  
What form(s) should punishment take?
- ★ **Responsibility:** Under what circumstances is or isn't it appropriate to punish someone?  
What are the bases and limits of responsibility?

We will be particularly concerned with the interrelations among all of the different issues and views that we examine. Ultimately, our goal is to work towards an *integrated* and *comprehensive* theory of punishment.

At the same time, this course is designed to be an introduction to philosophy. Thus in the process of addressing the relatively focused questions listed above, we will touch on (though not systematically explore) issues from a number of areas of philosophy:

- Ethics: What is the correct conception of how one should live and act?
- Political Philosophy: What is the relation between ethics and the law? What is the proper role of the state?
- Metaphysics: What is required to be a genuine agent or author of one's own actions?
- Philosophy of Mind: What is the nature of the self? How are different mental processes related?
- Philosophy of Science: What are the status and relevance of the social sciences? Of the natural sciences?
- Epistemology: What is required for genuine knowledge and understanding?

In the process, time and attention will be devoted to developing the general interpretive, analytical, and argumentative skills that are necessary for doing any kind of philosophy – and many other fields as well.

While questions of punishment and responsibility have occupied thinkers throughout Western history, in this class we will focus on current views. This means that we will be examining some difficult and complicated texts in contemporary philosophy and legal theory. Nonetheless, this course does not assume any prior background (though students with more experience with philosophy and/or other relevant fields should also find it rewarding). We will take the time to make sure that at least the main ideas are clear and accessible to everyone.

## Course Materials

There are no books that you need to buy for the course. Instead, all of the readings are available on the course CLEo site's "Resources" tab, organized by topic.

You will need to have the readings available in class, and I strongly recommend that you be able to mark them up, either by hand or electronically. If you print them out, I strongly encourage you to print on both sides of the paper, if possible. (Most campus printers can print double-sided – if you're unsure how, please just ask someone.)

Finally, you should make sure that you always have access to a good dictionary while you're reading. You can't understand the authors' ideas and arguments if you don't know what all of the words mean!

## Technology

- **CLEo:** Being registered for this course automatically gives you access to the (very rudimentary) CLEo site that I will be maintaining. If you're unfamiliar with CLEo or have any difficulty accessing the site, please just let me know.
- **E-Mail:** I will often distribute important announcements, reminders, and clarifications through the class list-server. It is your responsibility to *check your Whitman e-mail account every day!* If you have questions, ideas, information, and/or links that you'd like to share with the class, you're also welcome to use the class list-server, which can be accessed through the CLEo site.
- **In the Classroom:** You are welcome to use a computer, tablet, or smart-phone in the classroom, as long as it is *exclusively* focused on our immediate tasks (the readings, note-taking, etc.). You should *never, ever* take even a moment to check your e-mail, blog your tumblr on The Facebook, tweet your snapchat, etc.

## Field Trips

During the semester, three trips have been arranged for you to see first-hand the kinds of institutions in which our society confines wrongdoers, and to talk with the individuals confined in them and the staff who work there. Those trips will be closely integrated with the course readings and discussions, and are unusual and very powerful opportunities in themselves. So, the trips are **required**, and you will be officially excused from any classes or other activities that they will cause you to miss. There will also be one day when our meeting will start an hour early, because of a special guest coming in from out of town. That will also be an excused absence for anyone who has to miss class.

I encourage you to talk *now* with any relevant professors, coaches, directors, etc. about those days to begin making the arrangements you'll need in order to go on the trips. If you have an irresolvable conflict with one of the trips, you should talk with me as soon as possible. (Note that each of the institutions will need to conduct background checks, and I can't *guarantee* that everyone will be cleared.)

## Summary of Requirements and Grading

### Preparation and Participation — 20% of your total grade

Our class meetings will primarily focus on conversation about the readings and the larger issues that they address. It is essential for you to be an active and productive participant in our conversations. To do this, you must carefully read (and often re-read) the assignment before class, and come to our meetings with questions and ideas to discuss. There will occasionally be more specific assignments for you to complete. More details about expectations and grading standards are printed below.

### Response Papers — 60% of your total grade (15% each)

As we are examining the different views, it is important for you to reflect on the ideas presented and to develop your own thoughts in response. Four times throughout the semester (as indicated on the schedule below), you will articulate and support your views on the material in a moderate-length essay. More details about the assignment are printed at the end of this syllabus.

### Oral Final Examination — 20% of your total grade

During the final exam period, I will conduct a 30-40 minute oral examination of each student. The exam will be comprehensive, and may cover any of the material that we've read or discussed this semester. This one-on-one conversation will give you the best opportunity to demonstrate that you have understood, synthesized, and reflected on the issues and views that we've examined throughout the semester. More details will be provided toward the end of the semester.

## Writing Fellow

XXX is an outstanding student who took this course last spring, and who will be serving as the "Writing Fellow" this semester. Having honed her own skills in composing clear and convincing philosophical essays about punishment and responsibility, she will now be working with you to develop yours. Of course, I will also be happy to meet with you at any point in the semester; XXX's help is meant to supplement mine, not to replace it.

Before each paper, XXX will lead thesis-development workshops for small groups of students to help you hone their ideas and map out their arguments. And after each of the first three papers, she will have one-on-one meetings to discuss the comments and suggestions you've received and to help you determine how to address them in the next paper. More details about both of those are included with the explanation of the paper assignment at the end of the syllabus.

Each student will be **required** to participate in one of the thesis-development workshop before each of the first two papers, and to schedule a one-on-one meeting with her after the first paper is returned. You will be **strongly encouraged** to participate in thesis-development workshops before the third and fourth papers and to schedule a meeting after the second and third papers are returned. Simply put: the more you work with XXX, the better your papers will be!

Please be sure to respect XXX's time and schedule at least as much as you would mine. Skipping a workshop or a meeting with her, or cancelling less than 24 hours in advance, will result in your overall grade for the course being lowered by 1% (i.e., about a third of a notch) each time that happens.

# Tentative Schedule of Topics and Assignments

## 1. Justifications of Punishment

Wed. Jan. 18 introductory discussion: why should criminals be punished?

### A. Pure Deterrence

Fri. Jan. 20 Primoratz, *Justifying Legal Punishment*, ch. 2: "The Utility of Punishment"

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Mon. Jan. 23 Wilson, *Thinking about Crime*, chs. 7-8: "Penalties and Opportunities" and "Incapacitation"  
OR: Nagin, "Deterrence and Incapacitation" \*\* marked by last initial on CLEo \*\*

### B. Pure Retribution

Wed. Jan. 25 Morris, "Persons and Punishment"

Fri. Jan. 27 Morris, "Persons and Punishment" – reread

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Mon. Jan. 30 Davis, "Harm and Retribution"

Wed. Feb. 1 Murphy, "Getting Even: The Role of the Victim"  
\* bring completed clearance forms for prison tours

Fri. Feb. 3 Lippke, "Retribution and Incarceration"  
Newman, *Just and Painful*, chs. 6 and 8: "Splitting Crimes from Criminals"  
and "Comparing Punishments"

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### C. Hybrid of Deterrence + Retribution

Mon. Feb. 6 Hart, "Prolegomenon to the Principles of Punishment," secs. 1-2  
\*\* first essay due

Wed. Feb. 8 Rawls, "Two Concepts of Rules," secs. 1 & 3-4

### D. Communication & Education

Fri. Feb. 10 Feinberg, "Expressive Function of Punishment," secs. 1-3 & 5

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Mon. Feb. 13 Hampton, "An Expressive Theory of Retribution," secs. 1-4 & 6

Wed. Feb. 15 Hampton, "The Moral Education Theory of Punishment"

\* Thu. Feb. 16 @ 8:15 a.m. – trip to Washington State Penitentiary (Walla Walla)

Fri. Feb. 17 discussion of trip to WSP

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Mon. Feb. 20 NO CLASS – Presidents' Day

### E. Rehabilitation & Restoration

Wed. Feb. 22 Rotman, "Beyond Punishment"

Fri. Feb. 24 (no class because of afternoon field-trip)  
\* noon – trip to Eastern Oregon Correctional Institution (Pendleton)

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Mon. Feb. 27 discussion of trip to EOCI

Wed. Mar. 1 skim excerpts of "How to Escape Your Prison: A Moral Reconciliation Therapy Workbook"  
skim parts of the "Redemption Program" workbook  
guest speaker: Kathy Farrell-Guizar, Department of Corrections and The STAR Project

Fri. Mar. 3 Barnett, "Restitution: A New Paradigm of Criminal Justice"

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Mon. Mar. 6 Christie, "Conflicts as Property"  
Zehr & Mika, "Fundamental Concepts of Restorative Justice"  
\*\* second essay due

\* Wed. Mar. 8 – class starts at 8:00  
guest speaker: Jim Huffman, Victim Support Services

Fri. Mar. 10 Duff, "Restorative Punishment and Punitive Restoration"

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## SPRING BREAK

### 2. Issues of Responsibility

#### A. Justification and Excuse in General; Legal "Insanity"

Mon. Mar. 27 Hart, "Legal Responsibility and Excuses"

Wed. Mar. 29 Morse, "Brain and Blame"

Fri. Mar. 31 Feinberg, "What Is So Special about Mental Illness?"

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Mon. Apr. 3 Moore, "Mental Illness and Responsibility"

Wed. Apr. 5 Bayles, "Character, Purpose, and Criminal Responsibility"

Fri. Apr. 7 Reznek, *Evil or Ill?*, excerpts  
\* bring completed clearance form for Juvenile Justice Center

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## B. Psychopathy

- Mon. Apr. 10** Murphy, "Moral Death"  
**Wed. Apr. 12** Elliott, "Morals, Lions, and Psychopaths"  
**Fri. Apr. 14** Litton, "Criminal Responsibility and Psychopathy"
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## C. Age

- Mon. Apr. 17** Steinberg & Scott, "Less Guilty by Reason of Adolescence"  
Beckman, "Crime, Culpability, and the Adolescent Brain"  
*optional: Roper v. Simmons (2005 Supreme Court decision banning capital punishment of juveniles)*  
**\*\* third essay due**
- Wed. Apr. 19** Morse, "Immaturity and Irresponsibility," secs. 1 & 3-4  
**Fri. Apr. 21** Zimring, "Penal Proportionality for the Young Offender"  
*\* Fri. Apr. 21 @ 1:45 – trip to Walla Walla County Juvenile Justice Center*
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## D. Addiction

- Mon. Apr. 24** Sinnott-Armstrong, "Are Addicts Responsible?"  
**Wed. Apr. 26** Morse, "Hooked on Hype," secs. 4-6  
**Fri. Apr. 28** Levy, "Addiction, Responsibility, and Ego Depletion"
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## E. Social Deprivation

- Mon. May 1** Tonry, *Malign Neglect*, chs. 4 and 5: "Social Adversity and the Criminal Law"  
and "Social Adversity and Punishment"  
**Wed. May 3** Lippke, "Social Deprivation as Tempting Fate," sec. 2  
**Fri. May 5** Delgado, "'Rotten Social Background' [...]"
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- Mon. May 8** semester wrap-up  
**\*\* fourth essay due**

## Class Participation Expectations and Standards

Most of our time together will be spent in a group conversation about the issues, views, and questions suggested by the readings. You will learn not only from the authors and from me, but also from each other.

As with any conversation, you can't usefully participate if you don't have anything to contribute or if you don't know what you're talking about. So it is essential that you come to our meetings well-prepared:

- Carefully read (and often re-read) the assignment before class.
- Reflect on the reading, and identify some questions, issues, and ideas that are worth discussing.
- Complete any additional assignments that have been given.

Everyone in the class should be a part of our conversation. With a group this size, no one person needs to talk all of the time. As long as you are regularly involved in the discussion, the *quality* of your contributions is much more important than the *quantity* of time that you're speaking. There are many different ways of contributing, all of which are very important. You should work to find the forms of participation that are most effective for you. At the same time, I hope that you don't settle into a rut, but rather try different forms of participation on different occasions.

I understand that everyone has good days and not-so-good days; some of the readings and issues will engage you more than others. Your participation grade will be based on your overall involvement throughout the semester. These are the grading criteria that will be used:

An **OUTSTANDING** participant (A-level) consistently:

- Displays genuine enthusiasm and engagement with the readings and issues.
- Plays a leadership role and advances the conversation to new levels.
- Contributes complex insights into the readings and issues.
- Draws connections among the different readings and issues.
- Raises provocative new questions, issues, and ideas.
- Enhances the participation of others by questioning, actively listening, and sharing time.

A **GOOD** participant (B-level) typically:

- Shows interest and effort.
- Actively listens and volunteers.
- Stays on-topic and furthers the conversation.
- Expresses substantial, well-supported ideas.
- Asks good questions about the readings and issues.
- Engages other students, and not just me.

A minimally **ACCEPTABLE** participant (C-level) typically:

- Listens but does not volunteer.
- Shows acquaintance with the readings and some signs of preparation if called on.
- Offers reactions to the readings, but without specific textual references or other support.

**UNACCEPTABLE** (failing) behavior includes any of the following:

- Frequent absence.
- No evidence of preparation.
- Dozing off in class. (If you're that sleepy, you should simply go home and take a nap!)
- Other signs of disengagement at our meetings: doodling, working for another class, etc.
- "Toxic" or hostile behavior that undermines our intellectual community.

## Response Papers

The purpose of the response papers is to give you a forum throughout the semester to develop and express your own thoughts about the course material. The only requirements are:

1. **Your essay must make direct contact with at least one specific and significant idea from one of the readings that we have discussed since the previous paper.**

*Note:* You should *not* write about a reading that is assigned for the same day the paper is due. You'll be able to write about that in your next paper, after we've had a chance to finish working through it together.

2. **Your essay must make a point: explain and support a specific claim / thesis.**

Your essay shouldn't simply summarize one of the readings, nor present a series of disconnected reactions. Instead, it should be shaped into a unified *argument* with a definite *conclusion*.

Some of the possibilities include:

- Identify and explore one of the important assumptions behind an author's view.
- Provide further or different support for one of an author's claims.
- Present an objection to one of an author's claims.
- Explore the connections between two different aspects of an author's view.
- Relate one author's ideas to another author that we read.
- Extend or apply one of the author's main ideas to some other issue that she or he doesn't consider.

These are only suggestions; any other topic is fine, as long as it satisfies the two requirements listed above.

**Length: about 1300-1500 words.** While those aren't exact limits, you should try very hard to stay within them.

An essay that is significantly shorter than 1300 words is either trying to do too little, or isn't adequately explaining and supporting its ideas. An essay that is significantly longer than 1500 words is either trying to do too much, or is overly wordy, overly detailed, and/or repetitive.

**Format – follow these guidelines *exactly!***

- Your essay should be typed using 12-point Times New Roman font, with one-inch margins all around.
- In the upper left-hand corner, you should print your name and the date.
- The title of your essay should be centered and in bold font, and it should indicate the specific topic or view that you will discuss. (Cleverness is optional.)
- The body of your paper should be double-spaced.
- You should use parenthetical citation, not footnotes or endnotes.
- You should *not* include a list of works cited, *unless* you use sources that aren't assigned for this class.

**Citation (very important!):** If you use someone else's exact words, you *must* put them in quotation marks, and you must give proper acknowledgment. You *must* also acknowledge the source of any specific passages or ideas that you paraphrase. **Failing to include proper citations could be deemed to be a form of plagiarism!** It doesn't matter whether it's intentional or accidental – you have a responsibility to keep track of the sources of the words and ideas in your work, and to include citations to them.

**Due:** Papers are due **before class begins** on the day specified on the schedule. You should submit your paper by uploading it to your "Drop Box" on the CLEo site.

**NOTE:** Your file will have to be in Microsoft Word format, for me to be able to access it and insert comments. If you use a different program and don't know how to convert the file, be sure to talk with someone in Tech Services *in advance* to figure that out.



### **Extension Policies:**

- If you have a Whitman-sanctioned activity, a religious observance, or a pre-planned family event, you should talk with me *in advance*, and I'll be happy to make any reasonable accommodation.
- If you have an unexpected emergency, you should talk with one of Whitman's Powers That Be (such as the Dean of Students or Counseling Center) as soon as you can afterwards. Once I get official clearance, I will be happy to make any reasonable accommodation.
- For more ordinary circumstances (such as workload, feeling under the weather, or a Justin Bieber concert in Seattle), each student will begin the semester with a "bank" of **7 late-days**, to be used across the four papers as she or he sees fit. There is no need to let me know in advance when you plan on using them, nor do you need to tell me why (in fact, please don't!) – you may simply hand in one or more of the papers late.

Note that taking an extension will *not* change the material available for either that paper or the next one; it simply pushes back the deadline.

A "day" is a 24-hour period, starting from 9:00 a.m. on the day the essay is due. Fractions will not be counted, so any paper submitted after 9:00 will be counted as using the entire next day.

**\* Late papers will not be accepted for credit under any other circumstances! (So use your late-days carefully!)**

## **How XXX Can Help You**

### **(1) Thesis-Development Workshops:**

In the days leading up to the due-date for each paper, XXX will lead a series of thesis-development workshops with small groups of students. Those will help you to refine and to focus your ideas, and then to structure your paper to support your thesis in a systematic way.

Prior to the workshop, you will be expected to have a written plan with a draft thesis and an outline or sketch of how your paper will present and support it. Of course, you are welcome to modify that plan in whatever ways seem appropriate based on the workshop. If your plan is handwritten, you should submit it in class after your paper is submitted. If your plan is in an electronic format, you should upload the file to your CLEo "Drop Box" along with the paper.

All students will be required to participate in a thesis-development workshop before each of the first two papers is due. For the remaining papers, participating in a workshop will be strongly encouraged – it's a very small time-commitment that could make a big difference in the quality of your work!

### **(2) One-on-One Feedback Meetings:**

In order to improve your philosophical understanding and insight, as well as your ability to present and support those in writing, it is crucial for you to build from the feedback you receive your papers. After each of the first three papers is returned, XXX will be available for one-on-one meetings to talk through your understanding of the feedback and suggestions that you've received, as well as your ideas for addressing the issues that have been pointed out.

Prior to a meeting, you will be expected to develop a written plan for how you would / will improve the essay in response to the comments and suggestions provided. It should be as specific as possible: If there are problems with the structure and organization, figure out how you can rearrange and/or make the steps of your argument clearer. If your representation of the author's claims isn't entirely accurate, then check the text and your class notes again to improve your understanding. If there are concerns about the strength of your view, develop further arguments to support it and/or refine it to be more plausible.

All students will be required to schedule a feedback meeting with XXX after the first paper is returned. For the second and third papers, having such a meeting will be strongly encouraged – again, it's a very small time-commitment that could make a big difference in the quality of your work!

## Elements of a Successful Philosophy Paper

A successful philosophical essay advances a position with clarity, momentum, and the force of compelling evidence. It must include:

1. A **thesis**. A thesis is not just the topic or issue you are writing about, it is what you are claiming about that topic or issue. It should be stated clearly and fully at the outset of the paper. Surprise is not a virtue!
2. Clear **organization**. The body of the essay should proceed in a logical way that builds toward your thesis. A paragraph is not just a typographical unit but also an intellectual unit: one paragraph should equal one main idea. So, each paragraph should make a single main step, building from the previous paragraphs/steps and toward your overall thesis.
3. Explicit **structure**. Each paragraph should make a single main step toward the establishment of your overall thesis. That step should be stated explicitly at the paragraph's outset (as a kind of paragraph-thesis), and the paragraph should be focused exclusively on explaining and supporting it. You should also make it clear to your reader how that step contributes to your overall thesis.
4. Careful use of **textual evidence**. Every idea that you attribute to the author should be grounded in citations to specific passages from the text. You should use direct quotes only if the exact words of the author are important, or if you couldn't possibly capture the idea better yourself; otherwise, you should paraphrase. Whenever you do quote, make sure that you explain what you get out of that passage and how it fits into your discussion.
5. Thorough and convincing **arguments** in support of your thesis about the author's views. Simply stating your view isn't enough; you need to articulate as clearly and carefully as you can why you accept it. Provide as complete a statement of your reasoning as you possibly can, and when you reach its foundation, identify your starting assumptions explicitly. If you can think of any examples to help illustrate your view, present them and explain how they help. As well, you should consider what kinds of objections or counter-examples might be presented, and do your best to avoid or address them.

## Academic Honesty

**All of the work that you submit in this course must be entirely your own.** Of course, you can seek help in a variety of ways as you're working on the papers. So it is **permitted** (and even encouraged!) for you: to consult additional readings, to search for material on the internet, to discuss your ideas with other students, and to read and to discuss drafts of each other's papers. But it is **not permitted** for you to use someone else's words or specific ideas in your written work without providing a proper citation to the source. Even if it's an accident, it's still plagiarism! You have a responsibility to keep track of the origins of the words and ideas in your work, and to include citations to them.

Plagiarism will *not* be tolerated in any form. You have signed a statement indicating that you understand and will abide by the College policy on plagiarism. **Any student caught plagiarizing will automatically fail the course, and may be expelled from the College.** For more details, see the Student Handbook.

If you have *any* questions about what would or wouldn't be plagiarism in this context, please just talk with me about it *in advance*.

## Grading Standards for Response Papers

It is important to understand that the quality of your understanding and insight cannot directly be graded. All that can be graded is the *product* of that understanding and insight: your paper. These are the standards of evaluation that I employ:

An **OUTSTANDING** (A-level) paper:

- Reveals a thorough and careful understanding of the reading.
- Contains sophisticated and penetrating insights into the reading and issues.
- Draws interesting and thought-provoking connections among ideas.
- Moves well beyond our class discussions.
- Is written in lucid and elegant prose.
- Is well-organized, with a logical flow.
- Displays a clear structure, with a helpful introduction, transitions, and conclusion.
- Is virtually flawless in its mechanics, with almost no typos, misspellings, or mistakes of grammar or punctuation.

A **GOOD** (B-level) paper:

- Indicates a good grasp of the reading and issues.
- Proposes a thesis that goes beyond what's directly stated in the text and what we directly discussed in class.
- Develops a coherent line of argument.
- Is written clearly enough to convey its points.
- Follows a discernible structure.
- Has few mechanical errors, such as typos, misspellings, and mistakes of grammar and punctuation.
- May compensate for weakness in some aspects with particular strength in others.

A **POOR** (C-level) paper:

- Displays some understanding of the reading and issues.
- Meets the fundamental requirements of the assignment.

*but* has serious flaws, such as:

- Incomplete or partially mistaken views about the reading or issues.
- Too little substance beyond summarizing the reading.
- Insufficient evidence and argumentation to articulate and support its basic claims.
- Lack of a central line of argument or discussion, instead jumping from topic to topic.
- Writing that is too unclear to convey specific thoughts.
- Major mechanical errors – too many typos, misspellings, and/or mistakes of grammar and punctuation.

**UNACCEPTABLE** (failing) work may include any of the following:

- A complete misunderstanding of the material.
- A lack of substance normally found in college-level work.
- Incomprehensible writing.