PHIL 177-A: Punishment & Responsibility
Whitman College – Spring 2010
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Course Description and Goals

Our society places extraordinary emphasis on punishment: the United States has one of the highest incarceration rates in the world, with well over two million people in our prisons and jails. Walla Walla itself is home to the Washington State Penitentiary, which currently houses over 2000 inmates, and which was recently expanded to increase its capacity significantly†. 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 for punishment? What kinds of punishment are or are not justified?

★ Responsibility: Under what circumstances is or isn’t it appropriate to punish someone? What are the limits of responsibility?

Throughout the semester, 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?
- Philosophy of Mind: What is the nature of the self?
- Philosophy of Science: What are the status and relevance of the social sciences? Of the natural sciences?

Time and attention will also be devoted to developing the general interpretive, analytical, and argumentative skills that are necessary for doing any kind of philosophy well.

While questions of punishment and responsibility have occupied thinkers for millennia, in this class we will focus on current views. This means that we will be examining some difficult and complicated texts in contemporary philosophy. 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.

† Though now, because of budget cuts, a big part of WSP might be closed soon.
Course Materials

There are no books that you need to buy for the course. Instead, all of the readings will be available on the course CLEo site (explained below). They will be posted as “Resources,” organized by topic.

I strongly recommend that you print out the readings so that you can mark them up, and have them available in class and when writing papers. If you do 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!

CLEo & E-mail

Being registered for this course automatically gives you access to the CLEo site that I will be maintaining. To log in to the site, simply go to http://cleo.whitman.edu (or use the pull-down menu on the right side of the students’ version of the main Whitman webpage). Your username and password are the same as for your Whitman e-mail account. The site is pretty simple to navigate. Please take a few minutes now to poke around and see what is (or could be) there.

Note that I will often distribute important announcements, reminders, and clarifications through the class list-server. One of your responsibilities for this course is to check your account every day!

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 (lowest grade dropped, others 10% 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. About once every two weeks (as indicated on the schedule below), you will articulate and support your views on the material in a brief 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 brief (30 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.
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. I encourage you to talk now with any relevant faculty, coaches, directors, etc. about those days to make any needed arrangements. 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 – though I’ve never yet heard of a student who wasn’t.)

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 to prepare yourself for the papers and the exam. So it is permitted (and even recommended!) for you to: consult additional readings, search for material on the internet, discuss your ideas with other students, exchange notes with other students, and read and 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.

Plagiarism will not be tolerated. You have signed a statement indicating that you understand and will follow 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.

Tentative Schedule of Topics and Assignments

Tue. Jan. 19 course introduction

1. Justifications of Punishment

   A. Deterrence


Mon. Jan. 25 Wilson, Thinking about Crime, chs. 7-8: “Penalties and Opportunities” & “Incapacitation”
optional: Nagin, “Deterrence and Incapacitation” (more recent data, but a bit more technical)


B. Retribution

Mon. Feb. 1 Morris, “Persons and Punishment” response paper #1

Tue. Feb. 2 Morris, cont.

Thu. Feb. 4 Davis, “Harm and Retribution”
**Fri. Feb. 5** afternoon field trip to Washington State Penitentiary (Walla Walla)

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Mon. Feb. 8 discussion of trip to WSP
Tue. Feb. 9 Murphy, “Getting Even: The Role of the Victim”

**C. Communication & Education**


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Mon. Feb. 15 NO CLASS – Presidents’ Day
Tue. Feb. 16 Hampton, “An Expressive Theory of Retribution,” secs. 1-4 & 6

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**D. Rehabilitation & Restitution**

Tue. Feb. 23 Rotman, “Beyond Punishment”

* Wed. Feb. 24 day-long field trip to Pine Lodge & Airway Heights Corrections Centers (Spokane)
Thu. Feb. 25 discussion of trip to Pine Lodge & Airway Heights

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Tue. Mar. 2 Sayre-McCord, “Criminal Justice and Legal Reparations […]”

**2. Types of Punishment**

Thu. Mar. 4 Lippke, “Retribution and Incarceration”

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Mon. Mar. 8 Newman, Just and Painful, 2nd edn., chs. 6 and 8: “Splitting Crimes from Criminals” & “Comparing Punishments”
Tue. Mar. 9 Pojman, “Why the Death Penalty Is Morally Permissible”
Thu. Mar. 11 Pojman, cont. response paper #4

—— SPRING BREAK ——

**3. Issues of Responsibility**

**A. Justification, Excuse, and Mitigation in General**

Mon. Mar. 29 Hart, “Legal Responsibility and Excuses”
Tue. Mar. 30 Morse, “Brain and Blame”
Thu. Apr. 1 class visit by Dr. Margaret Vandiver (Criminology, U of Memphis)
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<tr>
<td>Mon. Apr. 5</td>
<td>Bayles, “Character, Purpose, and Criminal Responsibility”</td>
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<td>Tue. Apr. 6</td>
<td>NO CLASS – Undergraduate Conference</td>
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<td>Thu. Apr. 8</td>
<td>Husak, “Partial Defenses,” secs. 1 &amp; 3-5</td>
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**B. Insanity**

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<tr>
<td>Tue. Apr. 13</td>
<td>Moore, “Mental Illness and Responsibility”</td>
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<td>Thu. Apr. 15</td>
<td>Reznek, <em>Evil or Ill?</em>, excerpts</td>
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**C. Psychopathy**

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<tr>
<td>Mon. Apr. 19</td>
<td>Murphy, “Moral Death”</td>
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<td>Elliott, “Morals, Lions, and Psychopaths,” excerpt</td>
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<tr>
<td>Tue. Apr. 20</td>
<td>Levy, “The Responsibility of Psychopaths Revisited” + responses</td>
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**D. Age**

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<tr>
<td>Thu. Apr. 22</td>
<td>Steinberg &amp; Scott, “Less Guilty by Reason of Adolescence”</td>
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<td>Beckman, “Crime, Culpability, and the Adolescent Brain”</td>
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<td>* optional: edited version of Roper v. Simmons (2005 Supreme Court</td>
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<td>decision banning capital punishment of juveniles)</td>
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<td>* Fri. Apr. 23</td>
<td>afternoon field trip to Walla Walla County Juvenile Justice Center</td>
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**E. Addiction**

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<tr>
<td>Thu. Apr. 29</td>
<td>Husak, “Addiction and Criminal Liability”</td>
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**F. Social Deprivation**

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<tr>
<td>Mon. May 3</td>
<td>Morse, “Hooked on Hype,” secs. 4-6</td>
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<td>* response paper #7</td>
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<td>Tue. May 4</td>
<td>Delgado, “‘Rotten Social Background’[…]”</td>
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<td>* response paper #7</td>
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**Mon. May 10** | Lippke, “Diminished Opportunities, Diminished Capacities”                  |

**Tue. May 11** | semester wrap-up
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 over 20 of us in the room, 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 that the quantity of time that you’re speaking. I also 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.

An OUTSTANDING participant (A-level) typically:
- Displays genuine enthusiasm and engagement with the readings.
- Plays a leadership role and advances the conversation to new levels.
- Contributes complex insights into the texts and issues.
- Draws connections among the different texts and issues.
- Raises provocative new questions and issues.
- Enhances the participation of others by questioning, actively listening, and sharing time.

A GOOD participant (B-level) typically:
- Shows interest and effort.
- Stays on-topic and furthers the conversation.
- Expresses substantial, well-supported ideas.
- Asks good questions about the texts and issues.
- Engages other students, and not just me.

An ADEQUATE participant (C-level) typically:
- Listens but does not volunteer.
- Shows acquaintance with the texts and some signs of preparation if called on.
- Offers opinions on and reactions to the texts, 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.
- 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 idea or passage from one of the readings.
2. Your essay must make a point: explain and support a particular claim / thesis.

Some of the possibilities include:

- Explore one of the assumptions behind an author’s view.
- Present an objection to one of an author’s claims.
- Provide further or different support for 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.
- Expand on or respond to a point made in class about an author’s view.

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

Length: There is an absolute maximum length of 1000 words.

Format:
- Your essay should be typed using 12-point Times New Roman font, with one-inch margins all around.
- In the upper left-hand corner, single-spaced, you should list your name, the course, my name, and the date.
- The body of your paper should be double-spaced.
- At the end of your essay, you should include a word-count.
- If possible, please print on both sides of the paper.
- Multiple pages should be stapled together.

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 any specific passages or ideas that you paraphrase. For this assignment, informal citation is fine. After the end of the quote or paraphrase, include a brief parenthetical citation in the text. For outside sources, just include enough information for your reader to find the original source.

Due: Response papers are due at the beginning of class on the due date.

Extension Policies:
- If you have a Whitman-sanctioned activity (such as a sport), a religious observance, or a pre-planned family event (such as a wedding), you should talk with me in advance, and I’ll be happy to make any reasonable accommodation.
- If you have an unexpected emergency (such as a significant illness or death in the family), 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 any other reason you like, or for no particular reason at all, you may take a 4-day extension on any two of the papers. So a paper that is originally due on a Monday may be submitted by 11:00 a.m. that
Friday (to my mailbox in the main Olin office), or a paper that is originally due on a Thursday may be submitted at the beginning of class the following Monday. You don't need to tell me in advance; you can simply submit that paper at the later time.

*Late papers will not be accepted for credit under any other circumstances!!!

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.** This is the position which you are proposing. It should be stated clearly and fully at the outset of the paper. (Surprise is not a virtue!) A thesis is not just the topic or issue you are writing about, it is what you are claiming about that topic or issue.

2. **Clear organization and explicit structure.** State your thesis at the outset of the paper and then organize your paragraphs to prove that thesis. Each paragraph should have its own “paragraph thesis,” stated at its beginning, which that paragraph tries to establish. A paragraph is not a typographical unit but an intellectual unit: one paragraph should equal one main idea. You should also make it clear to your reader how each paragraph / idea contributes to your overall thesis.

3. **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 explicitly show your reader how the quoted passage relates to your thesis.

4. **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 think that. Provide as complete as 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.

5. **Mechanical correctness.** There is no excuse for mistakes! You should refer to Hacker’s Style Manual for matters of grammar and usage, and to your dictionary for matters of spelling. Make sure that you proofread very carefully.
Grading Standards:

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 reading of the text.
- Contains sophisticated and penetrating insights into the text 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: almost no typos, misspellings, or mistakes of grammar or punctuation.

A GOOD (B-level) paper:
- Indicates a good grasp of the text and issues.
- 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 text and issues.
- Indicates a reasonable attempt to address the assignment.

but has serious flaws, such as:
- Incomplete or partially mistaken views about the text or issues.
- Too little substance beyond summarizing the text.
- 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 express your 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.

In calculating your overall grade, your lowest response paper grade will be dropped. You may skip one if you wish, but I recommend that you plan to complete them all: it’s a good idea to have a cushion in case you don’t do as well as you’d like on one or need to miss one unexpectedly.