

## Public Policy and Ethics

### PPL 492, Section 1

Fall 2021

T/R 1:00–2:15pm

Lott 113

## Dr. Kyle Fritz

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Office Hours: T/R 9:30-10:30 & 2:30-3:30  
or by appt. (Zoom optional)

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## 1. COURSE OVERVIEW\*

**1.1 Description:** In the United States, legal punishment takes various forms, but primarily consists of incarceration or fines. Yet what justifies the state in putting people in prison or taking their money? Put another way, *why* do we punish people? There are competing philosophical theories for what justifies punishment, but which is correct? Understanding the purpose of punishment can help us conform our methods of punishment accordingly. For instance, if the purpose of punishment is to rehabilitate offenders, we will need to make sure that whatever methods of punishment we use *actually* rehabilitate. In this way, understanding *why* we punish informs *how* we should punish. But recently, some have suggested there is *no* justification for some forms of punishment, like incarceration. Others have argued that the state isn't justified in punishing in any way at all. We'll spend some time considering those arguments and what policy alternatives to prison or punishment there could be.

*A note on success in this course: While PPL 212 and 300 are not prerequisites for this course, we will be relying on some skills and concepts that are discussed and practiced at length in those courses. Students who have not had those courses should let me know and should plan to meet with me more often during office hours so that I can help them with papers and readings.*

### 1.2 Course Objectives and Student Learning Outcomes:

This course is designed to:

- Help students better understand the nature of punishment and key philosophical theories for justifying punishment generally
- Help students apply philosophical frameworks and reasoning to evaluate punishment policies in the United States
- Develop or improve students' skills in critical thinking and effective communication, including expository and persuasive writing skills and in presenting information

By the end of the course, students should be able to:

- Define punishment and distinguish it from harm, confinement, and reparations
- Explain and evaluate key theories for the justification of punishment
- Evaluate the justification of key forms of punishment (incarceration, fines, etc.) using philosophical frameworks
- Apply theories of the justification of punishment to create, develop, and defend their own arguments for the reform or abolition of various punishment policies, or else develop arguments to defend current policies against such critiques
- Communicate more effectively and confidently about punishment policy
- Synthesize the skills above to help lead classroom discussions

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\* Except for changes that substantially affect implementation of grading, this syllabus is a guide for the course and is subject to change with advanced notice. Students should read the entire syllabus carefully. It aims to cover every question students might have about course policies, procedures, and requirements.

## 2. REQUIRED TEXT

There is no required textbook for this course. Readings and links will be posted on Blackboard.

## 3. COURSE FORMAT AND COVID-19

This course will be taught in person, but there is the possibility that if infection rates of COVID-19 increase significantly, we will need to meet in an alternative format—probably via Zoom. Students are responsible for checking their email and keeping up with announcements on Blackboard to stay aware of any course changes.

I understand that not all students may be vaccinated against COVID-19. Please bear this in mind and respect your fellow students. **Do not come to class if you feel sick or have a fever.** Additionally, it may be necessary to wear a mask in the classroom not only to prevent the spread of COVID-19, but other seasonal illnesses such as the flu. *Remember that face coverings do not primarily protect the wearer, but those around the wearer—including the unvaccinated.* Please wear a mask if requested, and ensure that it covers both your nose and mouth. Students who fail to follow guidelines will be required to leave the session. This will help ensure our meetings are as safe and comfortable as possible.

The University must have accurate contact information, including cell phone numbers, to facilitate student communications and contact tracing. Students should check and update their University contact information (<https://olemiss.edu/mystudentprofile>).

## 4. COURSE REQUIREMENTS

**4.1 Participation:** Students are expected to participate in class. To receive full participation, students should offer a substantial contribution in 17 out of 26 class meetings. A substantial contribution can be: (1) A critical or reflective question (not a basic, surface-level question that is easily answered in a few words (though these are welcome too—but not for credit)), (2) A reflective or insightful response to another’s question, (3) A reflective or insightful response to my question, etc. Students can earn partial participation credit through discussion with me in email or office hours.

**4.2 Weekly Reflections:** Because the course is driven by discussion of concepts and arguments found in the readings, it is imperative that students read course material. To incentivize reading, students are required to write a one-page reflection paper each week. I will post questions on Blackboard, and students will select one or two questions to answer in their reflection. Questions may range from explaining an argument or policy proposal to evaluating an argument or proposal, but will require students to complete the relevant reading. Reflections are due at the beginning of class, *before* discussion of the relevant reading. Only one reflection is due per week, so students may choose whether to submit a reflection on Tuesday or Thursday, according to what best fits their schedule. Further details, including instructions and a rubric, are available on Blackboard.

**4.4 Theory Paper:** Students will write an original paper defending a thesis on the justification of punishment. Students will present an argument as to why it is justified for the state to punish individuals. Alternatively, students may argue that it is *not* justified for the state to punish. The paper should be 1500-2000 words, and should explain and respond to at least one objection. Further details, including instructions and a rubric, are available on Blackboard.

**4.5 Application Paper:** Students will write an original paper applying their preferred theory of punishment to some particular punishment policy. The paper could show that some policy is justified as it currently is, that the policy should be changed in a particular way, or that the policy cannot be justified

on that theory and so must be abolished. It should be 2500-3000 words, and should explain and respond to at least one objection. Further details, including instructions and a rubric, are available on Blackboard.

**4.6 Discussion Leader:** Once during the semester, each student will be responsible for being the discussion leader during class. Discussion leaders should submit a brief summary of the assigned text and a list of 5 questions to me by midnight the night before the day we are scheduled to discuss the material. The discussion leader will share the responsibility of ensuring that class discussion runs smoothly, and will be treated as an authority on the reading under discussion. Further details, including instructions and a rubric, are available on Blackboard.

## 5. GRADING POLICIES

**5.1 Grade Distribution:** The course requirements contribute to your final grade as follows:

Participation:	15%
Weekly Reflections:	25%
Theory Paper:	15%
Application Paper:	30%
Discussion Leader:	15%

### 5.2 Final Grading Scale:

A	93-100	B+	87-89	C+	77-79	D+	67-69
A-	90-92	B	83-86	C	73-76	D	60-66
		B-	80-82	C-	70-72	F	0-59

**5.3 Late or Missed Assignments:** In general, assignments handed in late without a legitimate excuse will be penalized 1 point (out of 10) for each day late, including weekends. Late assignments will be accepted up to four days after the due date. *After four days, assignments will not be accepted and will receive an automatic 0.* If a student is unable to meet an assignment's deadline, they should contact the instructor **before** the deadline. **Excuses for lateness given after the fact will almost never be honored.**

## 6. UNIVERSITY POLICIES

**6.1 Academic Misconduct and Plagiarism:** Students are expected to uphold the University of Mississippi's standards for academic honesty. For a description of various kinds of academic misconduct and the disciplinary ramifications involved, refer to the University of Mississippi's standards of academic misconduct. A PDF is available on Blackboard, and information can also be found on the University of Mississippi website at: <http://catalog.olemiss.edu/academics/regulations/conduct>. In addition, students can refer to the university's *M Book* for answers to any questions about academic honesty. **I take academic dishonesty very seriously. If students have questions about what plagiarism is or how to avoid it, they should see me as soon as possible for clarification and watch the following video:** [http://www.olemiss.edu/depts/general\\_library/instruction/resources/plagiarism\\_ac\\_honest/plagiarism\\_academic\\_honesty.html](http://www.olemiss.edu/depts/general_library/instruction/resources/plagiarism_ac_honest/plagiarism_academic_honesty.html). **Ignorance of what plagiarism is will not excuse students from penalties** for violations of the Student Academic Conduct and Discipline Policy, which can be severe and may result in expulsion.

Please also keep in mind that the course materials (lecture slides, exams, instructions, rubrics, etc.) are my intellectual property and must not be shared with others, including students outside the class or uploaded to "tutoring" sites. Students who share such materials or who consult such materials from others will be guilty of academic misconduct and will be disciplined accordingly.

**6.2 Disability Access and Inclusion:** The University of Mississippi is committed to the creation of inclusive learning environments for all students. If there are aspects of the instruction or design of this course that result in barriers to your full inclusion and participation, or to accurate assessment of your achievement, please contact the course instructor as soon as possible. Barriers may include, but are not necessarily limited to, timed exams and in-class assignments, difficulty with the acquisition of lecture content, inaccessible web content, and the use of non-captioned or non-transcribed video and audio files. If you are approved through SDS, you must log in to your Rebel Access portal at <https://sds.olemiss.edu> to request approved accommodations. If you are NOT approved through SDS, you must contact Student Disability Services at 662-915-7128 so the office can: 1. determine your eligibility for accommodations, 2. disseminate to your instructors a Faculty Notification Letter, 3. facilitate the removal of barriers, and 4. ensure you have equal access to the same opportunities for success that are available to all students. *Students with diagnosed health concerns that may affect their compliance with COVID-19 health requirements should contact UM's Student Disability Services (SDS) Office (<https://sds.olemiss.edu>) to see if they are eligible for an SDS accommodation as soon as possible.*

## 7. CLASSROOM POLICIES

**7.1 Attendance:** Attendance verification during the first two weeks of class is required by the University of Mississippi. Students must attend class at least once during this two-week period to ensure that they are not dropped from the course and to avoid any adjustments to financial aid. For more information on this policy, see <http://olemiss.edu/gotoclass>.

I will take attendance at the beginning of every class meeting. Students are expected to attend all class meetings (unless the absence is excused). Students will not receive any points for attending class. Instead, they will lose points from their final grade if too many classes are missed without justification. **Students may miss two classes meeting without penalty. After the third unexcused absence, the student's final grade will be lowered by 2% for each absence.** Students are expected to act professionally and to be respectful of the time of both the instructor and their fellow students.

Students with a legitimate excuse (illness, internet problems, etc.) should notify me as soon as possible and, if they are able, should provide some documentation of the excuse. For instance, if you have tested positive for COVID-19, you may send a picture of your test result. *However, please do not seek documentation if it will put you or others at risk. **If you or someone you live with has been exposed to COVID-19, do not come to class until you have tested negative.***

**7.2 Punctuality and Attention:** Please enter the classroom on time to minimize distractions. Once in the room, you are expected to fully participate in the discussion and to minimize distractions that are within your control. This means no cell phones, outside chats, etc. Students are also expected to remain in class for the entire discussion. If students have a legitimate reason for being late or leaving early, they should notify me ahead of time. ***Students who enter class more than 15 minutes late or leave class more than 15 minutes early without a valid excuse will be marked as absent. Students who habitually come to class late will also be marked as absent.***

**7.3 Respect and Civility During Discussion:** Students are expected to show their fellow classmates and me the utmost respect. **This means, at the very least, not jeering or interrupting or carrying on private conversations while another person is speaking.** If a student has a response to another student's comment or question, they should offer it in a calm and respectful manner. We are here to share ideas and learn from each other, and these goals cannot be achieved in a hostile environment. Disrespect will not be tolerated.

**7.4 Sensitive Topics:** Punishment is inherently unpleasant, and the experiences of people being punished that we might encounter could be distressing. In addition, many writers mention punishment for specific crimes, such as murder and sexual assault. If for whatever reason reading or discussing these topics are challenging for you (and you feel comfortable doing so), please let me know. Additionally, students should be aware that peers may be especially sensitive to these topics, and may know individuals who are or have been incarcerated or affected by legal punishment. Please keep that in mind and be kind to each other.

## 8. COURSE SCHEDULE (subject to change)

Students are responsible for carefully completing each reading assignment and watching the lecture(s) **before** coming to a discussion session. If we deviate from the schedule below, it is the student's responsibility to stay informed of schedule changes, which will be announced in class and posted on Blackboard. **All readings are posted to Blackboard in the relevant learning module.** Because this is an upper-level course, the reading schedule is more demanding. If you can't finish a reading before class, please at least read the introduction and conclusion and skim the reading to get the gist.

	Readings	Assignments
<b>WHAT IS PUNISHMENT?</b>		
1 T 8.24	<ul style="list-style-type: none"> <li>Introduction</li> </ul>	Getting to Know You Survey (Bb)  Syllabus Reading Quiz (Bb)
2 R 8.26	<ul style="list-style-type: none"> <li>Michael Zimmerman, "The Definition of Punishment" (<i>The Immorality of Punishment</i>, ch. 1)</li> </ul>	Reflection 1
<b>WHY SHOULD WE PUNISH?</b>		
<i>Retributivism</i>		
3 T 8.31	<ul style="list-style-type: none"> <li>Alec Walen, "Retributive Justice" (SEP, sec. 1 and 3)</li> <li>John Tasioulas, "Justice and Punishment" (Retributive Justice section only)</li> <li>Victor Tadros, "Desert and State Punishment" (excerpt from <i>The Ends of Harm: The Moral Foundation of Criminal Law</i>, ch. 4, pp. 78-83)</li> </ul>	Reflection 2
4 R 9.2	<ul style="list-style-type: none"> <li>Jesper Ryberg, "Proportionality and the Seriousness of Crimes" (<i>Of One-Eyed and Toothless Miscreants</i>, ch. 3, pp. 51-75)</li> </ul>	Reflection 2
<i>Consequentialism</i>		
5 T 9.7	<ul style="list-style-type: none"> <li>Anthony Duff and Zachary Hoskins, "Legal Punishment" (<i>Stanford Encyclopedia of Philosophy</i>, §3: "Consequentialist Accounts")</li> <li>"Philosophies of Punishment" (pp. 17-23)</li> <li>David Wood, "Punishment: Consequentialism" (§§4-5)</li> </ul>	Reflection 3

		<ul style="list-style-type: none"> <li>David Boonin, "The Consequentialist Solution" (excerpts from <i>The Problem of Punishment</i>, ch. 2, pp. 39-42, 44-47, 54-58)</li> </ul>		
<i>Hybrid Theories</i>				
6	R	9.9	<ul style="list-style-type: none"> <li>Thom Brooks, "Hybrid Theories" (excerpts from <i>Punishment</i>, chs. 5 and 7, pp. 89-93, 123-136)</li> </ul>	Reflection 3
<b>HOW SHOULD WE PUNISH?</b>				
<i>Prison: Justification</i>				
7	T	9.14	<ul style="list-style-type: none"> <li>Eric Blumenson, "Two Moral Mistakes in the American Criminal Justice System" (pp. 12-14)</li> <li>Richard Lippke, "Imprisonable Offenses" (<i>Rethinking Imprisonment</i>, ch. 3, pp. 63-79)</li> </ul>	Reflection 4
<i>Prison: Proportionality</i>				
8	R	9.16	<ul style="list-style-type: none"> <li>Lisa Kerr, "How the Prison is a Black Box in Punishment Theory" (pp. 85-89)</li> <li>Adam Kolber, "The Subjective Experience of Punishment" (pp. 183-198, 219-224, 228-236)</li> </ul>	Reflection 4
	S	9.19		Theory Paper Due
<i>Prison: Conditions</i>				
9	T	9.21	<ul style="list-style-type: none"> <li>Jessica Wolfendale, "Prison as a Torturous Institution"</li> </ul>	Reflection 5
10	R	9.23	<ul style="list-style-type: none"> <li>Federica Coppola, "Humanizing Prison Through Social Neuroscience: From the Abolition of Solitary Confinement to the Pursuit of Social Rehabilitation" (<i>The Routledge Handbook of the Philosophy and Science of Punishment</i>, ch. 16, pp. 187-200)</li> </ul>	Reflection 5
<i>Prison: Sentencing</i>				
11	T	9.28	<ul style="list-style-type: none"> <li>Jennifer Lackey, "Punishment and Transformation"</li> </ul>	Reflection 6
12	R	9.30	<ul style="list-style-type: none"> <li>Cara Drinan, "Reforming Youth Incarceration in the United States" (<i>Rethinking Punishment in the Era of Mass Incarceration</i>, ch. 11, pp. 194-208)</li> </ul>	Reflection 6
<i>Prison: Privatization and Labor</i>				
13	T	10.5	<ul style="list-style-type: none"> <li>Richard Lippke, "Prison Labor: Its Control, Facilitations, and Terms"</li> </ul>	Reflection 7
14	R	10.7	<ul style="list-style-type: none"> <li>Abigail Hall and Veronica Mercier, "Policing for 'Profit': The Political Economy of Private Prisons and Asset Forfeiture" (<i>Rethinking Punishment in the Era of Mass Incarceration</i>, ch. 12, pp. 209-224)</li> <li>Chris Surprenant, "Policing and Punishment for Profit" (pp. 126-129, rest of article recommended but not required)</li> </ul>	Reflection 7

<i>Fines</i>			
15	T 10.12	<ul style="list-style-type: none"> <li>Lina Eriksson and Robert Goodin, "The Measuring Rod of Time: The Example of Swedish Day-fines"</li> </ul>	Reflection 8
<i>Corporal Punishment</i>			
16	R 10.14	<ul style="list-style-type: none"> <li>Ole Martin Moen, "Judicial Corporal Punishment"</li> </ul>	Reflection 8
<i>Capital Punishment</i>			
17	T 10.19	<ul style="list-style-type: none"> <li>Matt Stichter, "The Structure of Death Penalty Arguments"</li> </ul>	Reflection 9
18	R 10.21	<b>NO CLASS (PPE Conference)</b>	
<i>Beyond Punishment</i>			
19	T 10.26	<ul style="list-style-type: none"> <li>Zachary Hoskins, "Ex-Offender Restrictions"</li> </ul>	Reflection 10
20	R 10.28	<ul style="list-style-type: none"> <li>Richard Lippke, "Punishment Drift: The Spread of Penal Harm and What We Should Do About It"</li> </ul>	Reflection 10
<b>IS PUNISHMENT UNJUSTIFIED?</b>			
<i>Authority, Legitimacy, and Punishment</i>			
21	T 11.2	<ul style="list-style-type: none"> <li>Ekow Yankah, "Punishing Them All: How Criminal Justice Should Account for Mass Incarceration"</li> </ul>	Reflection 11
22	R 11.4	<ul style="list-style-type: none"> <li>Alice Ristroph, "Conditions of Legitimate Punishment" (<i>The New Philosophy of Criminal Law</i>, ch. 4, pp. 79-96)</li> </ul>	Reflection 11
23	T 11.9	<ul style="list-style-type: none"> <li>Tommie Shelby, "Punishment" (<i>Dark Ghettos: Injustice, Dissent, and Reform</i>, ch. 8, pp. 228-251)</li> </ul>	Reflection 12
24	R 11.11	<ul style="list-style-type: none"> <li>Nicola Lacey and Hanna Pickard, "From the Consulting Room to the Court Room? Taking the Clinical Model of Responsibility Without Blame into the Legal Realm"</li> </ul>	Reflection 12
<i>Against Retributive Punishment</i>			
25	T 11.16	<ul style="list-style-type: none"> <li>Gregg Caruso, "Justice Without Retribution: An Epistemic Argument Against Retributive Criminal Punishment" (pp. 13-24)</li> </ul>	Reflection 13
26	R 11.18	<ul style="list-style-type: none"> <li>Gregg Caruso, "Free Will Skepticism and Criminal Behavior: A Public Health-Quarantine Model"</li> </ul>	Reflection 13
<b>NO CLASS: THANKSGIVING BREAK (11.22-11.26)</b>			
<i>Prison Abolition</i>			
27	T 11.30	<ul style="list-style-type: none"> <li>Angela Davis and Tony Platt, "Interview With Angela Davis" (pp. 50-53)</li> <li>Faye Knopp et al., <i>Instead of Prisons: A Handbook for Abolitionists</i> ("Time to Begin" (ch. 1), "Diminishing/Dismantling the Prison System" (ch. 3))</li> <li>Allegra McLeod, "Prison Abolition and Grounded Justice" (pp.</li> </ul>	Reflection 14

	1224-1239) <ul style="list-style-type: none"> <li>• <i>Recommended: Skim chs. 4-8 of <i>Instead of Prisons</i> for details on policy alternatives</i></li> </ul>	
<i>Reparations Without Punishment</i>		
28 R 12.2	<ul style="list-style-type: none"> <li>• Geoffrey Sayre-McCord, "Criminal Justice and Legal Reparations as an Alternative to Punishment"</li> </ul>	Reflection 14

**Application paper due Thursday, December 9 by 3:00pm**