

Punishment Policy

PPL 492, Section 1

Spring 2022

T/R 1:00–2:15pm

Lott 213

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Office Hours: T/R 11:00am–12:30pm
or by appt. (Zoom optional)

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? Understanding the proper 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 ensure that whatever methods of punishment we use *actually* rehabilitate. Similarly, if the purpose is to deter others from committing crimes, we must verify that our punishments accomplish that goal. In this way, understanding *why* we punish informs *how* we should punish. Once we begin investigating the justification of punishment, however, we may discover that there simply isn't any, and we shouldn't punish anyone at all. In this course, we'll explore why we punish, how we punish, and how things ought to change so that these questions are in sync.

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 restitution
- 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 proposals for the reform or abolition of various punishment policies
- Communicate more effectively and confidently about punishment policy

2. REQUIRED TEXT

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

* 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.

3. COURSE FORMAT AND COVID-19

This course will be taught in person. In light of the continuing COVID-19 pandemic, however, students must observe university protocols regarding COVID-19. Current university protocols can be found at <https://coronavirus.olemiss.edu/>. Students should follow these protocols carefully to protect themselves and respect their fellow students and the instructor.

Currently, masks are required in the classroom and all university buildings for both vaccinated and unvaccinated students. Please note that single-layer bandanas and neck gaiters do not meet CDC standards. Current best practices recommend KN95 or N95 masks for protection: <https://www.wsj.com/articles/cloth-face-mask-omicron-11640984082>. (Note that transmission will occur within 27 minutes if everyone is wearing only a cloth mask, or within 60 minutes if everyone is wearing only a surgical mask.) **If you do not have access to a higher quality mask, I strongly recommend wearing two masks to protect yourself and those around you.**

Masks must cover both your nose and your mouth and must be worn at all times in the classroom. Do not remove your mask or pull your mask down to talk, for instance. If you do not have a mask, you can get one from the PPL main office. Anyone who refuses to wear a mask in class will be asked to leave and will be subject to consequences as outline in the University policy: <https://conflictresolution.olemiss.edu/covidupdates/>.

Do not come to class if you feel sick or have a fever. If you are quarantined, sick, or have been otherwise approved and you feel well enough, you should attend class remotely via the Zoom link available on Blackboard. However, students should, whenever possible, get my prior approval to attend remotely. They should also keep their camera on during class and remain engaged.

If students test positive for COVID-19 at any health care facility, they must contact the Student Health Center at 662.915.7274. Students with COVID-19 should seek medical attention and let the instructor know they will be missing class. Students who are exposed to someone with COVID-19 should contact the Student Health Center to **get tested 3-5 days following exposure** and follow quarantine protocols found at <https://coronavirus.olemiss.edu/students/>.

The University Counseling Center is a professional facility offered by the University of Mississippi to assist students with many types of life stressors that interrupt day-to-day functioning, including the stressors associated with the COVID-19 pandemic. They offer individual counseling, couple's counseling, group counseling, stress management, crisis intervention, assessments and referrals, outreach programs, consultations, and substance abuse services. There is no fee for currently enrolled University students and everything you say to your counselor is confidential. You can contact the Counseling Center for information about mental health issues at <https://counseling.olemiss.edu>. You can schedule an appointment or get information about appointments by calling the UCC at 662.915.3784.

4. COURSE REQUIREMENTS

4.1 Participation: Students are expected to participate in class. To receive full participation, students should offer a substantial contribution in 16 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 Policy Brief: Once during the semester, each student will be responsible for giving the class a policy brief on one of the topics we will discuss. The policy brief should be a presentation no more than 10 minutes long in which a student explains the current state of some issue and relevant policies surrounding the issue. The policy brief will be given at the beginning of class, and then the student will

then be treated as an authority on policy details for the class discussion. Further details, including instructions and a rubric, are available on Blackboard.

4.3 Paragraph Papers: At three points in the semester, students will be asked to write a short paragraph to critically engage with some material. This may be to raise an objection or to come up with some critical questions. Paragraph papers should be no more than a page long. Further details, including instructions and a rubric, are available on Blackboard.

4.4 Short Essays: Throughout the semester, students will write 5 short essays of 2-3 pages each. Each short essay will ask students to justify their position on a topic that we have been reading about and discussing in class. Students are expected to draw from assigned readings when writing these short essays, so students should ensure that they complete the readings before class. Further details, including instructions and a rubric, are available on Blackboard.

4.5 Policy Proposal Paper: At the end of the semester, students will write a policy proposal paper in which they explain how some particular method of punishment should be reformed. Students are encouraged to focus on a manageable aspect (e.g., rather than writing a paper on why and how *prisons in general* should be reformed, write a paper proposal on why and how *current solitary confinement practices in prison* should be reformed). 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:	10%	Policy Brief:	14%
Paragraph Papers (4 @ 4% each):	16%	Policy Proposal Paper:	25%
Short Essays (5 @ 7% each):	35%		

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	63-66
		B-	80-82	C-	70-72	D-	60-62
						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. **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.** If you can’t finish a reading before class, please at least read the introduction and conclusion and skim the reading.

	Readings	Assignments
WHAT IS PUNISHMENT?		
1 T 1.18	<ul style="list-style-type: none"> • Introduction • <i>Punishment intuitions survey (in class)</i> 	Getting to Know You Survey (Bb)
2 R 1.20	<ul style="list-style-type: none"> • Michael Zimmerman, “The Definition of Punishment” (<i>The Immorality of Punishment</i>, ch. 1) 	
WHY SHOULD WE PUNISH?		
<i>Consequentialism</i>		
3 T 1.25	<ul style="list-style-type: none"> • Model Penal Code §1.02.2 • Victor Tadros, “Justifying Punishment” (excerpt from <i>The Ends of Harm</i>, ch. 2, pp. 21-22) • “Philosophies of Punishment” (pp. 17-24) 	Paragraph Paper 1: Problems with Consequentialism
<i>Retributivism</i>		
4 R 1.27	<ul style="list-style-type: none"> • Alec Walen, “Retributive Justice” (<i>Stanford Encyclopedia of Philosophy</i>, introduction and §§1, 3, 5.2, 5.3, and 5.4) 	Paragraph Paper 2: Problems with Retributivism

<i>Mixed Theories</i>		
5	T 2.1	<ul style="list-style-type: none"> Thom Brooks, "Rawls, Hart, and the Mixed Theory" (excerpts from <i>Punishment</i>, ch. 5, pp. 89-93, 96-100)
6	R 2.3	<ul style="list-style-type: none"> NO CLASS: PPE Conference
	S 2.6	Short Essay 1 due by 11:59pm
HOW SHOULD WE PUNISH?		
<i>Prison: Criminalization and Sentencing</i>		
7	T 2.8	<ul style="list-style-type: none"> Model Penal Code §1.02.1 Eric Blumenson, "Two Moral Mistakes in the American Criminal Justice System" (pp. 12-14) Richard Lippke, "Imprisonable Offenses" (<i>Rethinking Imprisonment</i>, ch. 3, pp. 63-79)
		Policy Brief 1: Offenses Punished with Prison
8	R 2.10	<ul style="list-style-type: none"> Jennifer Lackey, "Punishment and Transformation" (pp. 1-17; just skim pp. 4-5)
		Policy Brief 2: Sentencing Lengths (including types of life sentences)
9	T 2.15	<ul style="list-style-type: none"> Ekow Yankah, "Punishing Them All: How Criminal Justice Should Account for Mass Incarceration"
		Policy Brief 3: Sentencing Disparities in Race and Class
	W 2.16	Short Essay 2 due by 11:59pm
<i>Prison: Conditions</i>		
10	R 2.17	<ul style="list-style-type: none"> Kyle Fritz, "Retributivism and the Black Box of Prisons"
11	T 2.22	<ul style="list-style-type: none"> Jessica Wolfendale, "Prison as a Torturous Institution" YouTube video, "Prisoners Reveal Inhumane Conditions Inside Mississippi Prisons" (13:39)
		Policy Brief 4: Prison Conditions
12	R 2.24	<ul style="list-style-type: none"> 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) YouTube video, "How Norway's Prisons are Different From America's" (9:12)
		Policy Brief 5: Solitary Confinement/ Scandinavian Prison Conditions
13	T 3.1	<ul style="list-style-type: none"> Patrick Alexander and Otis Pickett, "The Prison-to-College Pipeline Program: An Ethical, Education-Based Response to Mass Incarceration in Mississippi" Guest: Dr. Patrick Alexander, co-founder of The Prison-to-College Pipeline Program
		Paragraph Paper 3: Questions for Dr. Alexander

<i>Prison: Privatization and Labor</i>			
14	R 3.3	<ul style="list-style-type: none"> Richard Lippke, "Prison Labor: Its Control, Facilitations, and Terms" 	Policy Brief 6: Prison Labor
15	T 3.8	<ul style="list-style-type: none"> Chris Surprenant, "Policing and Punishment for Profit" 	Policy Brief 7: Private Prisons
<i>Prison Abolition</i>			
16	R 3.10	<ul style="list-style-type: none"> Angela Davis and Tony Platt, "Interview With Angela Davis" (pp. 50-53) Faye Knopp et al., <i>Instead of Prisons: A Handbook for Abolitionists</i> ("Time to Begin" (ch. 1—just skim "Voices of Abolition" at start), "Diminishing/Dismantling the Prison System" (ch. 3)) 	Policy Brief 8: Prison Abolition and Alternatives to Prison
	F 3.11		Short Essay 3 due by 11:59pm
<i>Fines</i>			
17	T 3.22	<ul style="list-style-type: none"> Lina Eriksson and Robert Goodin, "The Measuring Rod of Time: The Example of Swedish Day-fines" 	Policy Brief 9: Fines
<i>Corporal Punishment</i>			
18	R 3.24	<ul style="list-style-type: none"> Ole Martin Moen, "Judicial Corporal Punishment" 	Policy Brief 10: Corporal Punishment
<i>Capital Punishment</i>			
19	T 3.29	<ul style="list-style-type: none"> Louis Pojman, "In Defense of the Death Penalty" Stephen Nathanson, "How (Not) to Think About the Death Penalty" 	Policy Brief 11: Capital Punishment
20	R 3.31	<ul style="list-style-type: none"> Michael Cholbi and Alex Madva, "Can Capital Punishment Survive if Black Lives Matter?" (<i>The Movement for Black Lives: Philosophical Perspectives</i>, ch. 9) Guest: Colleen Cunningham, Campaign Strategist for Equal Justice USA 	Paragraph Paper 4: Questions for Colleen Cunningham
	S 4.3		Short Essay 4 due by 11:59pm
<i>Post Punishment</i>			
21	T 4.5	<ul style="list-style-type: none"> Zachary Hoskins, "Ex-Offender Restrictions" 	Policy Brief 12: Ex-Offender Restrictions
22	R 4.7	<ul style="list-style-type: none"> Richard Lippke, "Punishment Drift: The Spread of Penal Harm and What We Should Do About It" 	Policy Brief 13: Harms of Punishment to Families and Communities

IS PUNISHMENT UNJUSTIFIED?		
<i>Authority and the Legitimacy of Punishment</i>		
23	T 4.12	<ul style="list-style-type: none"> Gregg Caruso, "Public Health and Safety: The Social Determinants of Health and Criminal Behavior" (pp. 2-27)
24	R 4.14	<ul style="list-style-type: none"> NO CLASS: Pacific APA
25	T 4.19	<ul style="list-style-type: none"> Gary Watson, "A Moral Predicament in the Criminal Law"
	W 4.20	Short Essay 5 due by 11:59pm
<i>Alternatives to Punishment</i>		
26	R 4.21	<ul style="list-style-type: none"> John Braithwaite, "A Future Where Punishment is Marginalized: Realistic or Utopian?" (just skim intro; focus on §§VI-X) <i>Optional:</i> Allegra McLeod, "Prison Abolition and Grounded Justice" (pp. 1227-1232)
		Policy Brief 14: Reconciliation and Restorative Justice Programs
27	T 4.26	<ul style="list-style-type: none"> David Boonin, "The Appeal to Necessity," (<i>The Problem of Punishment</i>, ch. 5, §§5.0, 5.2, 5.3.4, 5.4, 5.11)
28	R 4.28	<ul style="list-style-type: none"> No reading <i>Punishment intuitions survey (in class)</i>

Policy Proposal Paper due Thursday, May 5 by 3:00pm