

**RESPONSIBILITY AND PUNISHMENT**  
**LAPS PHIL 3195 (3.0)      FALL 2009**

**Course Director:** A. MacLachlan  
**Office Hours:** M 10am-12pm, S418 Ross  
**Email:** [amacla@yorku.ca](mailto:amacla@yorku.ca)

**Class Location:** S205 Ross Bldg  
**Class Time:** M, 2.30-5.30pm  
**Phone:** (416) 736 2100 x77587

**COURSE DESCRIPTION:**

We will examine classic and contemporary answers to the question of the nature and justification of punishment. We will begin the course with an introduction to various types of punishment and the conceptions of responsibility they presuppose. We will also tackle such questions as the relationship between punishment and revenge, legitimacy of punishing political protest, the role of mercy in judicial decisions, and the role of emotions like anger and shame in criminal justice.

**COURSE READINGS:**

Most readings for this course are available as pdfs on the course Moodle website. There is also a course pack and one required text, available at the York University Bookstore: Duff, A and D Garland, Eds. *A Reader on Punishment* (OUP, 1994).

**COURSE REQUIREMENTS:**

a) Pop Quizzes (4x5% each, 20% of final grade)

At the beginning of class, you will be asked to answer a short question based *either* on the week's reading, or the previous week's reading and discussion. These questions will test your comprehension and reflection on the course material.

b) Midterm Test: (30% of final grade)

Held in-class on November 2; 60 minutes. Format: definitions and short answers.

c) Critical Essay: (40% of final grade)

Instructions will be given out on October 26; your paper is due by 9am on December 10.

You must submit two copies: a hardcopy to my office, and an electronic copy to [www.turnitin.com](http://www.turnitin.com)

e) Participation: (10% of final grade)

This includes your attendance, your respectful and engaged verbal contributions to class discussion and group work (this is a matter of quality, and *not* quantity, of contributions) and especially, your participation in our class's online discussion forums. If you feel uncomfortable speaking in a classroom setting, visits to office hours and pertinent email inquiries (again: quality not quantity, please) will also count toward your grade.

If you have particular circumstances you feel may prevent you from participating fully in the class, please come see me as soon as possible so that we can make all necessary arrangements.

Late work (or a missed test) will only be accepted without penalty if you have prior approval from me, or in the event of a documented emergency. All other work will be penalized at a rate of 3% per day. After 5 days it will not be accepted.

York students are required to maintain high standards of academic integrity and are subject to the Senate Policy on Academic Honesty:

<http://www.yorku.ca/secretariat/legislation/senate/acadhone.htm>

Students are also expected to review the materials on the Academic Integrity website.

(<http://www.yorku.ca/academicintegrity>).

Important information for students regarding the Ethics Review process, Access/Disability, Academic Honesty and Integrity, Student Conduct and Religious Observance Days:

[www.yorku.ca/secretariat/senate\\_cte\\_main\\_pages/ccas.htm](http://www.yorku.ca/secretariat/senate_cte_main_pages/ccas.htm)

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Date:	Topic of Class Discussion:	Required Readings (to be completed <i>before</i> class that week)
9/14	Introduction	<i>No Reading</i> Selection from Film: "Entre les murs/The Class" (2008)
9/21	Choice, Character and Responsibility	HLA Hart, "Postscript: Responsibility and Retribution" Aristotle, selections from <i>Nicomachean Ethics</i> (Moodle)
9/28	Resentment, Revenge, Retribution	C Bennett, "Varieties of Retributive Experience" (Moodle) Selections from Nozick, Nietzsche, Solomon (CP)
10/5	Theories of Punishment I: Retributivism	Selections from Kant (CP) H Morris, "Persons and Punishment" (Moodle)
10/12	<i>Reading Week: No Class</i>	<i>No Reading</i>
10/29	Theories of Punishment II: Retributivism contd.	D Golash, "The Retributive Paradox" (Moodle) M Moore, "The Moral Value of Retribution" (CP)
10/26	Theories of Punishment III: Consequentialism	J Bentham, "The Utility of Punishment" (CP) JQ Wilson, "Penalties and Opportunities" pp. 174-209 N Walker, "Reductivism and Deterrence" pp. 210-217
11/2	Theories of Punishment IV: Communicative Theories <i>*In-Class Test, 60 minutes*</i>	J Feinberg, "The Expressive Function of Punishment" pp. 71-91 J Hampton, "The Moral Education Theory of Punishment" (Moodle)
11/9	Civil Disobedience, Conscientious Objection and Punishment	K Brownlee, "Protest and Punishment" (Moodle) D Lefkowitz, "On a Moral Right to Civil Disobedience" (Moodle)  <i>Guest Speaker: Alyssa Manning, Barrister and Solicitor</i> <i>Represents the majority of US war resisters residing in the Greater Toronto Area</i>
11/16	Mercy and Pardons	C Card, "On Mercy" (Moodle) J Murphy, "Mercy and Legal Justice" (CP) D Kobil, "Should Mercy Have a Place in Clemency Decisions?" (CP)
11/23	Abolitionism	E Rotman, 'Beyond Punishment', pp. 280-305 H Bianchi, 'Abolition, Assensus and Sanctuary', pp. 333-351
11/30	Restorative Justice	J Braithwaite, "Repentance Rituals and Restorative Justice" (Moodle) C Bennett, "Taking the Sincerity out of Saying Sorry: Restorative Justice as Ritual" (Moodle) J Stubbs, "Beyond Apology: Domestic Violence and Critical Questions for Restorative Justice" (Moodle)
12/7	Shame, Disgust and the Law	Selections from M Nussbaum, <i>Shame, Disgust and the Law</i> (CP) T Brooks, "Shame on you, Shame on me. Nussbaum on Shame Punishment" (Moodle)