

 FLORIDA ATLANTIC UNIVERSITY	COURSE CHANGE REQUEST Undergraduate Programs		UUPC Approval <u>12/4/23</u> UFS Approval _____ SCNS Submittal _____ Confirmed _____ Banner Posted _____ Catalog _____
	Department <u>N/A</u> College <u>Honors College</u>		
Current Course Prefix and Number <u>POS 2692</u>		Current Course Title <u>Honors Punishment</u>	
<i>Syllabus must be attached for ANY changes to current course details. See Template. Please consult and list departments that may be affected by the changes; attach documentation.</i>			
Change title to: Change prefix From: _____ To: _____ Change course number From: _____ To: _____ Change credits* From: _____ To: _____ Change grading From: _____ To: _____ Change WAC/Gordon Rule status** Add <input type="checkbox"/> Remove <input checked="" type="checkbox"/> Change General Education Requirements*** Add <input type="checkbox"/> Remove <input type="checkbox"/>		Change description to: Change prerequisites/minimum grades to: Change corequisites to: Change registration controls to: Please list existing and new pre/corequisites, specify AND or OR and include minimum passing grade (default is D-).	
Effective Term/Year for Changes: <u>Summer/2024</u>		Terminate course? Effective Term/Year for Termination: _____	
Faculty Contact/Email/Phone <u>Mark Tunick, tunick@fau.edu, 561-799-8670</u>			
Approved by Department Chair <u>William O'Brien</u> College Curriculum Chair <u>Rachel Conn</u> College Dean <u>[Signature]</u> UUPC Chair <u>Korey Sorge</u> Undergraduate Studies Dean <u>Dan Meeroff</u> UFS President _____ Provost _____			Date <u>11/9/2023</u> <u>11/9/23</u> <u>11/14/23</u> <u>12/4/23</u> <u>12/4/23</u> _____ _____

Email this form and syllabus to mjenning@fau.edu seven business days before the UUPC meeting.

POS 2692 Honors Punishment

Prof. Mark Tunick

Fall 2024

3 credits

www.fau.edu/~tunick/courses/punishment/

[Proposal to remove WAC designation]

[Tunick](#) > [POS 2692](#)

Description: Why do we punish? What justifies the infliction of pain or suffering? We shall consider the views of critics who don't think we should punish or that punishment can't be just in a society with systemic injustice; the views of those who agree that we should punish but disagree about the reasons why; and a number of practical issues: (1) What actions should be punished: using marijuana? adultery? (2) Who should be punished: the insane? drug addicts? juveniles who had a rotten social background? (3) How much punishment is appropriate: should we ever use capital punishment? Should we reduce the punishment of those who plea guilty to a lesser offense (in other words, should we continue to allow plea-bargaining)? These problems will be our focal point for considering major concepts of political theory--authority, obligation, justice and freedom. We draw on a variety of sources: classic texts of political theory, contemporary works in philosophy, history, anthropology, sociology, and psychology, literature, court decisions, and films/documentaries. There are no prerequisites for this course.

This course satisfies the Honors College core requirement in Culture, Ideas, and Values, or SBA Group B, or Global Citizenship: Ethics and Global Values; and the political theory requirement for the Political Science Concentration. It draws on challenging primary and interdisciplinary sources, and relies on discussion afforded by relatively small class size, and special attention will be given to developing critical thinking and writing skills.

There are no prerequisites.

Note of honors distinction: This course differs substantially from non-Honors courses. First, and most importantly, the course is an agreement between the student and instructor that they will work together collaboratively to ensure a significantly enriched learning experience in a manner consistent with other Honors-designated courses at FAU. This means the course will produce substantive work that reflects interdisciplinarity and connections among academic fields, research and direct access to sources of knowledge pertinent to the field, leadership, creative and critical thinking, and engagement with the world outside the university. Secondly, the writing component of the course will be much more demanding, and will prepare students for upper-division college writing and for work on the Honors Thesis. Students will be exposed to vocabulary of a specifically theoretical nature, and will be expected to comprehend new concepts and to deploy these new terms in their own critical thinking and writing. In addition, we will begin professionalizing our own readings and analyses of these texts. Students will be expected to familiarize themselves with the history and the ongoing critical and scholarly conversation about these works. Finally, the course will develop critical attitudes and analytic skills that will teach the student to think for themselves.

Goals: Students should leave the course with an understanding of and ability to apply the competing

theories of punishment as well as liberal and paternalistic theories of the state, and an improved ability to think critically and to develop arguments by drawing on appropriate evidence and considering counterarguments.

Requirements: You may earn a maximum of 100 points, based on 3 short papers of 4-5 pages each (15 points each), numerous Canvas quizzes (35 points), discussion board posts (5 points), in-class ethics debates (5 points), and the quality of your participation in class discussions (10 points). Because this is a discussion-based class, attendance is important and you must come to class prepared to discuss the readings. Each unexcused absence beyond 2 reduces your total grade by 2 points. Missed in-class ethics debates cannot be made up. No late papers will be accepted without a valid medical excuse.

The default grading scale is 94-100 (A), 90<94 (A-), 87<90 (B+), 84<87 (B), 80<84 (B-), 77<80 (C+), 74<77 (C), 70<74 (C-), 67<70 (D+), 64<67 (D), 61<64 (D-), <61 (F). I may utilize a curve but only if doing so would yield a higher rather than a lower grade than what the student would earn using the default scale.

Readings: Each reading assignment should be completed prior to the class meeting under which it is listed. Consult **Canvas** Modules for introductory material and links to most readings. The following books have been ordered through FAU bookstore: Bourgois, *In Search of Respect: Selling Crack in El Barrio*, 2nd ed. (Cambridge UP, 0521017114); Capote, *In Cold Blood* (Vintage, 0679745587); Earley, *The Hot House: Life Inside Leavenworth* (Bantam/Mass Market, 0553560239). Other readings are available in Canvas or online.

Class Meets TR 12:30-1:50 and will be discussion-based.

Office Hours: tbd; or arrange a time by phoning (561) 799-8670 or emailing me at tunick@fau.edu.

Schedule. Check Canvas for the latest version as readings and topics are subject to some minor changes

I. Theories of Punishment

8/24 Introduction: some hard cases.

Rdg: "Stamper"; "Dog punishment"; "Leroy Strachan"--students should read these brief articles prior to the first class: they are available in Canvas. After class, you can access a further article: "Stamper_outcome."

8/26 Classic Retributive theory: Kant and Hegel

Rdg: Kant's *Doctrine of Right* (from the *Metaphysics of Morals*), pp. 140-5; and Hegel's *Philosophy of Right*, excerpts.

8/31 Modern Retributive theory: Mabbott's 'amoral' theory and Feinberg's 'expressive' theory

Rdg: D. Mabbott, "Punishment," *Mind* 48:152-167 (Apr., 1939); Joel Feinberg, "Expressive Function of Punishment," Preface and secs. 1-2

9/2 Utilitarian theory: Alexander's Doomsday Machine

Rdg: Larry Alexander, "The Doomsday Machine", pp. 209-219

9/7 No class: Labor Day

9/9 Classic Utilitarian theory

Rdg: Bentham, *Introduction to the Principles of Morals and Legislation*, chs. 1-4, 12-17

9/14 Modern utilitarianism: 'law and economics'

Rdg: Kaplow and Shavell, *Fairness versus Welfare*, ch. 6 (excerpts)

9/16 Rule utilitarianism

Rdg: John Rawls, "Two Concepts of Rules," *The Philosophical Review*, 64:3-32 (Jan., 1955)

9/21 In-class ethics debate

Paper one due

II. Radical Criticisms of punishment

9/23 Karl Menninger: 'Treatment not Punishment'

Rdg: Menninger, *The Crime of Punishment*, chs. 1, 7, 8, 10; and Schwarzenegger-Pratt, *Gift of Forgiveness*, pp. 20-24.

Film screening of Kubrick's *A Clockwork Orange* (137 minutes) [Warning: this film has graphic scenes of violence including sexual violence]

9/28 Transformative Justice

Rdg: Dixon and Piepzna-Samarasinha, eds. *Beyond Survival: Strategies and Stories from the Transformative Justice Movement* (2020): Intro, pp. 23-25, ch. 2, ch. 3, pp. 115-18, 192-8, 275, 278-81, 291-7.

9/30 Critical views of punishment as a mechanism to benefit capitalists and racists

Rdg: Shane Bauer, *American Prisons* (2018), chs. 6, 8, 10, 12, 16; and NYT, "Minnesota will Dismantle Police Force"

10/5 Restitution instead of punishment?

Rdg: Randy Barnett, "Restitution: A New Paradigm of Criminal Justice," *Ethics* 87:279-301 (Jul., 1977).

III. What actions should be made crimes?

10/7 Mill's harm principle.

Rdg: J.S. Mill, *On Liberty*, chapters 1, 3, 4, 5 (excerpts)

10/12 Legal Moralism.

Rdg: John Danaher, "Robotic Rape and Robotic Child Sexual Abuse: Should they be Criminalized?," *Criminal Law and Philosophy* 11(1):71-95 (2017)

10/14 Paternalism

Rdg: Sarah Conly, *Against Autonomy* (2013), chs. 1, 6-7. For additional short readings see the Canvas website.

10/19 Is drunk driving a serious offense?

Rdg: Husak, "Is Drunk Driving a Serious Offense?" *Philosophy and Public Affairs* 23:52-73 (Winter, 1994)

10/21 Case Study: In Cold Blood

Rdg: Capote, In Cold Blood

IV. Causation and Accountability

10/26 In-class ethics debate: what counts as "causing harm"?

Rdg: *Commonwealth v. Feinberg*, 253 A. 2d 636 (Pennsylvania Supreme Court, 1969)

For those interested: *Amedure v. Jenny Jones Show*, 656 N.W. 2d 195 (2003)

Paper 2 due.

10/28 Involuntary Manslaughter: Did Michelle Carter Cause Conrad Roy's Death?

Rdg: Mark Tunick, *Texting, Suicide, and the Law: The Case against punishing Michelle Carter*, chapters 1, 3.

11/2 Degrees of culpability; justifications and excuses; self-defense

Rdg: Kaplan and Weisberg, 'Culpability'; Cynthia V. Ward, "Three Questions about 'Stand your Ground' laws," *Notre Dame Law Reflection* 95(3):119-38 (2020).

For those interested: Ric Waugh's film "Felon" (2008)

11/4 The insanity defense

Rdg: [The Trial of John Hinckley Website](#): read Linder's summary, and "Trial Testimony and Arguments"; "Should John Hinckley Go Free"

11/9 **Film: Luis Buñuel's *Los Olvidados* in class** (85 minutes); Canvas Discussion

Alternative ending ([youtube](#)) ; Pedro's Dream ([youtube](#))

11/11 No Class: Veteran's Day

11/16 Social marginalization and accountability

Rdg: Bourgois, In Search of Respect: Selling Crack in El Barrio, Introduction, chs. 1, 2, 4, 5, pp. 259-60 and 278-286 from ch. 7, ch. 9.

Recommended: William Bennett et.al., Body Count: Moral Poverty and how to win America's War against crime and drugs (1996), ch. 5 (pp. 191-208); Bourgois, ch. 3, 6, 8

11/18 Does Punishment make sense if there is no free will?

Rdg: Joshua Greene and Jonathan Cohen, "For the law, neuroscience changes nothing and everything," in S. Zeki and O. Goodenough, eds., *Law and the Brain* (Oxford: Oxford UP, 2006), ch. 11 (excerpts).

V. Prison and Sentencing Issues

11/23 Capital Punishment: For and against.

Rdg: John Stuart Mill, Speech on capital punishment; Walter Berns, "The Morality of Anger"; Bedau, The Case Against the Death Penalty; "Study Suspects Thousands of False Convictions"; "Avery: Exonerated but Back in Jail"

11/25 Film: "The Chair" (79 minutes); Canvas Discussion

11/30 Prisons

Rdg: Earley, The Hot House: Life Inside Leavenworth (especially chs. 1-10, 18, 22, 24, 29-31, 48-55)

12/2 Plea-bargaining

Rdg: Kipnis, 'Criminal Justice and the Negotiated Plea', Ethics 86:93-106 (1976)

12/14 Paper 3 Due

Additional notes:

Policy on Accommodations: In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodations due to a disability to properly execute coursework must register with Student Accessibility Services (SAS) and follow all SAS procedures. SAS has offices across three of FAU's campuses – Boca Raton, Davie and Jupiter— however disability services are available for students on all campuses. For more information, please visit the SAS website at www.fau.edu/sas/.

Counseling and Psychological Services (CAPS) Center: Life as a university student can be challenging physically, mentally and emotionally. Students who find stress negatively affecting their ability to achieve academic or personal goals may wish to consider utilizing FAU's Counseling and Psychological Services (CAPS) Center. CAPS provides FAU students a range of services – individual counseling, support meetings, and psychiatric services, to name a few – offered to help improve and maintain emotional well-being. For more information, go to <http://www.fau.edu/counseling/>

Code of Academic Integrity Policy Statement: Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the university mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the university community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see University Regulation 4.001 and the WHC Academic Honor Code at <http://www.fau.edu/honors/academics/honor-code.php>.

Classroom Etiquette Policy: In order to enhance and maintain a productive atmosphere for education, personal communication devices such as smartphones are to be disabled during class.

Attendance Policy: Students are expected to attend all of their scheduled University classes and to satisfy all academic objectives as outlined by the instructor. The effect of absences upon grades is

determined by the instructor, and the University reserves the right to deal at any time with individual cases of non-attendance. Students are responsible for arranging to make up work missed because of legitimate class absence, such as illness, family emergencies, military obligation, court-imposed legal obligations or participation in University-approved activities. Examples of University-approved reasons for absences include participating on an athletic or scholastic team, musical and theatrical performances and debate activities. It is the student's responsibility to give the instructor notice prior to any anticipated absences and within a reasonable amount of time after an unanticipated absence, ordinarily by the next scheduled class meeting. Instructors must allow each student who is absent for a University-approved reason the opportunity to make up work missed without any reduction in the student's final 8 course grade as a direct result of such absence. Florida Atlantic University policies regarding incomplete grades can be found in the University Catalog. Late works is subject to grade reduction.