Code # HSS04 (2015)

**New/Special Course Proposal-Bulletin Change Transmittal Form**

**Undergraduate Curriculum Council** - Print 1 copy for signatures and save 1 electronic copy.

**Graduate Council** - Print 1 copy for signatures and send 1 electronic copy to [pheath@astate.edu](mailto:pheath@astate.edu)

|  |
| --- |
| **New Course or**  **Special Course (Check one box)**  *Please complete the following and attach a copy of the catalogue page(s) showing what changes are necessary.* |

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date… **Department Curriculum Committee Chair** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date…  **COPE Chair (if applicable)** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date… **Department Chair:** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date…  **General Education Committee Chair (If applicable)** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date… **College Curriculum Committee Chair** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date…  **Undergraduate Curriculum Council Chair** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date… **College Dean** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date…  **Graduate Curriculum Committee Chair** |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Enter date…  **Vice Chancellor for Academic Affairs** |

1. Proposed Course Prefix and Number (For variable credit courses, indicate variable range.)

PHIL 3733

2. Course Title – if title is more than 30 characters (including spaces), provide short title to be used on transcripts. Title cannot have any symbols (e.g. slash, colon, semi-colon, apostrophe, dash, and parenthesis). Please indicate if this course will have variable titles (e.g. independent study, thesis, special topics).

Philosophy of Punishment

3. Will this course be lecture only, lab only, lecture and lab, activity, dissertation, experiential learning, independent study, internship, performance, practicum, recitation, seminar, special problems, special topics, studio problems, student exchange, occupational learning credit, or course for fee purpose only (e.g. an exam)? Please choose one.

Lecture only

4. What is the grade type (i.e. standard letter, credit/no credit, pass/fail, no grade, developmental)?

Standard letter

5. Is this course dual listed (undergraduate/graduate)?

No

6. Is this course cross listed? (If it is, all course entries must be identical including course descriptions. It is important to check the course description of an existing course when adding a new cross listed course.)

No

7. Brief course description (40 words or fewer) as it should appear in the bulletin.

Explores conceptual and ethical questions relating to punishment, such as: What is legal punishment? What, if anything, justifies the institution of punishment? Who can justifiably be punished and how do we determine what punishment is appropriate in a given case?

8. Indicate all prerequisites and if this course is restricted to a specific major, which major. (If a student does not have the prerequisites or does not have the appropriate major, the student will not be allowed to register).

a. Are there any prerequisites?

No

b. Why?

Enter text...

9. Course frequency(e.g. Fall, Spring, Summer). Not applicable to Graduate courses.

Fall, even

10. Contact Person (Name, Email Address, Phone Number)

Steven Weimer, [sweimer@astate.edu](mailto:sweimer@astate.edu), 419-494-3337

11. Proposed Starting Term/Year

Fall 2016

12. Is this course in support of a new program? No

If yes, what program?

13. Does this course replace a course being deleted? No

If yes, what course?

Has this course number been used in the past? No

*Submit Course Deletion Proposal-Bulletin Change Transmittal Form.*

14. Does this course affect another program? Yes

If yes, provide contact information from the Dean, Department Head, and/or Program Director whose area this affects.

The course will be an elective for Criminology majors. Contact person is Dr. Thomas Ratliff, Director of Criminology: [tratliff@astate.edu](mailto:tratliff@astate.edu), 870-972-3235

15. Justification should include:

a. Academic rationale and goals for the course (skills or level of knowledge students can be expected to attain)

The fact that legal punishment involves the intentional infliction of harm, something that is normally morally wrong, gives rise to pressing questions regarding its justification, such as: What, if anything, justifies the government in treating (people believed to be) criminals in ways that individuals are not permitted to treat one another? Given that justification, what punishment is appropriate in a given case? Are there forms of punishment that are never justifiable? Who can justifiably be punished and who is exempt from punishment?

Given the vast number of people who are subjected to the harm of legal punishment in our society, it is of crucial importance that these questions be subjected to critical inquiry, not only by those individuals who do, or plan to, work within the criminal justice system that imposes punishment, but also by the citizens in whose name that system is, in a democratic society like our own, administered. This course will prompt students to undertake that task by way of an examination of classic and contemporary answers to the various philosophical questions that punishment raises.

b. How does the course fit with the mission established by the department for the curriculum? If course is mandated by an accrediting or certifying agency, include the directive.

The department is committed to developing the expository writing, critical reading, critical thinking, and communication skills of undergraduates, both majors and non-majors. This course will contribute to that goal.

The department is also committed to providing philosophy majors with a background complete enough to prepare them for study in graduate school or law school. A course in philosophy of punishment contributes to this goal as well.

Finally, the philosophy program is committed to offering courses that challenge students in other disciplines to think critically about the philosophical issues raised by their intended field of employment. Ethics in the Health Professions and Computers, Ethics, and Society serve this function for various health/science and computer science programs, respectively. Philosophy of Punishment would likewise challenge and enable criminology students to critically reflect upon the philosophical issues raised by their intended field of employment.

c. Student population served.

This course will serve undergraduate philosophy and criminology majors in fulfilling elective requirements for their majors.

Any student planning to enter a criminal justice field (e.g. law enforcement, corrections, substance abuse counseling) will be well-served by this course.

It will be of interest to pre-law students seeking to hone their argumentative skills, especially those with an interest in criminal law, given its clear connection to legal punishment.

d. Rationale for the level of the course (lower, upper, or graduate).

Although this course will be of interest to lower-level undergraduates, it presupposes an ability to work through difficult material and to formulate arguments that one can expect to find mostly in students who have completed a fair amount of college coursework. It thus makes sense to offer it as an upper-division course, aimed primarily at an audience of juniors and seniors.

16. Outline (The course outline should be topical by weeks and should be sufficient in detail to allow for judgment of the content of the course.)

Week 1: Introduction to the Philosophy of Punishment. Reading:

1. Michael Tonry, “Thinking About Punishment”

Week 2: Conceptual Philosophy of Punishment. Readings:

1. Igor Primoratz, “What is Punishment?”

2. David Boonin, “What Punishment Is”

Week 3: Consequentialist Justifications of Punishment. Readings:

1. Jeremy Bentham, “An Introduction to the Principles of Morals and Legislation”

2. Igor Primoratz, “Arguments against the Utilitarian Theory”

3. Thom Brooks, “Deterrence”

4. Paul Robinson, “The Difficulties of Deterrence as a Distributive Principle”

Week 4: Retributivist Justifications for Punishment I - Respect for Persons Retributivism. Readings:

1. Immanuel Kant, “The Penal Law and the Law of Pardon”

2. G.W.F. Hegel, “Wrong”

3. Herbert Morris, “Persons and Punishment”

Week 5: Retributivist Justifications for Punishment II - Fair Play Retributivism. Readings:

1. Richard Dagger, “Playing Fair with Punishment”

2. Zachary Hoskins, “Fair Play, Political Obligation, and Punishment”

Week 6: Hybrid Justifications for Punishment. Readings:

1. H.L.A. Hart, “Punishment and Responsibility”

2. Michael Tonry, “Proportionality, Parsimony, and Interchangeability of Punishments”

Week 7: Communicative Justifications of Punishment. Readings:

1. Joel Feinberg, “The Expressive Function of Punishment”  
2. Jean Hampton, “The Moral Education Theory of Punishment”

Week 8: Shaming Punishments. Readings:

1. Martha Nussbaum, “Shame, Disgust and the Law”

2. Thom Brooks, “Shame on you, Shame on me. Nussbaum on Shame Punishment”

Week 9: Restorative Justice. Readings:

1. Randy Barnett, “A New Paradigm of Criminal Justice”

2. Paul Robinson, “The Virtues of Restorative Processes, the Vices of ‘Restorative Justice’”

Week 10: Criminal Liability I - Attempts, Outcomes, and Moral Luck. Readings:

1. Joel Feinberg, “Criminal Attempts: Equal Punishments for Failed Attempts”

2. David Lewis, “The Punishment that Leaves Something to Chance”

Week 11: Criminal Liability II – Mental Illness. Readings:

1. R.J. Gerber, “Is the Insanity Test Insane?”

1. Joel Feinberg, “What is so Special About Mental Illness?”

Week 12: The Death Penalty. Readings:

1. Ernest van den Haag, “The Death Penalty Once More”

2. H.A. Bedau, “A Reply to van den Haag”

Week 13: Domestic Violence and the Battered Woman Defense. Readings:

1. Gerald Vande Walle, “Opinion in *State v. Leidholm*”

2. Linda Mills, “Insult to Injury: Rethinking our Responses to Intimate Abuse”

Week 14: Sexual Crimes. Readings:

1. Thom Brooks, “Sexual Crimes”

2. Susan Estrich, “Rape, Force, and Consent”

17. Course requirements (e.g. research papers, projects, interviews, tests, etc.)

10 1-2 page responses to reading questions; 2 essay exams; 8-12 page term paper

18. Special features (e.g. labs, exhibits, site visitations, etc.)

None.

19. Department staffing and classroom/lab resources (Will this require additional faculty, supplies, etc.?)

No.

20. What is the primary intended learning goal for students enrolled in this course?

Students will understand, articulate, and critically analyze central issues and theories within the philosophy of punishment.

21. Reading and writing requirements:

a. Name of book, author, edition, company and year

*Why Punish? How Much?* Edited by Michael Tonry, 1st edition, Oxford University Press, 2011.

b. Number of pages of reading required per week: 20-30

c. Number of pages of writing required over the course of the semester: 18-32, including essay exams

22. High-Impact Activities (Check all that apply)

Collaborative assignments

Research with a faculty member

Diversity/Global learning experience

Service learning or community learning

Study abroad

Internship

Capstone or senior culminating experience

Other Explain: Enter text...

23. Considering the indicated primary goal (in Box #20), provide up to three outcomes that you expect of students after completion of this course.

**Outcome #1:** (For example, what will students who meet this goal know or be able to do as a result of this course?)

Students will be able to articulate fundamental concepts and central issues within the philosophy of punishment.

Learning Activity:(For example, what instructional processes do you plan to use to help students reach this outcome?)

Lecture; small and large group discussions of theoretical material and case studies.

Assessment Tool: (For example, what will students demonstrate, represent, or produce to provide evidence of their learning?)

Embedded exam questions.

**Outcome #2:**

Students will be able to articulate the major philosophical positions that have been taken on those issues [i.e. those relevant to Outcome #1] as well as the main arguments that have been advanced in support of those positions.

Learning Activity:

Lecture; small and large group discussions of theoretical material and case studies.

Assessment Tool:

Embedded exam questions.

**Outcome #3**:

Students will develop the skills needed to analyze and critically evaluate those positions and arguments [i.e. those relevant to Outcome #2] so as to reach and be able to defend their own conclusions on the issues examined.

Learning Activity:

Lecture; small and large group discussions of theoretical material and case studies.

Assessment Tool:

Rubric-graded term paper.

24. Please indicate the extent to which this course addresses university-level student learning outcomes:

* 1. Global Awareness

Minimally  
Indirectly  
Directly

* 1. Thinking Critically

Minimally  
Indirectly  
Directly

* 1. Using Technology

Minimally  
Indirectly  
Directly

**From the most current electronic version of the bulletin, copy all bulletin pages that this proposal affects and paste it to the end of this proposal.**

**To copy from the bulletin:**

1. Minimize this form.
2. Go to <http://registrar.astate.edu/bulletin.htm> and choose either undergraduate or graduate.
3. This will take you to a list of the bulletins by year, please open the most current bulletin.
4. Find the page(s) you wish to copy, click on the “select” button and highlight the pages you want to copy.
5. Right-click on the highlighted area.
6. Click on “copy”.
7. Minimize the bulletin and maximize this page.
8. Right-click immediately below this area and choose “paste”.
9. For additions to the bulletin, please change font color and make the font size larger than the surrounding text. Make it noticeable.
10. For deletions, strike through the text, change the font color, and enlarge the font size. Make it noticeable.

(page 477)

**PHIL 3713. Ethics in the Health Professions** Examination of some of the moral issues involved  
in the practice of medicine and attendant medical technology. Sample topics include the right to  
privacy, the moral permissibility of euthanasia, and appropriate distribution of scarce and expensive  
medical resources. Fall, Spring.  
**PHIL 3723. Computers, Ethics, and Society** Introduction to moral, professional, and legal issues  
involving computer hardware and software. Prerequisite, PHIL 1103 or permission of instructor.  
Spring, even.  
**PHIL 3733. Philosophy of Punishment** Explores conceptual and ethical questions relating to punishment, such as: What is legal punishment? What, if anything, justifies the institution of punishment? Who can justifiably be punished and how do we determine what punishment is appropriate in a given case? Fall, even.

**PHIL 3773. Topics in Feminist Philosophy** Topics include, but are not limited to: Feminist  
Epistemology, Feminist Ethics, and Feminist Philosophy of Science. Prerequisite, PHIL 1103 or  
permission of instructor. Cross listed as WGS 3773. Spring, even.  
**PHIL 4213. Contemporary Philosophy** Major trends and developments in philosophy since the  
late nineteenth century and selected issues and works of major figures in this period. Fall, odd.  
**PHIL 4403. Metaphysics** Advanced study of the fundamental nature of reality, including but  
not limited to: ontology, modality, causation, space and time, mereology, and personal identity.  
Prerequisite, PHIL 1103 or permission of instructor. Fall, odd.  
**PHIL 4443. Philosophy of Mind** Foundational issues in the study of mind, includes the nature of  
mind, the relation of psychology to physical science, and theories of mental content. Prerequisite,  
PHIL 1103 or permission of instructor. Spring, even.  
**PHIL 4703. Contemporary Ethical Issues** Exploration of issues in normative ethical  
theory and metaethics. Sample topics include consequentialism, deontology, constructivism, moral  
skepticism, moral relativism, and the moral realism/anti-realism debate. Fall, odd.  
**PHIL 4723. Aesthetics** The nature of art, designed to help students respond intelligently to  
works of art. Fall, even.  
**PHIL 4733. Environmental Ethics** Investigation of the moral dimensions of environmental  
issues, including the moral standing of animals, the ethics of population control measures, questions of justice relating to pollution generation and restriction, and ethical problems involved in the  
production and consumption of food. Prerequisite, PHIL 1103. Spring, odd.  
**PHIL 4743. Social and Political Philosophy** Explores the justification, or lack thereof, of  
social and political institutions. Prerequisite, PHIL 1103, Introduction to Philosophy, equivalent, or  
instructors permission. Cross listed as WGS 4743. Fall, even.  
**PHIL 4763. Philosophy of Sex** Explores the concept of sexual activity and the implications of  
various theories of sexual activity to our understanding of rape, sexual harassment, pornography,  
sexual fidelity, parenthood, and various other important contemporary sexual issues. Cross listed  
as WGS 4763. Spring, even.  
**PHIL 4773. Defining Race** Biological, constructivist, and denial theories of race and their moral  
and political ramifications for racism, affirmative action, and hate crime legislation. Prerequisite,  
PHIL 1103. Spring, odd.  
**PHIL 480V. Readings in Philosophy** Independent readings for advanced students only. Must  
have consent of department chair. May be repeated for a maximum of 6 hours credit. Fall, Spring.  
**PHIL 4883. Special Topics in Philosophy** Advanced study of selected topics in philosophy.  
Content will vary. May be repeated for a maximum of 9 hours credit. Prerequisite, 9 hours of  
philosophy. Fall.  
**Teaching Internship (TIEN)**  
**TIEN 4825. English Teaching Internship in the Secondary School**  
Ten semester hours. Full semester teaching internship. Fall, Spring.  
**TIEN 4826. English Teaching Internship in the Secondary School**  
Twelve semester hours. Full semester of teaching internship. Fall, Spring.