

Ph.D. Program in Criminal Justice  
The City University of New York  
Fall 2004

CRJ 83200  
Philosophical and Theoretical  
Bases of Contemporary Corrections  
Monday: 4:15 - 6:15

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Office hours: M:3:15 -4:15

Purpose of Course

Prisons and punishment have long been touchstones for criminology. Scholars have recently stated that “the prison remains central to the responses to and explanations for crime.... The prison underpins the very boundaries of our ideas of crime and penalty.” Our purpose is to investigate the problematic issue of justifying punishment and corrections. Punishment is by its nature coercive and violent and hence presents a moral problem. But people commit criminal acts and the state imprisons or fines these offenders. We will explore what it is about crime that makes punishment an appropriate response to it. Discussion will include concepts such as responsibility, retribution, and desert, as well as manifestations of these philosophical issues in everyday life. The course will focus on punishment in a social context rather than solely on abstract ideas or normative theories. We will assess punishment and corrections philosophically and as they are realized in their specificity. The course will attempt to apply the readings to present issues and controversies in the criminal justice field. Our goal is to understand punishment as a social institution and how our own experiences give punishment its practical meaning and determine its social effects.

Course requirements and grading criteria include: class attendance and participation (35%); 1-2 page written discussions of readings and topics (25%); a 10-15 page term paper (25%); and a class presentation of the paper (15%).

Required readings will consist of articles and chapters of books that represent the varieties of punishment philosophies and theories. The material will be available online and on reserve in the Library.

**SCHEDULE OF TOPICS AND READINGS (\* Required Readings)  
(TENTATIVE)**

August 30 **INTRODUCTION**

- (\*)Michael Tonry and Joan Petersilia, “American Prisons at the Beginning of the Twenty-First Century,” (1999)
- (\*)Simon Hallsworth, “Rethinking the Punitive Turn,” Punishment and Society

(2000)

September 13 & 20    **CULTURE, RELIGION, AND THE PROBLEM OF EVIL**

- (\*)Rene Girard, "Sacrifice," Violence and the Sacred
- Timothy Corringe, "Religion and Retribution," God's Just Vengeance
- Ted Honderich, "Freedom," Punishment: The Supposed Justifications
- Peter Strawson, "Freedom and Resentment," Freedom and Resentment and Other Essays
- (\*)Jack Katz, Seductions of Crime
- (\*)John Lyden, "From Sacrifice to Sacrament: Repentance in a Christian Context," in Repentance (1997)
- (\*)Jeffrie G. Murphy, "Christianity and Criminal Punishment": Punishment & Society, (July 2003)
- Jeffrie Murphy, "Repentance, Punishment, and Mercy," in Repentance.

September 27    **PUNISHMENT, RIGHT, AND RETRIBUTION**

- (\*)Marvin Hernberg, "Punishment and Duty" Evil for Evil in Ethics, Law, and Literature, 1990
- (\*)Alan W. Norrie, "Rationalising Juridical Individualism and the Rise of 'The Irrational': Hegel," Law, Ideology, and Punishment, (1991)
- J.L. Mackie, "Morality and the Retributive Emotions," Criminal Justice Ethics (1982)
- (\*)David Dolinko, "Some Thoughts About Retributism," Ethics, 1991
- (\*)J.G. Murphy, "Marxism and Retribution" Philosophy and Public Affairs, (1973)

October 4    **DESERT AND UTILITARIANISM**

- (\*)Ted Honderich, "Retribution," Punishment, The Supposed Justifications
- (\*)Pall S. Ardal, "Does Anyone Ever Deserve to Suffer?" Queen's Quarterly, 1984.

- (\*)Andrew Von Hirsch, "Penance and Personalized Desert," and "Degradingness and Intrusiveness," Censure and Sanctions, 1993
- Andrew von Hirsch, "The Future of the Proportionate Sentence," Punishment and Social Control (1995).
- (\*)Jean Hampton, "The Moral Education Theory of Punishment," Philosophy and Public Affairs, 1984
- Jeremy Bentham, excerpts from the Introduction to the Principles of Morals and Legislation
- (\*)Brandon Applegate, "Penal Austerity: Perceived Utility, Desert, and Public Attitudes Towards Prison Amenities," American Journal of Criminal Justice (2001)

October 18            **AUTONOMY AND EXCUSES**

- (\*)Stephen J. Morse, "Craziness and Criminal Responsibility," Behavior Sciences and the Law (1999)
- H.L.A. Hart, "Legal Responsibility and Excuses," Punishment and Responsibility
- (\*)Judith S. Neuman, "Insanity in the Twentieth Century," Suggestion of the Devil
- (\*)Dan W. Brock and Allen E. Buchanan, "The Genetics of Behavior and Concepts of Free Will and Determinism", and Edward Larson, "Criminal Determinism in Twentieth- Century America," in Jeffrey Botkin, et al. Genetics and Criminality.

October 25            **THERAPY AND REHABILITATION**

- (\*)Edgardo Rotman, "Rehabilitation: How It Works," Beyond Punishment (1990)
- Paul E. Lehman, "The Medical Model of Treatment," Crime and Delinquency (April 1972)
- (\*)Mona Lynch, "Rehabilitation as Rhetoric," Punishment and Society (2000)
- (\*)Robert Wuthnow, "Repentance in Criminal Procedure: The Ritual Affirmation of Community," Repentance (1997)
- (\*)Kathleen Daly, "Restorative Justice: The Real Story," Punishment and Society (2002)

- (\*)Brandon Applegate, et al., "Public Support For Correctional Treatment: The Continuing Appeal of the Rehabilitative Ideal," The Prison Journal (1997)

November 1      **PUNISHMENT AND THE STATE**

- (\*)Wojciech Sadurski, "Theory of Punishment, Social Justice, and Liberal Neutrality," Law and Philosophy (1989)
- (\*)Jeffrey G. Murphy, "Retributism, Moral Education, and the Liberal State," Criminal Justice Ethics (1985)
- Nicola Lacey, "Punishment and Community," State Punishment HV8675 .L33 1994
- (\*)R.A. Duff, "Penal Communities," Punishment & Society (1999)
- (\*)John Pratt, "Emotive and ostentatious Punishment: its decline and resurgence in modern society," Punishment & Society (2000)

November 8      **PUNISHMENT AND SOCIETY**

- (\*)David Garland, "Governmentality and the Problem of Crime: Foucault, criminology, sociology," Theoretical Criminology (2000)
- (\*)Eamonn Carrabine, "Discourse, government and translation: Towards a social theory of imprisonment," Theoretical Criminology (2000)
- (\*)Pat Carlen, "Crime, Inequality, and Sentencing," P. Carlen and D. Cook, Paying for Crime (1989)
- (\*)Nils Christie, "Conflicts as Property," The British Journal of Criminology (1977)
- **Outline of Paper Due**

November 15      **PENAL POSTMODERNISM AND BEYOND: FUTURE DIRECTIONS IN THE PHILOSOPHY OF PUNISHMENT**

- (\*)David Garland, "Penal Modernism and Postmodernism," Punishment and Social Control.
- Malcolm Feely and Jonathan Simon, "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications," Criminology (1992)
- (\*)Jonathan Simon, "The Society of Captives In the era of hyper-incarceration," Theoretical Criminology (2000).
- (\*)Hans Boutellier, "Solidarity and Virtuousness," and "Criminality and

Liberalism," in Crime and Morality: The Significance of Criminal Justice in Post-Modern Culture (2000)

November 22 , 29, December 6, 13 **ORAL PRESENTATIONS**

December 20 **PAPERS DUE**