

Justice & civil society – fall 2022

Vincent Chiao

Course location and time: Jepson 107, Mondays & Wednesdays, 3-4:15

Course description. The last half-century witnessed an unprecedented explosion in the scale of American criminal justice, both in terms of the size of the American prison population and in terms of the scope of the criminal law. In more recent years, how the police enforce the criminal law has again become a focal point for public controversy. As a result, the philosophical foundations of criminal justice, including its purposes, its institutions and processes, and the outcomes it produces, have come in for renewed scrutiny.

In this course, we will examine a range of historical and contemporary writings on crime, punishment and policing, with readings drawn from philosophy, social theory and law. The overall objectives are (a) to provide students with a framework for thinking about the “justice” part of criminal justice; (b) to use crime and punishment as a stepping off point for learning about social and political theory; (c) to gain experience producing analytical and persuasive writing.

Materials. Course readings will be posted to the course website.

Office hours. I have an open-door policy: you should feel free to drop in at your convenience. I am also happy to schedule an appointment. My email address is vchiao@richmond.edu.

Evaluation. Three response papers of roughly 2000 words each, with each worth 25%. The papers should (a) represent accurately and fairly the views of the writer to whom you are responding, supported by citations; (b) critically engage with his/her arguments, for instance by raising a novel objection, extending it to other cases or contexts, or defending it from actual or potential objections. You should endeavor to represent the views of those to whom you are responding as sympathetically as you can. The subject matter of response papers should be limited to issues raised in the readings and discussed in class. No outside research is expected. Please be sure to cite *any* sources you rely on. You may write a fourth response paper if you wish, in which case I will count the three highest scores. Papers will be marked based on substantive content, rather than grammar & style.

Three reflections discussing your experience with the community engagement activities, each approximately 500 words, and worth 5% each. These will be marked on a pass/fail basis. The first reflection paper must be submitted no later than October 3, and the second no later than October 31.

Course participation counts for 10%. Course participation means engaging with the readings, and with your fellow students, on a regular basis.

Assignment deadlines. Response papers are due no later than the beginning of class one week from the date on which those readings are covered in class. For instance, if you choose to respond to the readings from October 17, your response paper would be due by the beginning of class on October 24. You may choose the weeks for which you would like to write a response paper, so long as you submit at least one response paper by October 5.

Papers should be submitted via the course website as either a Microsoft Word or PDF document.

Extensions. Extensions should be arranged with me in advance. Late papers lose points at 3 points per day, including weekends.

Community engagement. An important component of the course involves becoming acquainted with institutions and community groups directly involved in criminal justice. This component of the course will involve (a) a scheduled visit to a Richmond criminal court; (b) a scheduled ride-along with the Henrico police; (c) an in-class presentation by a representative of the Virginia Victim's Assistance Network; and (d) an in-class presentation by a representative of the Institute for Actual Innocence. Note that (a) and (b) will be scheduled outside of class time.

Grading rubric. For purposes of this course, points will be translated into letter marks at the following rate:

A	96-100
A-	91-95
B+	86-90
B	81-85
B-	76-80
C+	71-75
C	66-70
C-	61-65
D+	56-60
D	51-56
D-	46-50
F	0-45

Expectations regarding in-person attendance during the pandemic. We are facing a challenging situation in which all of us are called on to make a good faith effort to be flexible and to make decisions in the best interest of the community, including staying home when sick. Students who are sick should not attend class, will not be required to provide formal documentation from a health care provider, and will not be penalized for absences.

However, students must:

- Notify instructors in advance of the absence if possible. Contact the Student Health Center if sick.
- Keep up with classwork and attend online class sessions if able to do so.
- Submit assignments digitally on time whenever possible.
- Work with instructors to try to reschedule any missed assignments.
- Stay in close communication with instructors.

This attendance policy puts everyone on their honor. It requires that faculty trust the word of their students when they say they are ill, and it requires that students report the reason for their absence truthfully. Falsely reporting a reason for an absence is an honor code violation.

Integrity with class recordings. Students shall not:

- Disclose, share, trade, or sell class recordings with/to any other person, organization, business, or institution;
- Post/store these recordings in a location accessible by anyone other than the student, including but not limited to social media accounts.

Students must also comply with any instructions or directions from their faculty regarding the use of such recordings. Students are required to destroy any recordings that were made when they are no longer needed for the student's academic work. Failure to abide by this policy will be a violation of the Standards of Student Conduct; such issues will be sent to the appropriate University Conduct Officer.

Awarding of credit. To be successful in this course, a student should expect to devote 10-14 hours each week, including class time and time spent on course-related activities.
registrar.richmond.edu/services/policies/academic-credit.html

Disability accommodations. Students with a Disability Accommodation Notice should contact their instructors as early in the semester as possible to discuss arrangements for completing course assignments and exams.
disability.richmond.edu/

Honor system. The Jepson School supports the provisions of the Honor System. The shortened version of the honor pledge is: "I pledge that I have neither received nor given unauthorized assistance during the completion of this work."
<https://studentdevelopment.richmond.edu/student-handbook/honor/pdfs/statutes.pdf>

Religious observance. Students should notify their instructors within the first two weeks of classes if they will need accommodations for religious observance.

registrar.richmond.edu/planning/religiousobs.html

If you experience difficulties in this course, do not hesitate to consult with me. There are also other resources that can support you in your efforts to meet course requirements.

Academic skills center. Assists students in assessing their academic strengths and weaknesses; honing their academic skills through teaching effective test preparation, critical reading and thinking, information conceptualization, concentration, and related techniques; working on specific subject areas (e.g., calculus, chemistry, accounting, etc.); and encouraging campus and community involvement. Tutors will be available virtually. The on-call peer-tutors available for these appointments are listed in the Box file: [On-Call Online Tutors](#). Email [Roger Mancastroppa \(rmancast@richmond.edu\)](mailto:rmancast@richmond.edu) and [Hope Walton \(hw Walton@richmond.edu\)](mailto:hw Walton@richmond.edu) for appointments in academic and life skills to request a Zoom conference. asc.richmond.edu.

Boatwright library research librarians. Research librarians help students with all steps of their research, from identifying or narrowing a topic, to locating, accessing, evaluating, and citing information resources. Librarians support students in their classes across the curriculum and provide library instruction, tutorials, research guides, and individual help. All research support will be provided online or by appointment and students can contact a librarian for help via email (library@richmond.edu), text (804-277-9ASK), chat, or Zoom (by appointment). library.richmond.edu/help/ask/ or 289-8876.

Career services. Can assist you in exploring your interests and abilities, choosing a major or course of study, connecting with internships and jobs, and investigating graduate and professional school options. We encourage you to schedule an appointment with a career advisor early in your time at UR. careerservices.richmond.edu or 289-8547.

Counseling and psychological services. Assists currently enrolled, full-time, degree-seeking students in improving their mental health and well-being, and in handling challenges that may impede their growth and development. Services include brief consultations, short-term counseling and psychotherapy, skills-building classes, crisis intervention, psychiatric consultation, and related services. caps.richmond.edu or 289-8119.

Disability services. The Office of Disability Services works to ensure that qualified students with a disability (whether incoming or current) are provided with reasonable accommodations that enable students to participate fully in activities, programs, services and benefits provided to all students. Please let your professors know as soon as possible if you have an accommodation that requires academic coordination and planning. disability.richmond.edu.

Speech center. Assists with preparation and practice in the pursuit of excellence in public expression. Recording, playback, coaching and critique sessions offered by teams of student consultants trained to assist in developing ideas, arranging key points for more effective organization, improving style and delivery, and handling multimedia aids for individual and group presentations. Remote practice sessions can be arranged; we look forward to meeting your public speaking needs. speech.richmond.edu or 289-6409.

Writing center. Assists writers at all levels of experience, across all majors. Students can schedule appointments with trained writing consultants who offer friendly critiques of written work. writing.richmond.edu or 289-8263.

Tentative course outline – subject to revision as the course proceeds

Week 1: The imperative for order

8/22 T Hobbes, *Leviathan*, chs. XIII-XV, XVII-XVIII (pp.76-82, 84, 86-91, 93-98, 103-110, 112, 113-114)

8/24 S Pinker, *The Better Angels of Our Nature*, pp.47-56

Week 2: Who has the right to punish?

8/29 J Locke, *The Second Treatise*, chs. II-III, VIII (ss.95-99, 119-122), IX

8/31 N Christie, "Conflicts as Property"
"1887 Kansas law launches anti-abortion probe"
"A prosecutor says no to a rape charge so a college student calls her own grand jury"

Week 3: Means and ends I: prevention

9/5 C Beccaria, *Of Crimes and Punishments*, chs. 1-8, 12, 14, 19-21, 27-28, 41, 45

9/7 L Schweinhart et al, "The High/Scope Perry Preschool Study Through Age 40"
"Teaching women self-defence still the best way to reduce sexual assault: study"

Week 4: Means and ends II: deterrence - NB: both classes this week will be held over Zoom

9/12 J Bentham, *Principles of Morals & Legislation*, chs. I, XIII-XV
T Fisher, "Economic Analysis of Criminal Law"

9/14 C Sunstein & A Vermeule, "Is Capital Punishment Morally Required?"
(excerpts)

Week 5: Punishment I: retribution

9/19 I Kant, *The Metaphysics of Morals*, pp.132-138, 154-160
J Hampton, *Forgiveness and Mercy*, pp.122-43

9/21 G Watson, the case of Robert Harris (excerpted from "Responsibility and the Limits of Evil")

- Week 6: Punishment II: community**
 9/26 *Durkheim and the Law*, Lukes and Scull, eds., pp. 63-74, 80-82, 89-102, 105-118
- 9/28 Guest speaker – Mary Tate, Director, Institute for Actual Innocence, and Professor of Law, Legal Practice
- Week 7: Punishment II, cont'd**
 10/3 *R v Brown* (excerpts)
- 10/5 community engagement discussion – no reading
- Week 8: Guest speaker**
 10/12 Kate Hanger, Executive Director, Virginia Victim Assistance Network
- Week 9: The civilizing process**
 10/17 N Elias, *The Civilizing Process*, pp. 92-107, 114-121, 161-172, 365-379, 414-421, 440-447
- 10/19 P Moskos, “In Defense of Flogging”
- Week 10: Criminalization: the harm principle**
 10/24 JS Mill, *On Liberty*, ch. 1; ch. 3, pp.52-55; ch. 4, pp.73-83; ch. 5, pp.86-92
 B Harcourt, “The Collapse of the Harm Principle,” pp.109-113
- 10/26 “She’s accused of texting him to suicide. Is that enough to convict?”
 “‘Disturbing’: Experts troubled by Canada’s euthanasia laws”
- Week 11: Policing I: history and theory**
- 10/31 M Finnane, “The Origins of Modern Policing”
- 11/2 J Monaghan, “Legitimate Policing and Professional Norms”
- Week 12: Policing II: policing’s function**
 11/7 E Bittner, “Florence Nightingale in Pursuit of Willie Sutton”
- 11/9 J Kleinig, *The Ethics of Policing*, ch. 2

Week 13: Law's authority in unequal societies

11/14 T Shelby, *Dark Ghettos*, chs. 7-8

11/16 *R v Lavallee* (excerpts)

Week 14: Community engagement discussion

11/21 no reading

11/23 no class

Week 15: Abolition

11/28 R Barnett, "Restitution: A New Paradigm of Criminal Justice"

11/30 B Fried, "Beyond Blame," with responses from P Bloom, C Korsgaard, G Rosen, E Kelly & B Leiter