

Plymouth State University  
Proposal for Cluster Project

Course Title

Exploring the History of Punishment

Course Listing

Though we have already received indications of interest from our students, we are currently unsure how to proceed in terms of course listing. As the first iteration of this integrative, experimental course, we would like to engage and benefit from History and Criminal Justice majors who would be instrumental in shaping the course. Accordingly, we seek an Interdisciplinary Studies (IS) code with the surety that the chairs of both History and Criminal Justice would accept this course for the major via Student Request forms. Additionally, we would include an Integrated Connection (INCO) code, and an accompanying 3000 level course number. Though it is our current demand to run this course as an upper level for Spring 2017, we would consider reshaping it in the future to conform to a Gen Ed Directions: Past and Present (PPDI) course. On this issue, we welcome feedback from the cluster guides and our respective chairs.

Accreditation and Enrollment Details

This course is three credits, and meets twice per week for an hour and fifteen minutes each meeting. We are currently scheduled to run this course MW 11:55-1:10; the time slot has been set and a room is in the process of being booked. We would like to cap enrollment at thirty students for the first running of this course, in order to ensure that we can effectively follow through with ideas for more enterprising assignments (e.g., a field trip to a New Hampshire correctional facility). Guaranteed funding from the university would ensure that the course would run in spite of lower enrollment.

Course Description (Catalogue)

Why do we punish wrongdoers? How do we define wrongdoing? This course explores the philosophies and applications of corrections, from the ancient past to today's issues; discovering the challenges of, and questions concerning, punishment and the processes through which it has been administered for millennia, including today's society. It uses a combination of Classical and medieval texts, contemporary case studies, and modern theoretical perspectives to examine how individuals and society perceive benefit from, and value, punishment; and how those perceptions and values have changed over the last two thousand years.

Additional Description

This class exposes and explores fundamental anxieties about crime and punishment, which are primary determinants in social order and regulation. A hot-button issue as much today as in ancient Greece, exploring the history and practice of punishment will challenge students' assumptions about ethics, justice, and social responsibility. Equipped with a broad historical viewpoint, students will engage with modern case studies and hypothetical scenarios, ultimately finding their place on the spectrum of Western ideas about punishment.

In the Classical and medieval world, which lacked the resources and/or cultural perspective for permanent prison facilities, criminals were punished by exclusion from the security of a community or by irreversible corporal punishment. After the year 1000, Germanic customary law confronted Christian values of charity and forgiveness, resulting in tensions over the ultimate purpose of punishment—retribution (e.g., compensation for a life [*wergild*]) or rehabilitation (e.g., restoring heretics

to orthodoxy). The medieval focus on the commonweal, rather than the individual, also prioritized the understanding of punishment as a way to negotiate the relationship between the threat of “sin” and a spiritually healthy community. Rooted in the past, these anxieties color current approaches to corrections by challenging the methods, results, and efficacy of punishments “fitting the crime.”

Over time, these themes from the Classical and medieval world have morphed to fit a modern society. The creation of both public and private prisons, as well as new techniques of punishment (e.g., lethal injection, restitution, and community service) have led to a modern reconsideration of what punishment means for both society and the individual—whether the offender or the victim. On one hand, the same themes of corporal punishment (e.g., the death penalty), deterrence (e.g., both specific and general), and retribution (e.g., restitution and prison time) continue to form the basis of our current system(s) of punishment. On the other, many Classical and medieval punishments have been deemed—through law and practice—unethical, inhumane, cruel, and unusual. Through interpreting and evaluating the ways in which our current system of punishment aligns with or diverges from the past, students will enter a debate on whether punishment has really changed over time.

### Cluster Contribution

This course addresses the themes of our respective clusters through an exploration of the origins and expressions of justice and security, using critical reading and in-depth analysis of historical sources as well as hands-on exposure to the manifestations of major course themes in our local communities. The first iteration of this course will engage with nearby corrections facilities during prison visits and discussions with local experts in victimology, such as Voices Against Violence, a local victim advocacy group. In future versions of this course, we anticipate broader engagement with national correctional initiatives. For example, incorporating the Ohio Risk Assessment System (ORAS), a tool consulted five times during an offender’s life, would organically connect the course to recent and relevant developments in the philosophy of corrections, enabling students to have impact as well-informed citizens or to prepare for careers related to the field.

The interdisciplinary approach fostered by our discipline expertise would ensure that students gain an array of integrative skills and learning experiences, including:

- Cross-disciplinary strengths rooted in an exploration of justice and security, bolstered by History’s skillset of critical analysis and Criminal Justice’s application of theory to real-life, relevant practice
- Experiential learning from on-site visits
- Student-generated final presentations incorporating reflections on their interactions with off-campus constituencies such as guest speakers and prison visits
- Critical reading of primary source material from differing disciplinary perspectives
- Development of analytical academic writing skills
- The ability to view modern judicial issues through a more comprehensive understanding
- A better comprehension of the tensions between the individual and society, and the ways in which punishment and rehabilitation operate within those tensions
- High-impact educational outcomes such as collaborative assignments and projects that encourage the students to think critically while considering other students’ opinions
- Integration of guest speakers, either in class or digitally, who can speak to the current system and how it operates as a form of punishment and/or rehabilitation

### Funding Request

In light of the experimental nature of this proposed course, which engages deeply with cluster concepts as yet unexplored, we request compensation for Dr. Elvey's half-course overload and a half-course release for Dr. Axen, who is also developing a brand new three-hour upper-level seminar for the Department of History, Philosophy, and Social Studies Education in Spring 2017. The combined demands of team teaching, developing a new interdisciplinary course, and harnessing the experimental cluster model will require much organization, time, and energy. In addition to attending every class meeting, our innovative course theme, blended joint lectures, and inventive assignments will demand full attention and participation from both of us; as a result, we will both essentially teach a full three-credit course representing 6 credit hours between us. In order to reserve time and devotion to this new course, which may serve as a model for cluster courses in the future, Dr. Axen requests a half-course release to undertake joint work on top of expected service and scholarship, to maintain a manageable workload. Dr. Elvey seeks appropriate compensation for overload work.

We also request additional funding for a prison visit, intended to cover the cost of student transportation by bus or van, pending enrollment numbers. Upon approval of this course, we will contact the Federal Correctional Institution in Berlin, NH, and the New Hampshire State Prison for Men in Concord, NH, in order to schedule a visit. Whichever prison can be more accommodating to the schedules, needs, and interests of the students will be selected for a visit to the institution. If funding allows, we may visit both. We have made inquiries about the current process for organizing student transportation, which is in flux due to cluster adjustments, so at the time of this proposal we do not have an exact number for this cost. We therefore request \$1,000 for chartering a bus for one day, including gas and driver's gratuity, in order to safely bring students door to door.

### Sample Syllabus

#### **Sample Assignments**

##### **In Class:**

In order to illustrate the difficulty of selecting an "appropriate" punishment for an offender, students will be given real life cases, both historical and contemporary. They will be asked to evaluate the crime and its repercussions, and to decide on a punishment fitting the crime. Students will be polled by a show of hands, and then they will compare and discuss results. In past experiences, this exercise reveals the great disparities between gauges of a crime's severity, requiring students to defend their answers and resulting in fruitful debate.

Additional exercises will be developed based on the needs and capacities of the class.

##### **Papers:**

Students will submit ten response papers, each worth up to ten points, over the course of the semester (only ten will be graded; if a student submits additional work, the lowest grade will be dropped). The short analytical papers (~2 pages) will encourage a student to reflect on the weekly reading material and engage with the topic of the two lectures that week. In this way, students will learn to meld together the historical sources and the modern application of parallel themes, enforcing a critical view of the spectrum of punishment from past to present.

##### **Final Presentation:**

The exercise modeled in class (above) will be the basis for a final presentation. In small groups, students will research a crime of their choice and analyze the circumstances, individuals involved,

and themes of justice or ethics that shaped the punishment ultimately handed down by the judge presiding over the case in question. Before revealing the real-life sentence, students will present what they considered an appropriate punishment, and compare it to the real-life results.

### Sample Weekly Topics

1. Philosophies of Punishment  
An exploration of how we define crime, why we punish, and what our goals are; evaluation of the relationship between the individual and society.
2. “The Widow” and the Cane: Varieties of Punishment  
A sweeping overview of the various punishments that have been implemented, whether in the past, our specific milieu, or internationally. Some examples will include public shaming, stoning, caning, banishment, and the guillotine (nicknamed the “widow”).
3. Making the Punishment Fit the Crime  
Rooted in ideas about appropriate punishment, an assessment of “equal” or “just” punishment for crimes. What roles do symbolism, reciprocity (“eye for an eye”), and leniency play in the ascription of a punishment to a crime? Examples will include the medieval judicial ordeal and the recent return of the firing squad.
4. Shame  
What role does the opinion of others have on a criminal? Medieval public confession in close-knit communities led to a concern for reputation that continues to motivate criminals. Public ridicule, shaming, and public identification of transgressors will be examined in light of mob mentality.
5. Corporal Punishment  
Whether temporary (causing pain) or permanent (loss of limb or even death), corporal punishment addresses both especially harmful crimes and the problem of punishing when the criminal has nothing to lose beside his own security. Legislation against “barbarism” or “cruel and unusual” punishment intends to protect citizens, but how do we define these terms?
6. Incapacitation  
Society claims the right to incapacitate criminals to prevent further infractions. In some cases punitive, these actions serve to protect the larger community as well as the individual who could potentially harm himself. From stocks and medieval gaol to the “drunk tank,” what force does society use—and when is it too much?
7. Revenge or Retribution?  
What is the difference between personal “evening the score” and judicially- and legally-proscribed retribution for crime? Who is authorized to decide punishment, and why? How do we calculate a punishment that “equals” the crime? Examples include individuals embodying the law (e.g., Muslim males who perform “honor killing”) and religious entities with particular motives (e.g., the Christian Church) as well as democratically sanctioned authorities such as a jury of one’s peers.

8. Restitution  
What is a life worth? Or, for that matter, a hand? An examination of how losses can be made up, whether by action (e.g., atonement at a medieval saint's shrine) or by payment (e.g., the price of a life or limbs lost on the job). One resource for this week is the site <https://projects.propublica.org/graphics/workers-compensation-benefits-by-limb>, which calculates such "worth." What impact does this monetization of life have on society?
9. Rehabilitation and Remorse  
The question of a criminal's genuine remorse is a frequent sticking point in modern cases, but its roots go back to concepts of private spiritual atonement and Christian guilt. True remorse is very different from going through the motions, but it is not possible to apply any empirical measurements to this. How do we measure, and why is this virtue so important to us? Is there a link between rehabilitation and remorse and the likelihood that the criminal will commit another crime?
10. Restorative Justice  
Crime places the individual at odds with the society he transgressed. What are the historical and current practices of restoring a criminal to his community? Some examples include the medieval ritual of penance and reconciliation, modern community service, and more specific examples such as the Sycamore Tree Project (<http://restorativejustice.org/we-do/sycamore-tree-project/>).
11. Deterrence  
Once an individual has committed a transgression, how does society ensure that the crime will not be repeated? Can punishing an individual deter others who might be considering the same crime? Insular medieval communities contrast with contemporary media coverage as ways of advertising crime and punishment.
12. Death Penalty  
The ultimate punishment, the death penalty has prompted volatile responses since the Classical past. Topics include the quest for honorable death, ideas about a "last resort," and questions about divine and human authority over the lives of transgressors.
13. Philosophies in Practice: The Case Study of Debtor's Prison  
Since the Greco-Roman past, the paradox of debtor's prison has yielded a complicated outcome for those who are too poor to pay their dues, but for whom imprisonment means that they will never earn the money to free themselves. Is there a better form of punishment for this situation? How can we resolve the unending cycle of poverty associated with debtor's prison?
14. TBD/Student Presentations
15. Student Presentations

In addition, visits and guest speakers—whether in person or digitally—will round out the fifteen-week course. Sample guest speakers include an advocate from Voices Against Violence; Brett Richardson, Correctional Officer from New Hampshire State Prison for Men (Concord, NH); Dr. Elizabeth Gilday-Rose, Ohio State Psychiatrist (specialist in competency issues).

## Sample Reading and Source List

### Historical Sources

Primary works:

- Hammurabi's Code, selection
- Athenian texts on ostracism, selection
- Henry II, *Assizes*, selections
- "Statutes of Merchants" under Edward I and Edward III (debtors' accounts), selection
- Inquisition records, selection
- Bernardo Gui, selections from *Inquisitor's Manual*
- Gregory IX, decrees establishing inquisitorial process and/or Lucius III, *Ad abolendam*
- Eberhard of Bamberg, "Ordeal of Boiling Water," in his *Breviary*
- Anglo-Saxon texts on *werild* ("man-price"), selection
- Witchcraft texts (e.g., Innocent VIII, *Summis desiderantes*; *Hammer of Witches*), selection

Selections from the following secondary works:

- John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia, 2001)
- Sarah Rubin Blanshei, *Politics and Justice in Late Medieval Bologna* (Boston, 2010)
- Guy Geltner, *The Medieval Prison: A Social History* (Princeton, 2008)
- Mitchell Merback, *The Thief, the Cross, and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (Chicago, 1998)
- Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York, 1995)
- Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca, 2003)

### Contemporary Sources

Selections from the following:

- Francis T. Cullen and Cheryl Lero Jonson, *Correctional Theory: Context and Consequences* (Thousand Oaks, 2012)
- Bruce Western, *Punishment and Inequality in American* (New York, 2006)
- John Oliver, Prison and Issues in Private Prison  
<https://www.youtube.com/watch?v=Pz3syET3DY>
- John Oliver, Prisoner reentry: Concepts Concerning Collateral Consequences  
<https://www.youtube.com/watch?v=gJtYRxH5G2k>
- John Oliver, Mandatory Minimums  
<https://www.youtube.com/watch?v=pDVmldTurqk>
- Dan Claxton, Belle's Scarlet Letter Punishment Raises Eyebrows  
<http://krcgtv.com/news/local/belles-scarlet-letter-punishment-raises-eyebrows>
- Maria Koren, Why the Stanford Judge Gave Brock Turner Six Months  
<http://www.theatlantic.com/news/archive/2016/06/stanford-rape-case-judge/487415/>