

Richard L. Lippke

Curriculum Vitae

Department of Criminal Justice
Indiana University
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Academic Positions

Professor, Department of Criminal Justice, Indiana University, 2013-

Senior Scholar, Department of Criminal Justice, Indiana University, 2008-13

Visiting Fellow, Centre for Criminology, University of Oxford, Fall 2011

Robert and Carolyn Frederick Visiting Professor in Ethics, Prindle Institute
for Ethics, DePauw University, 2008-10

Visiting Research Fellow, Centre for Applied Philosophy and Public Ethics,
Australian National University, June-July 2007

Professor, Department of Philosophy and Religion, James Madison University,
1997-2007; Associate Professor 1990-1997; Assistant Professor 1984-
1990

Postdoctoral Fellow, Department of Philosophy, University of Florida, 1983-1984

Visiting Assistant Professor, Department of Philosophy, Iowa State University,
1982-1983

Education

University of Wisconsin-Madison
Ph.D. (Philosophy), 1982 Minor: Law
M.A. (Philosophy), 1981

Iowa State University
B.A. (Philosophy, with Distinction), 1976, Phi Beta
Kappa, Phi Kappa Phi

Areas of Specialization

Philosophy of Criminal Law, Philosophy of Law, Applied Ethics

Books

Taming the Presumption of Innocence, Oxford University Press, Studies in Penal Theory and Philosophy, forthcoming.

The Ethics of Plea Bargaining, Oxford University Press, 2011, Monograph Series in Criminal Law and Justice, 258pp.

Rethinking Imprisonment, Oxford University Press, 2007, Monograph Series in Criminal Law and Justice, 278 pp.

Radical Business Ethics, Rowman & Littlefield, 1995, 203 pp.

Articles and Book Contributions

"The Ethics of Recidivist Premiums," *Routledge Handbook of Criminal Justice Ethics*, forthcoming.

"Plea Bargaining: Trial Avoidance in the United States and Its Consequences," in Z. Hoskins and C. Flanders, *The New Philosophy of Criminal Law* (Rowman & Littlefield, forthcoming).

"Elaborating Negative Retributivism," *Philosophy and Public Issues*, forthcoming.

"Attempts and Renunciations," *Ohio State Journal of Criminal Law*, forthcoming.

"The Presumption of Innocence in the Trial Setting," *Ratio Juris* 28 (2015): 159-79.

"Preventive Pre-Trial Detention without Punishment," *Res Publica* 20 (2014): 111-27.

"Some Surprising Implications of Negative Retributivism," *Journal of Applied Philosophy* 31 (2014): 49-62.

"Justifying the Proof Structure of Criminal Trials," *International Journal of*

Evidence & Proof 17 (2013): 323-46.

“Chronic Temptation, Reasonable Firmness, and the Criminal Law,”
Oxford Journal of Legal Studies 34 (2014): 75-96.

“Adjudication Error, Finality, and Asymmetry in the Criminal Law,”
Canadian Journal of Law & Jurisprudence 26 (2013): 377-98.

“Plea Bargaining in the Shadow of the Constitution,” *Duquesne Law Review*
51 (2013): 709-34.

“The Prosecutor and the Presumption of Innocence,” *Criminal Law and Philosophy* 8
(2014): 337-52.

“Prosecutors: Experts or Elected Officials?” in J. Ryberg and
J. Roberts (eds.), *Popular Punishment: On the Normative Significance
of Public Opinion for Penal Theory*, (Oxford University Press, 2014): 163-82.

“Modifying Double Jeopardy,” *New Criminal Law Review* 15 (2012): 511-41.

“Anchoring the Sentencing Scale: A Modest Proposal,” *Theoretical
Criminology*, 16 (2012): 463-80.

“Social Deprivation as Tempting Fate,” *Criminal Law and Philosophy* 5
(2011): 277-91.

“Why Sex (Offending) Is Different,” *Criminal Justice Ethics* 30 (2011):
151-72.

“Retributive Sentencing, Multiple Offenders, and Bulk Discounts,”
in Mark D. White (ed.), *Retributivism: Essays in Theory
and Policy*, (Oxford University Press, 2011): 212-231.

“Punishing the Guilty, Not Punishing the Innocent,” *Journal of Moral Philosophy*
7 (2010): 462-88 (reprinted in T. Brooks, *Law and Legal Theory*, Brill
2014).

“Rewarding Cooperation: The Moral Complexities of Procuring
Accomplice Testimony,” *New Criminal Law Review* 13 (2010): 90-118.

“Retributive Parsimony,” *Res Publica* 15 (2009): 377-95.

“The Case for Reasoned Criminal Trial Verdicts,” *Canadian Journal of Law and*

Jurisprudence 22 (2009): 313-30.

"Criminal Record, Character Evidence, and the Criminal Trial," *Legal Theory* 14 (2008): 167-91.

"Response to Tudor: Remorse-Based Sentence Reductions in Theory and Practice," *Criminal Law and Philosophy* 2 (2008), 259-68.

"To Waive or Not to Waive: The Right to Trial and Plea Bargaining," *Criminal Law and Philosophy* 2 (2008): 181-99.

"No Easy Way Out: Dangerous Offenders and Preventive Detention," *Law and Philosophy* 27 (2008): 383-414.

"Retributivism and Plea Bargaining," *Criminal Justice Ethics* 25 (2006): 3-16.

"Mixed Theories of Punishment and Mixed Offenders: Some Unresolved Tensions," *Southern Journal of Philosophy* 44 (2006): 273-95.

"Imprisonable Offenses," *Journal of Moral Philosophy* 3 (2006): 265-87 (reprinted in T. Brooks, *Law and Legal Theory*, Brill 2014).

"Against Supermax," *Journal of Applied Philosophy* 21 (2004): 109-24.

"Government Support of Labor Unions and the Ban on Striker Replacements," *Business and Society Review* 109 (2004): 127-51.

"Desert, Harm Reduction, and Moral Education: The Case for A Tortfeasor Penalty," *Res Publica* 9 (2003): 127-47.

"Diminished Opportunities, Diminished Capacities: Social Deprivation and Punishment," *Social Theory and Practice* 29 (2003): 459-85.

"Retribution and Incarceration," *Public Affairs Quarterly* 17 (2003): 29-48. (reprinted in J. Kleinig, *Correctional Ethics*, Ashgate, 2005)

"Victim-Centered Retributivism," *Pacific Philosophical Quarterly* 84 (2003): 127-45.

"Crime Reduction and the Length of Prison Sentences," *Law & Policy* 24 (2002): 17-35.

- "Prisoner Access to Recreation, Entertainment, and Diversion," *Punishment & Society* 5 (2003): 33-52 (reprinted in J. Kleinig, *Prisoners' Rights*, Ashgate, 2014).
- "Five Concerns Regarding the Commercialization of Leisure," *Business and Society Review* 106 (2001): 107-26.
- "Toward A Theory of Prisoners' Rights," *Ratio Juris* 15 (2002): 122-45 (reprinted in J. Kleinig, *Prisoners' Rights*, Ashgate, 2014).
- "The Disenfranchisement of Felons," *Law and Philosophy* 20 (2001): 553-580.
- "Criminal Offenders and Right Forfeiture," *Journal of Social Philosophy* 32 (2001): 78-89 (reprinted in J. Kleinig, *Prisoners' Rights*, Ashgate, 2014).
- "The 'Necessary Evil' Defense of Manipulative Advertising," *Business and Professional Ethics Journal* 18 (1999): 3-20
- "Torts, Corrective Justice, and Distributive Justice," *Legal Theory* 5 (1999): 149-69
- "Prison Labor: Its Control, Facilitation, and Terms," *Law and Philosophy*, 17 (1998): 533-557
- "Arguing Against Inhumane and Degrading Punishment," *Criminal Justice Ethics* 17 (1998): 29-41
- "Making Offenders Pay--for the Costs of Their Punishment," *Social Theory and Practice* 25 (1999): 61-77.
- "Thinking About Private Prisons," *Criminal Justice Ethics* 16 (1997): 26-38
- "Should States Be In the Gambling Business?" *Public Affairs Quarterly*, 11 (1997): 57-73
- "The Elusive Distinction Between Negative and Positive Rights," *Southern Journal of Philosophy* 33 (1995): 335-346
- "Rewarding Whistleblowers: An Analysis of the Amended False Claims Act," *APA Newsletter on Philosophy and Law*, 95 (1995): 58-60

- "Justice and Insider Trading," *Journal of Applied Philosophy* 10 (1993): 215-226 (reprinted in R. Larmer, *Ethics in the Workplace*, West, 1995 and Wadsworth, 2002; F. Allhoff and A. Vaidya, *Business Ethics*, Sage, 2005, F. Allhoff and A. Vaidya, *Professions in Ethical Focus*, Broadview, 2008)
- "Speech, Conscience, and Work," *Social Theory and Practice* 18 (1992): 237-258 (reprinted in R. Larmer, *Ethics in the Workplace*, West, 1995)
- "A Critique of Business Ethics," *Business Ethics Quarterly* 1 (1991): 367-384
- "Advertising and the Social Conditions of Autonomy," *Business and Professional Ethics Journal* 8 (1989): 35-58 (reprinted in T. Beauchamp and N. Bowie, *Ethical Theory and Business*, Prentice-Hall, 1993; T. White, *Business Ethics*, Macmillan, 1993; W. Shaw and V. Barry, *Moral Issues in Business*, 1995, 1998, 2001; J. Desjardins and J. McCall, *Contemporary Issues in Business Ethics*, Wadsworth, 1996; D. Adams and E. Maine, *Business Ethics for the 21st Century*, Mayfield, 1998; R. Wilson, *Business Ethics and Contemporary Issues*, Kendall/Hunt, 2000)
- "Work, Privacy, and Autonomy," *Public Affairs Quarterly* 3 (1989): 41-55 (reprinted in W. Shaw and V. Barry, *Moral Issues in Business*, Wadsworth, 1991, 1995, 1998, 2001, 2004, 2007, 2009; J. Rowan and S. Zinaich, *Ethics for the Professions*, Wadsworth, 2003; T. White, *Business Ethics*, Macmillan, 1993; R. Larmer, *Ethics in the Workplace*, West, 1995)
- "The Rationality of the Egoist's Half-Way House," *Southern Journal of Philosophy* 25 (1987): 515-528
- "Setting the Terms of the Business Responsibility Debate," *Social Theory and Practice* 11 (1985): 355-369 (reprinted in R. Larmer, *Ethics in the Workplace*, West, 1995 and Wadsworth, 2002)
- "Why Persons Are the Ground of Rights (and Utility Isn't)," *Journal of Value Inquiry* 18 (1984): 207-217

Encyclopedia Entries

"Plea Bargaining," *International Encyclopedia of Ethics*, Wiley-Blackwell, 2013.

"Prison Labor," *Sage Encyclopedia of Criminal Justice Ethics*, 2014.

"Plea Bargaining," *Sage Encyclopedia of Criminal Justice Ethics*, 2014.

Work in Progress

"Parsimony and Sentencing Multiple Offenders," paper.

"Minimal Statistics and the Right to An Attorney," paper.

"Regulating and Limiting Plea Concessions: In Search of Fairness in Charge Adjudication," paper.

"Punishment Drift," paper.

Lectures and Addresses

"Waiving the Right to Trial in Criminal Cases," University of Zurich, workshop on "Obstacles to Procedural Fairness and the Irrelation Between Criminal Procedural Law and Criminology," 2014.

"Chronic Temptation, Self-Control, and the Criminal Law," Vanderbilt University, Philosophy Department Colloquium, 2013.

"Plea Bargaining in the Shadow of the Constitution," Plea Bargaining After *Lafler* and *Frye*, conference at Duquesne University, 2013.

"Prosecutors: Experts or Elected Officials?" conference on *Popular Punishment: On the Normative Significance of Public Opinion for Penal Theory*, Copenhagen 2012.

"The Prosecutor and the Presumption of Innocence," Presumption of Innocence Conference, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota, 2012.

"Should Criminal Prosecutors Stand for Election?" All Souls Criminology Seminar, University of Oxford, 2011.

- "Adjudication Error, Finality, and Symmetry in the Criminal Law,"
Criminal Law Discussion Group, University of Oxford, 2011.
- "Prosecutors: Experts or Elected Officials?" Jurisprudence Discussion Group,
University of Oxford, 2011.
- "Plea Bargaining and Getting at the Truth," Conference on Proof and Truth in the Law,
National Autonomous University of Mexico, 2009
- "The Case for Reasoned Jury Verdicts in Criminal Cases," Association for Practical
and Professional Ethics, 2009
- "Waiver Rewards and Trial Penalties in Plea Bargaining," DePauw
University, 2009
- "Plead Guilty or Else: Plea Bargaining and the Trial Penalty," Association
for Practical and Professional Ethics, 2008
- "Commentary on Christopher Williams and Bruce Arrigo, *Ethics, Crime,
and Criminal Justice*," Association for Practical and Professional
Ethics, 2008
- "Justifying an Old Adage," Centre for Applied Philosophy and
Public Ethics, Australian National University, 2007
- "What Constitutes an Imprisonable Offense?" Department of Philosophy &
Religious Studies, Iowa State University, 2006
- "Imprisonable Offenses," Conference on the Philosophy of Punishment, University
of Newcastle, UK, 2005
- "Retribution and Incarceration," 29th Conference on Value Inquiry, Oklahoma
State University
- "Retributivism, Rights, and the State," Washington University-St. Louis,
Philosophy Department Colloquium
- "State-Sponsored Gambling: A Good Bet for Citizens?" public lecture,
Iowa State University
- "Making Offenders Pay--for the Costs of Their Punishment," Department
of Philosophy & Religious Studies, Iowa State University

"The 'Necessary Evil' Defense of Persuasive Advertising,"
25th Conference on Value Inquiry, Appalachian State University

"Radical Business Ethics," Edna T. Schaeffer Distinguished
Humanist Award Presentation, James Madison University

"Recent Libertarians on Negative and Positive Rights," Colloquium
Paper, Eastern Division, American Philosophical
Association, 1992

"The Virtue in Courage," Washington and Lee University, 1988

"Polygraphs, Urinalysis, and Medical Tests: Are Employers Respecting the Privacy
of Employees?" Washington and Lee University, 1988

Book Reviews

Richard S. Frase: *Just Sentencing: Principles and Procedures for a Workable System*,
Criminal Law and Criminal Justice Books.

Susan Easton, *Prisoners' Rights: Principles and Practice*, in *Criminal Law and
Philosophy* 6 (2012): 111-13.

Larry Laudan, *Truth, Error, and the Criminal Law*, in *Criminal
Law and Philosophy* 2 (2008): 85-89.

Liora Lazarus, *Contrasting Prisoners' Rights*, in *Criminal Law and Philosophy*
1 (2007): 123-25.

Kurt Rothschild, *Ethics and Economic Theory*, in *Journal of
Economic Behavior and Organization* 24 (1994): 118-120

John Christman, *The Inner Citadel: Essays on Individual
Autonomy*, in *Ethics* 101 (1991): 865-6

Honors and Awards

Inaugural Distinguished Alumnus Award, Department of Philosophy and
Religious Studies, Iowa State University, 2006

James Madison University, Educational Leave, Fall 2004

James Madison University, College of Arts and Letters Madison Scholar Award for 2001-02

James Madison University, Educational Leave, Fall 1997

James Madison University, Faculty Summer Teaching Grant, 1996

James Madison University, Edna T. Shaeffer Humanist Award, 1994

James Madison University, Educational Leave, Spring 1991

National Endowment for the Humanities, Summer Seminar for College Teachers, 1990

James Madison University, Faculty Summer Research Grant, Summer 1990

Postdoctoral Fellowship in Applied Ethics, University of Florida, 1983-1984

Charlotte W. Newcombe Doctoral Dissertation Fellowship, 1981-1982

Courses Taught

At James Madison University:

Introduction to Ethics

Introduction to Philosophy

Honors Introduction to Ethics

Business and Professional Ethics

Problems in Medical Ethics

Philosophy, Law, and Public Policy

Hume and Kant

Seminar on Theories of Justice

Moral Theory

Seminar on Contemporary Moral Theory

Crime, Punishment, and Justice

Topics in Philosophy of Law: Constitutional Interpretation—Theory and Applications

At Indiana University:

The Morality of Punishment
 Extreme Punishment
 The Ethics and Economics of Mass Imprisonment
 The Bill of Rights: History, Law, and Interpretation
 Trials versus Plea Bargaining
 Prosecution, Defense, and the Courts

At DePauw University:

Punishment
 Constitutional Interpretation
 Philosophy of Law

Administrative Experience

Acting Department Head, Philosophy & Religion, James Madison University,
 Fall 2000

Co-Chair, Internal Program Review Committee, Philosophy & Religion,
 James Madison University, 2005-07

Workshops Conducted

Prindle Institute Faculty Workshop on Ethics, DePauw University, Summer 2009

Service

Textbook and manuscript reviewing: Wiley-Blackwell, SUNY Press,
 White Publishing Co., McGraw-Hill, West Publishing, Oxford
 University Press, Seven Bridges Press

Journal Referee: *Netherlands Journal of Legal Philosophy*, *Oxford Journal of
 Legal Studies*, *Mind*, *Theoretical Criminology*, *Business and Professional Ethics
 Journal*, *Journal of Social Philosophy*, *Social Theory and Practice*,
Law & Policy, *Journal of Moral Philosophy*, *Criminal Justice Ethics*, *Inquiry*,
Res Publica, *Journal of Political Philosophy*, *Ratio Juris*, *International Journal of Law,
 Crime, and Justice*, *Ethical Theory and Moral Practice*

Referee for NEH Younger Scholars Program

Numerous departmental, college, and university committees at James
Madison University, DePauw University, and Indiana University