

# **Richard L. Lippke**

## Curriculum Vitae

Department of Criminal Justice  
Indiana University  
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Bloomington, IN 47405  
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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, Summer 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 and Criminal Procedure, Sentencing, Applied Ethics

## Books

*Taming the Presumption of Innocence*, Oxford University Press, 2016, Studies in Penal Theory and Philosophy, 276 pp.

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

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

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

## Journal Articles

“Retributivism and Victim Compensation,” *Social Theory and Practice*, forthcoming.

“Two Views About the Intrinsic Value of Deserved Punishment,” *The Journal of Ethics* 23 (2019): 387-406. doi: 10.1007/s10892-019-09301-6

“The Nature of Retributive Justice and Its Demands on the State,” *Law and Philosophy* 38 (2019): 58-77. doi: 10.1007/s10982-018-9336-6

“Retroactive Sentencing Changes: Exploring the Complications,” *Oxford Journal of Legal Studies* 38 (2018): 147-67.

“Legal Punishment and the Public Identification of Offenders,” *Res Publica*, 24 (2018): 199-216. doi: 10.1007/s11158-016-9351-0.

“A Limited Defense of What Some Will Regard as Entrapment,” *Legal Theory* 23 (2017): 283-306. doi: 10.1017/S1352325217000271.

“Irreducible Life Sentences and Human Dignity: Some Neglected and Difficult Issues,” *Human Rights Law Review* 17 (2017): 383-98.

- "Harm Matters: Punishing Failed Attempts," *Ohio State Journal of Criminal Law* 14 (2017): 629-46.
- "Punishment Drift: The Spread of Penal Harm and What We Should Do About It," *Criminal Law & Philosophy* 11 (2017): 645-59.
- "The Minimal State and Indigent Defense," *Criminal Justice Ethics* 35 (2016): 1-21.
- "Elaborating Negative Retributivism," *Philosophy and Public Issues* 5 (2015): 57-71.
- "Attempts and Renunciations," *Ohio State Journal of Criminal Law* 12 (2015): 615-31.
- "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.
- "Chronic Temptation, Reasonable Firmness, and the Criminal Law," *Oxford Journal of Legal Studies* 34 (2014): 75-96.
- "The Prosecutor and the Presumption of Innocence," *Criminal Law & Philosophy* 8 (2014): 337-52.
- "Adjudication Error, Finality, and Asymmetry in the Criminal Law," *Canadian Journal of Law & Jurisprudence* 26 (2013): 377-98.
- "Justifying the Proof Structure of Criminal Trials," *International Journal of Evidence & Proof* 17 (2013): 323-46.
- "Plea Bargaining in the Shadow of the Constitution," *Duquesne Law Review* 51 (2013): 709-34.
- "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 & Philosophy* 5

(2011): 277-91.

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

"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
- "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, 2013, 2015; 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

### Book Contributions

"Penal Severity and the Modern State," in Michael Tonry (ed.), *Of One-Eyed and Toothless Miscreants: Making the Punishment Fit the Crime?* (Oxford University Press, 2020): 127-48.

"Fundamental Values of Criminal Procedure," in Daryl Brown, Jenia Turner, and Bettina Weisser (eds.), *Oxford Handbook of Criminal Process* (Oxford University Press, 2019): 25-42.

"The Case Against Jails," in Molly Gardner and Michael Weber (eds.), *The Ethics of Policing and Imprisonment* (Palgrave Macmillan, 2018): 109-28.

"Regulating and Limiting Plea Concessions: In Search of Fairness in Charge Adjudication," in John Jackson and Sarah Summers (eds.), *Obstacles to Fairness in Criminal Proceedings: Individual Rights and Institutional Forms* (Hart Publishing, 2018): 221-37.

"Parsimony and the Sentencing of Multiple Offenders," in Jesper Ryberg, Julian Roberts, and Jan de Keijser, *Sentencing Multiple Crimes* (Oxford University Press, 2017): 95-111.

"The Ethics of Recidivist Premiums," *The Routledge Handbook of Criminal Justice Ethics*, J. Jackson and J. Jacobs, eds. (Routledge 2016): 17-27.

"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, 2015): 173-92.

"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.

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

### **Encyclopedia Entries**

“Prisoners’ Rights,” *International Encyclopedia of Ethics*, Wiley-Blackwell, 2019.

“Plea Bargaining,” *International Encyclopedia of Ethics*, Wiley-Blackwell, 2013, 2019.

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

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

### **Other Publications**

“Rewarding Whistleblowers: An Analysis of the Amended False Claims Act,” *APA Newsletter on Philosophy and Law*, 95 (1995): 58-60

### **Work in Progress**

*Punishment and Rational Assurance*, book manuscript

“Negotiated Pleas, Prosecutorial Decision-Making, and Artificial Intelligence,” paper

### **Lectures and Presentations**

“Towards An Objectivist Account of Penal Severity,” Proportionate to What? Conference at Worcester College, University of Oxford, 2018.

“Retributive Proportionality Puzzles,” Workshop on Proportionality in Sentencing, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota, 2017

“Regulating and Limiting Plea Concessions: In Search of Fairness in Charge Adjudication,” Modern Law Review Seminar, University of Nottingham, 2016

“The Case Against Jails,” Conference on The Ethics of Policing and Prisons, Bowling Green State University, 2016.

- "Parsimony and the Sentencing of Multiple Offenders," University of Oxford, Multiple Offense Sentencing Seminar, 2015.
- "Reforming Plea Bargaining," Robina Institute of Criminal Law and Criminal Justice, University of Minnesota, 2015.
- "Waiving the Right to Trial in Criminal Cases," University of Zurich, conference 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," 29<sup>th</sup> 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," 25<sup>th</sup> 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
- "Polygraphs, Urinalysis, and Medical Tests: Are Employers Respecting the Privacy of Employees?" Washington and Lee University

## Book Reviews

Stephen C. Richards, *The Marion Experiment: Long-Term Solitary Confinement & the Supermax Movement*, in *Criminal Law and Criminal Justice Books*.

Richard S. Frase: *Just Sentencing: Principles and Procedures for a Workable System*, in *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, Awards, Grants

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

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

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

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  
 Mass Imprisonment  
 Sentencing Theory and Practice  
 Pleas, Trials, and Sentences

*At DePauw University:*

Punishment  
 Constitutional Interpretation  
 Philosophy of Law

## **Administrative Experience**

Chair, Department of Criminal Justice, Indiana University, 2015-19

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

Co-Chair, Internal Program Review Committee, Philosophy & Religion,  
James Madison University, 2005-06

### **Workshops Conducted**

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

### **Service**

Textbook and manuscript reviewing: Wiley-Blackwell, SUNY Press, Routledge,  
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*, *Law & Philosophy*, *Yale Law  
Journal*, *Criminal Justice Policy Review*, *Modern Law Review*, *Contemporary Political  
Theory*, *Australasian Journal of Philosophy*, *McGill Law Journal*, *International  
Journal of Evidence & Proof*, *Analysis*, *Justice Quarterly*, *Criminal Law  
and Philosophy*, *Punishment & Society*

Referee for NEH Younger Scholars Program

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