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THEORETICAL FOUNDATIONS OF CRIMINAL LAW

Description

Perhaps more than any other legal area, criminal law raises fundamental theoretical issues that have occupied philosophers over the years. This is not surprising in light of the obvious proximity between the enterprise of using state coercion to punish the guilty on the one hand and central concerns of moral and political philosophy on the other. In the course we'll bring to bear such philosophical perspectives on important aspects of criminal law.

List of Topics

Overview and purposes of criminal law

The principle of legality

Utilitarian and Kantian perspectives

Justifications of punishment

Capital punishment

The harm principle and its limits

Protected values

Responsibility and mental states

Justification and excuse

Readings

A reader is available at Copy Central. Additional materials will be posted on bSpace or distributed in class.

Requirements

There will be an in-class midterm and a take-home final. In addition students may be asked to prepare some short written reports in section.

Students will be expected to attend **all** the meetings of the class and their section and to actively participate in the discussions.

Grading

Midterm 30%

Class and section participation 30%

Final 40%