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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**

**Utilitarian and Kantian perspectives**  
**Justifications of punishment**  
**Capital punishment**  
**The harm principle and its limits**  
**Protected values**  
**Responsibility and mental states**  
**Acts and omissions**  
**Justification and excuse**  
**The principle of legality and the rule of law**

### **Readings**

The main text for this course is Leo Katz, Michael Moore, and Stephen Morse, *Foundations of Criminal Law* (Oxford University Press, 1999). There is also a reader with supplemental materials.

### **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%