

Legal and Moral Culpability (PHIL 1510)

Luke William Hunt | University of Virginia | Department of Philosophy | Summer 2016

Course Details

- **Description:** The objective of this course is to examine one of the central questions raised by criminal law: What are the just standards for criminal liability? In seeking answers to this question, we will examine the basic requirements and scope of criminal liability and consider the relationship between crime and morality.
- **Goals:** To answer the following questions:
 - What are the basic requirements of criminal liability?
 - What are the principles of punishment for criminal liability?
 - What is the role of legality, mistake, and omissions in the law?
 - Causation, attempt, and impossibility: What is the significance of resulting harm?
 - Doctrines of imputation: Liability without meeting elements of an offense?
 - Justification defenses: Can committing a crime be doing the right thing?
 - Excuse defenses: Is wrongdoing every blameless?
 - Are we responsible for who we are?
- **Required text:** *Criminal Law Case Studies* (Paul H. Robinson, Fifth Edition, 2015) (“CLCS”)
- **Office hours:** By appointment: lwh8ra@virginia.edu

Evaluation

- **Examinations (80%):** There will be four examinations that are worth 20% each.
 - The examinations will be primarily noncritical and will test your understanding of material covered in both the readings and class. However, each exam will include at least one question that asks for a critical response.
 - All examinations will be open book and note.
- **Class expert (20%):** Members of the class will rotate as class experts. As a class expert, you will be asked to help brief cases/essays and bring to class discussion questions about the readings.
- **Participation and attendance:**
 - *Participation:* The course will involve quite a bit of discussion and small group activities. If you end up with a borderline grade, then active participation over the course of the semester may tip the balance in your favor. On the other hand, poor participation may tip the balance the other way. Active participation means bringing questions/comments to each class, responding to my questions, and participating in the discussion and small group activities.
 - *Punishment judgments:* At the end of each case in the Robinson text, there is a question about whether you would convict the defendant and, if so, how much punishment you would impose (if any). These questions will help facilitate discussion, and I’ll call on people to explain their answers. There is no right/wrong answer; just tell me what you think is the “just” thing to do.
 - *Attendance:* You are expected to attend all the classes, but you will be permitted an absence without penalty (you do not need to provide an excuse). Additional absences will result in a reduction of your overall grade.

Schedule of Topics and Readings

- **May 16:** Introduction and *The Speluncean Explorers*, Lon Fuller (first half: pages 616-31)
- **Chapter 1: What are the basic requirements of criminal liability?**
 - May 17: *Speluncean Explorers* (second half: 631-45); CLCS (McCarty), 1-6
 - May 18: CLCS (Landis), 11-14; CLCS (Williamsses), 19-21
- **Chapter 2: What are the principles of punishment for criminal liability?**
 - May 19: CLCS (Dudley), 29-34; CLCS (Rummel), 38-39; CLCS (Olson), 47-52
 - May 20: **EXAM 1** (covering May 16-19 material)
- **Chapter 3: What is the role of legality, mistake, and omissions in the law?**
 - May 23: CLCS (Baker), 57-61; CLCS (Marrero), 65-66
 - May 24: CLCS (Billingslea), 95-97; CLCS (Ruschioni), 104-106
- **Chapter 4: Causation, attempt, & impossibility: What is the significance of resulting harm?**
 - May 25:
 - *The Punishment that Leaves Something to Chance*, David Lewis
 - CLCS (Wood), 109-110; CLCS (Phillips), 116-120
 - May 26: CLCS (Thomas), 126-129; CLCS (Bailey), 136-139
 - May 27: **EXAM 2** (covering May 23-26 material)
- **Chapter 5: Doctrines of imputation: Liability without meeting elements of an offense?**
 - May 30: **MEMORIAL DAY HOLIDAY (NO CLASS)**
 - May 31:
 - *Is Drunk Driving a Serious Offense?* Douglas Husak; *Slate* article
 - CLCS (Mondello), 143-148; CLCS (Weaver), 153-157
- **Chapter 6: Justification defenses: Can committing a crime be doing the right thing?**
 - June 1 : CLCS (Green), 163-166; CLCS (Schlicht), 170-172
 - June 2: CLCS (Daschner), 176-180; CLCS (Ashkenazi), 184-185
 - June 3: **EXAM 3** (covering May 31 – June 2 material)
- **Chapter 7: Excuse defenses: Is wrongdoing every blameless?**
 - June 6 : CLCS (Leidholm), 189-192; CLCS (Kingston), 199-201
 - June 7 : CLCS (Yates), 203-207; CLCS (Hawkins), 211-213
- **Chapter 8: Are we responsible for who we are?**
 - June 8: CLCS (Tenneson), 217-221; CLCS (Cabarga), 223-226
 - June 9: CLCS (Sandifer), 231-233; *A Rose for Emily*, William Falkner
 - June 10: **FINAL EXAM** (covering June 6-9 material)