

## Seminar in Philosophy of Law: Culpability and Character

Prof. Edmundson

Fall 2004

Fridays 10:30-12:10 (2-3 hours)

Room 602 ULB

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[last revised: November 4, 2004]

This seminar will investigate the relation between punishment, responsibility, culpability, and character. We will consider such things as the presuppositions of the practice of criminal punishment and challenges to those presuppositions, which stem from philosophical reflection and (more recently) from developments in the scientific understanding of behavior. We will start with an overview of the ways that “folk” ideas of freedom, responsibility, and character that permeate the law; and we will conclude the semester by returning to the questions whether and how legal doctrine could and should be reformed or recast to reflect our evolving understanding of human action and nature. Open to J.D. and M.A. candidates by permission of the instructor; contact [wedmundson@gsu.edu](mailto:wedmundson@gsu.edu). An undergraduate background in philosophy or psychology would be advantageous, but there are no prerequisites. E-mail the instructor if you have questions.

### First assignment

Fletcher, from *Basic Concepts of Criminal Law* (available on 3rd floor handouts shelving).

### Reading

*A Reader on Punishment*, edited by Duff and Garland. Oxford 1995

*Freedom Evolves*, by Daniel Dennett. Penguin.

*The Illusion of Conscious Will*, by Daniel M. Wegner. MIT Press.

Handouts.

### E-mail Discussion List

There is an e-mail discussion list for the seminar. You are already subscribed, but you may change the e-mail address to which postings are directed by going to:

<http://gsulaw.gsu.edu/cgi-bin/emailupdater>

The WWWeBBB Forum address is:

<http://gsulaw.gsu.edu/wedmundson/forums/law7296wae/>

There, you can view prior discussion threads and compose and post messages as well. (In a pinch, you can also post via e-mail: e-mail: [law7092wae@gsulaw.gsu.edu](mailto:law7092wae@gsulaw.gsu.edu) ; but your message will appear on the Forum as a single, unbroken line.)

### The Grading System Explained

There will not be a final examination. Each participant will be responsible for leading at least one class discussion, and a final paper of 12-20 (typed, double-spaced) pages will be required. Your grade will be based upon class participation and your paper. A first draft of the paper will be due in class on November 19; and the final paper will be due at 5 pm, on the last day of the exam period, at the 4th Floor Reception Desk.

### Attendance policy

Roll will be taken at each class meeting. Two or more unexcused absences will be grounds for the assignment of a failing grade. Please also note that class nonparticipation may influence your final grade. Because absences due to illness or conflicting family, legal, military or business duties are routinely excused, you need not telephone me to ask that such an absence be excused.

### Office Hours

I have an "open door" policy on meeting outside class, or, if you like, call me to make an appointment. My number is 404-651-2136. My office hours are Tuesdays from 1:30 to 3pm. E-mail is the most efficient means of communicating with me when I am not available in person: [wedmundson@gsu.edu](mailto:wedmundson@gsu.edu) .

## Schedule

| <u>Date</u> | <u>Reading</u>  | <u>Discussion leader</u> |
|-------------|---|--------------------------|
| 8/27        | Fletcher, from <i>Basic Concepts of Criminal Law</i>  | Instructor               |
| 9/3         | Dennett, ch. 1  | Instructor               |
| 9/10        | Dennett, chs. 2, 3  | Instructor               |
| 9/17        | Dennett ch. 4, Russell handout  | Diener                   |
| 9/24        | Bradley handout   | Yuen                     |
| 10/1        | Kadish, Schulhofer handout  | Wiggins                  |
| 10/8        | Wegner chs. 1, 2  | Robinson                 |
| 10/15       | Wegner chs. 3, 4  | Pennington               |
| 10/22       | Wegner chs. 5, 6  | Hasan                    |
| 10/29       | Virtue theory handout (Anscombe, Stocker; also Hursthouse, Homiak from Stanford Encyclopedia, for background) | Jessiman                 |
| 11/5        | Character sceptics handouts (Harman, Doris, Sreenivasan, and Athanassoulis)                                   | Teske                    |
| 11/12       | Free will labyrinth handout (Kane)  | Morrison                 |
| 11/19       | Free will scepticism handout (Pereboom, Smilansky)  | Eddleman                 |
| 11/26       | <i>No class – Thanksgiving holiday</i>  |                          |
| 12/3        | Punishment Reader selections (Rotman, Bianchi), Wooton handout  | Warren, Safford          |

Deviations from this schedule are bound to occur.