

Crime and Punishment

BARUCH COLLEGE

PHI 3260 – FMWA

Class Number 54871

Instructor: Yuval Abrams

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Meeting time: M,W 4:10-5:25

Office hours: M, W 7:15-8:15 (by appointment only)

Semester: Spring 2019

Classroom: Vertical 9-135

Credits: 3.0

Office: B5-287

SYLLABUS

Course Description

The criminal law is the central instance of law in general, inasmuch as it is where the use of coercive state power to regulate the behavior of people is most clearly revealed. The philosophy of criminal law has, in recent years, developed enormously both in theoretical extent and in conceptual refinement. This course sets out to provide you with a general philosophical introduction to certain key concepts and ideas in criminal law, the most important of which are the concepts of 'crime' and 'punishment' as the common law understands them. Among the questions we will be considering in this course are:

- (a) What is a 'crime', and what makes a crime different from a tort or a breach of contract?
- (b) What is the best way to understand the justification for treating certain actions as crimes?
- (c) What is the relationship between a crime and punishment?
- (d) What is the best way to understand the justification for punishment?
- (e) What are the necessary theoretical components of a crime, and how do they relate to each other to constitute a crime?
- (f) What is the difference between justifications and excuses? How do they relate to crimes?
- (g) What is the connection between the criminal law and substantive principles of ethics and/or morality? and,
- (h) What philosophical ideas or attitudes should inform any ethically/morally defensible system of criminal law in a liberal society?

Required Text:

The textbook prescribed for this course is *Criminal Law* by Guyora Binder (Oxford University Press 2016).

This book is difficult. You are expected to read it carefully. We will discuss this book and the materials therein in class. You will be expected to possess or have constant access to a copy of this book.

Additional Texts:

Additional readings, both mandatory and optional, will be posted on Blackboard.

I will also post excerpts from undergraduate textbooks in Criminal Law on Blackboard. I *highly recommend* referring to these to gain a better understanding of the workings of the criminal law and of the legal system in general.

Course Blackboard Site:

There will be a site for this course on Blackboard. The syllabus, some of the readings, and assignments will be posted and accessible on that site.

You are responsible to follow the announcements on the Blackboard site

Course Requirements and Grading

1. Two Papers (under 1000 words): 20% each 40% combined (**dates to be announced**).
2. Four multiple-choice quizzes, of which I will grade your best 3: 10% each; 30% combined.
3. Final: 20%.
4. Class participation: 10%.

The final grade will be curved.

Essays: You may choose the topic from among a list five topics that I will provide. The dates will be announced. All updates will be on Blackboard. **Unless stated otherwise, papers are to be submitted in hard copy only.**

Quizzes: Dates are listed in the course schedule below. If you are absent for a quiz you will receive a grade of zero for that quiz. I will grade your best three quiz grades.

Final: Will consist of multiple-choice questions.

Class Participation: Class participation is not the same as attendance.

Note on Attendance

I will take attendance at the beginning of every class. Still, students will need to participate in discussions in order to get full credit for attendance (cell phones should be on silent mode). Repeated absences will be taken note of. Lateness should be avoided, but better that you attend late than not at all. If you must enter late, please make an effort not to disturb the class as you get to your seat.

Absence from classes does not affect the due dates for the assignments or your quiz dates. Late assignments handed in **within 2 weeks** of the due date (i.e. before I return the papers to the rest of class) will receive a **single letter-grade deduction** unless an extension has been granted prior to the due date. **Assignments handed in later than that will only be accepted after talking to me first.**

Please be aware of the NY State Education Law, which provides that:

1. Any student in an institution of higher education who is unable, because of their religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
2. It shall be the responsibility of the faculty to make available to each student who is absent from school, because of religious beliefs, an equivalent opportunity to make up any examination, study or work requirements which they may have missed because of such absence on any particular day or days
3. Any student who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith shall be entitled to maintain an action or proceeding in the supreme court of the county in which such institution of higher education is located for the enforcement of their rights

CUNY Policy on Academic Integrity

Baruch College's Statement of Academic Integrity:

Academic integrity in its best form involves upholding the principles and expectations of doing one's own work and giving credit to others for theirs. Academic integrity strengthens the educational environment by valuing original work and providing a fair environment for all students.

(<http://www.baruch.cuny.edu/studentaffairs/AcademicIntegrity/>)

Baruch College's Statement on Academic Dishonesty:

Academic dishonesty is unacceptable and will not be tolerated. Cheating, forgery, plagiarism and collusion in dishonest acts undermine the college's educational mission and the students' personal and intellectual growth. Baruch students are expected to bear individual responsibility for their work, to learn the rules and definitions that underlie the practice of academic integrity, and to uphold its ideals. Ignorance of the rules is not an acceptable excuse for disobeying them. Any student who attempts to compromise or devalue the academic process will be sanctioned.

For more information on the definitions of Academic Dishonesty, see:
https://www.baruch.cuny.edu/academic/academic_honesty.html

CUNY Policy on Disability Services

Baruch College is committed to providing access to all programs and curricula to all students. Students with disabilities who may need classroom accommodations are encouraged to register with the Office of Students with Disabilities. For more information, please contact the Office of Students with Disabilities, One Bernard Baruch Way, Newman Vertical Campus, Room 2-271, New York, NY 10010, phone number, 646-312-4950 or visit <https://www.baruch.cuny.edu/studentaffairs/ossd/disabilityServices.htm> .

Student Academic Consulting Center (SACC)

SACC’s mission is to help undergraduates of Baruch College succeed academically and in their chosen professions. This includes tutorial services. For more information, visit <https://www.baruch.cuny.edu/sacc/>

Reading Schedule (All Readings are in Wilson, unless indicated otherwise. **(This list is tentative and is subject to revision)**)

CLASS NUMBER	Date	TOPIC	REQUIRED READING	ASSIGNMENT
1	Monday 1/28	Introduction	None	None.
2	Wednesday 1/30	What is Criminal Law?	Chapter 1	None.
3	Monday 2/4	The American Criminal Justice System	Chapter 2	None.
4	Wednesday 2/6	The American Criminal Justice System	Chapter 2	None.
5	Monday 2/11	Why Punish?	Chapter 3	
6	Wednesday 2/13	Why Punish?	Chapter 3	None.
NO CLASS	Monday 2/18			
7	Wednesday 2/20	Why Punish?	Chapter 3	None.
8	Monday 2/25	Why Punish?	Chapter 3	None.
9	Wednesday 2/27	The Criminal Act	Chapter 4	Quiz One.
10	Monday 3/4	The Criminal Act	Chapter 4	None.
11	Wednesday 3/6	The Criminal Act	Chapter 4	None.
12	Monday 3/11	The Criminal Mind	Chapter 5	None
13	Wednesday 3/13	The Criminal Mind	Chapter 5	None.
14	Monday 3/18	The Criminal Mind	Chapter 5	None.

15	Wednesday 3/20	Homicide, from Killing to Causing	Chapter 6	Quiz Two
16	Monday 3/25	Homicide, from Killing to Causing	Chapter 6	None
17	Wednesday 3/27	Homicide, from Killing to Causing	Chapter 6	None
18	Monday 4/1	Rape and Theft, from Force to Non-Consent	Chapter 7	None.
19	Wednesday 4/3	Rape and Theft, from Force to Non-Consent	Chapter 7	None.
20	Monday 4/8	Rape and Theft, from Force to Non-Consent	Chapter 7	None
21	Wednesday 4/10	Anticipatory and Participatory Liability	Chapter 8	Quiz Three
22	Monday 4/15	Anticipatory and Participatory Liability	Chapter 8	None
23	Wednesday 4/17	Anticipatory and Participatory Liability	Chapter 8	None.
SPRING BREAK	Monday 4/22, Wednesday 4/24			
24	Monday 4/29	Justification and Excuse	Chapter 9	None.
25	Wednesday 5/1	Justification and Excuse	Chapter 9	None
26	Monday 5/6	Justification and Excuse	Chapter 9	None
27	Wednesday 5/8	Overcriminalization	Husak (Blackboard)	Quiz Four
28	Monday 5/13	TBA		None.

Final Exam: Monday May 22nd 3:30-5:30 PM