

**PHIL4532**  
**Seminar on Western Philosophy 西方哲學研討**

**Course Outline**

**Time : H 12:30pm-3:15pm**

**Location : LHC 106**

**Course overview (as shown on CUSIS)**

This is a seminar course devoted to examining selected issues in Western philosophy. The specific content of the course varies from semester to semester. Offerings with different subtitles can be taken up for credit, up to a maximum of two times.

Advisory to Majors (old curriculum): to be taken in year 2 or above.

Advisory to Majors (new curriculum): to be taken in year 3 or above.

**Learning outcomes (as shown on CUSIS)**

1. Gain competence in explaining and evaluating the key concepts and theories addressed in the course.
2. Demonstrate familiarity with the primary and secondary source texts in the syllabus.
3. Engage in in-depth discussion on the selected topics of the course.
4. Demonstrate ability to articulate and defend one's own philosophical theses with clarity.
5. Demonstrate consolidated skills in expository and argument writing.

**Topics**

H. L. A. Hart's Philosophy of Law: Punishment and Responsibility

**Learning activities**

H. L. A. Hart was the greatest philosopher of law in the 20<sup>th</sup> century, and probably the greatest philosopher of law of all time. We will study his seminal work: *Punishment and Responsibility: Essays in the Philosophy of Law*, while also considering perspectives different from his. If time allows, we will also read his book, *Law, Liberty and Morality* and Patrick Devlin's "The Enforcement of Morals," which form the well-known Hart-Devlin debate.

Each week, we will read a chapter of his book, *Punishment and Responsibility*, which sets out Hart's important view on punishment, responsibility, and central concepts in criminal law, such as strict liability and *mens rea*. Where relevant, we will also study works by other thinkers, such as Antony Duff, Jeffrie Murphy, C. L. Ten, and van der Haag.

Weekly reading and discussions are essential learning activities. So is the writing of papers. There will be a mid-term paper and a term paper. For a number of weeks, students might be required to submit a one-page "shorty" to facilitate discussions. Students will be required to present the first draft of their term paper in a workshop (that resembles a conference).

**Assessment scheme**

<i>Task nature</i>	<i>Description</i>	<i>Weight</i>
Reading, participation, presentation, and one-page papers	Students are required to do weekly readings, to participate in discussion, as well as (for some weeks) to submit one-page papers	35%
Midterm paper	A 6-8 page paper	25%
Term paper	A 8-12 page term paper, written in two drafts. (The first draft will be presented in a workshop)	40%

**Remarks on Assessment Scheme (if any)**

There might be some adjustment of the assessment scheme without prior notice.

**Recommended learning resources**

H. L. A. Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*

**Course schedule**

<i>Week</i>	<i>Topics</i>	<i>Required reading</i>	<i>Tutorials</i>	<i>Remarks</i>
1	Punishment	Punishment and Responsibility (henceforth "P&R), chapter 1		
2	Punishment	P&R, chap. 7 Works by Antony Duff & Jeffrie Murphy		
3	Punishment	T. M. Scanlon, "Giving Desert Its Due." Hon-Lam Li, "Contractualism and Punishment."		
4	Legal Excuses	P&R, chap. 2 C. L. Ten, <i>Crime, Guilt &amp; Punishment</i> (henceforth "Ten"),		

		chap. 5		
5	Capital Punishment	P&R, chap. 3 <i>Menninger, The Crime of Punishment</i> , excerpt		
6	Capital Punishment	Works by van den Haag Hon-Lam Li, "Contractualism and the Death Penalty."		
7	Acts of Will & Responsibility	P&R, chap. 4		
8	Intention & Punishment	P&R, chap. 5		
9	Negligence, <i>Mens Rea</i> , and Criminal Responsibility	P&R, chap. 6		
10	Mentally Ill Offenders	P&R, chap. 8 Ten, chap. 6		
11	Mitigation	P&R, chap. 1 Ten, chap. 7 Works by Peter Chau		
12	Responsibility & Retribution	P&R, chap. 9		
13	The Harm Principle	J. S. Mill, <i>On Liberty</i> , chaps. 1, 4 and 5		
14	Hart-Devlin Debate	Patrick Devlin, <i>The Enforcement of Morals</i> , chap. 1. H. L. A. Hart, <i>Law, Liberty and Morality</i> , chaps. 1-3.		

#### Details of course website

**Contact details for teacher(s) or TA(s)**

<b>Teacher</b>	
Name:	Li Hon-lam
Office location:	Room 425, Fung King Hey Building
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<b>TA</b>	
Name:	
Office location:	
Telephone:	
Email:	

**Academic honesty and plagiarism**

Attention is drawn to University policy and regulations on honesty in academic work, and to the disciplinary guidelines and procedures applicable to breaches of such policy and regulations. Details may be found at <http://www.cuhk.edu.hk/policy/academichonesty/>

With each assignment, students will be required to submit a signed declaration that they are aware of these policies, regulations, guidelines and procedures. For group projects, all students of the same group should be asked to sign the declaration.

For assignments in the form of a computer-generated document that is principally text-based and submitted via VeriGuide, the statement, in the form of a receipt, will be issued by the system upon students' uploading of the soft copy of the assignment. Assignments without the receipt will not be graded by teachers. Only the final version of the assignment should be submitted via VeriGuide.