

Experimental Philosophy of Law: Intentionality, Causation and Criminal Responsibility

Reading Block Seminar

Summer Term 2019

Basic Information

Instructors:

Prof. Dr. Stefan Magen

Office: GD 2/371

Office hours: on appointment

Email address: ls-magen@rub.de

Dr. Karolina Prochownik

Office: GD 2/419

Office hours: on appointment

Email address: karolina.prochownik@rub.de

Intro Session	Topic
Session 1 Day 1	What is experimental philosophy? Reading: Sytsma, J., & Livengood, J. (2015). The new experimental philosophy (chapter 1). In <i>The theory and practice of experimental philosophy</i> (pp. 3-20). Peterborough: Broadview Press. Stich, S., & Tobia, K. (2016). Experimental philosophy and the philosophical tradition. In J. Sytsma & W. Buckwalter (Eds.), <i>A companion to experimental philosophy</i> (pp. 5-21). Oxford: Wiley-Blackwell. Supplementary: https://plato.stanford.edu/entries/experimental-philosophy/
Session 2 Day 1	Experimental philosophy of morality and law Reading: Darley, J. M. (2001). Citizens' sense of justice and the legal system. <i>Current Directions in Psychological Science</i> , 10(1), 10-13. Supplementary: Robinson, P. H., & Darley, J. M. (1995). Community standards and criminal law (chapter 1). In <i>Justice, liability, and blame: Community views and the criminal law</i> (pp. 1-11). Boulder: Westview Press.
Session 3 Day 2	Intentionality in criminal law Reading: Fletcher, G. P. (1998). Intentions versus negligence (chapter 7). In <i>Basic concepts of criminal law</i> (pp. 111-129). Oxford: Oxford University Press.
Session 4 Day 2	Experimental philosophy and the concept of intentional action Reading: Knobe, J. (2003). Intentional action and side effects in ordinary language. <i>Analysis</i> , 63(279), 190-194.

	<p>Burra, A., & Knobe, J. (2006). The folk concepts of intention and intentional action: A cross-cultural study. <i>Journal of Cognition and Culture</i>, 6(1-2), 113-132.</p> <p>Alicke, M. (2008). Blaming badly. <i>Journal of Cognition and Culture</i>, 8(1-2), 179-186.</p>
Session 5 Day 2	<p>Side-effect effect in professional lawyers</p> <p>Reading: Kneer, M., & Bourgeois-Gironde, S. (2017). Mens rea ascription, expertise and outcome effects: Professional judges surveyed. <i>Cognition</i>, (69), 139-146.</p>
Session 6 Day 3	<p>Legal and folk views of causation</p> <p>Reading: Lagnado, D. A., & Gerstenberg, T. (2017). Causation in legal and moral reasoning. In M R. Waldmann (Ed.), <i>The Oxford handbook of causal reasoning</i> (pp. 565-601). Oxford: Oxford University Press.</p>
Session 7 Day 3	<p>Causation and blame</p> <p>Reading: Alicke, M. D. (1992). Culpable causation. <i>Journal of Personality and Social Psychology</i>, 63(3), 368-378.</p>
Session 8 Day 3	<p>Norms and causation</p> <p>Reading: Hitchcock, C., & Knobe, J. (2009). Cause and norm. <i>The Journal of Philosophy</i>, 106(11), 587-612.</p>
Session 9 Day 3	<p>Causal superseding</p> <p>Reading: Kominsky, J. F., Phillips, J., Gerstenberg, T., Lagnado, D., & Knobe, J. (2015). Causal superseding. <i>Cognition</i>, 137, 196-209.</p>
Session 10 Day 4	<p>Folk and legal views of blame</p> <p>Reading: Robinson, P. H., & Darley, J. M. (1995). Doctrines of culpability: When is one's violation of a legal rule blameworthy (chapter 4). In <i>Justice, liability, and blame: Community views and the criminal law</i> (pp. 83-126). Boulder: Westview Press.</p>
Session 11 Day 4	<p>Folk and legal views of punishment</p> <p>Reading: Robinson, P. H., & Darley, J. M. (1995). What degree of punishment is deserved for one's blameworthy violation (chapter 6). In <i>Justice, liability, and blame: Community views and the criminal law</i> (pp. 157-200). Boulder: Westview Press.</p>
Session 12 Day 4	<p>Findings in experimental philosophy: implications for the criminal and tort law</p> <p>Reading: Robinson, P. H., & Darley, J. M. (1995). Conflict between community views and criminal codes (chapter 7). In <i>Justice, liability, and blame: Community views and the criminal law</i> (pp. 201-216). Boulder: Westview Press.</p> <p>Solan, L. M. (2009). Blame, praise, and the structure of legal rules. <i>Brook. L. Rev.</i>, 75, 517-543.</p>