

PHILOSOPHY
OF
CRIMINAL LAW.

BY
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PHILADELPHIA :
KAY & BROTHER, 17 AND 19 SOUTH SIXTH STREET.
Law Booksellers, Publishers, and Exporters.
1880

Entered according to Act of Congress, in the year 1890, by
FRANCIS WHARTON,
In the Office of the Librarian of Congress, at Washington.

The Riverside Press, Cambridge :
Printed by H. O. Houghton and Company.

PREFACE.

THE following pages form the first part of the eighth edition of my work on Criminal Law, now in press. My object, in this partial and preliminary publication, is to call attention to certain points on which Criminal Law touches other branches of philosophy. These points are:—

1. Retribution as a logical as well as ethical sequence of crime, §§ 1–13.
2. Immorality as distinguished from indictability, § 15.
3. Religion and secular law occupying distinct sovereignties, § 20.
4. Mental disturbance as affecting responsibility, § 32.
5. Qualified responsibility, § 47.
6. How far responsibility is conditioned by knowledge, § 84.
7. Limits of necessity, § 95.
8. Origin of the State, so far as concerns the reservation of natural rights, § 97, note.
9. Limitation of the penal authority of the State to the vindication of rights which cannot be vindicated by private action, *Ibid.* §§ 15, 95, note.
10. Purpose unconditioned by time, § 116.
11. Complexity of purpose, § 119.
12. Crime as illogical, § 121.
13. Effectiveness of omissions, § 130.
14. Inalienability of primary rights, § 143.
15. Causation as the disturbance of an equilibrium, § 153.
16. Causation imputable only to moral agents, § 154.
17. Is not necessarily physical, § 167.

PREFACE.

18. Determinism and free agency, though logically contradictory opposites, are practically coördinate factors, § 225, note.

19. Co-responsibility of instigation and perpetration, § 230.

20. Ubiquity of the prerogative of the State in vindicating its own rights, or the rights of its subjects, § 284, note.

F. W.