PHILOSOPHY

OF

CRIMINAL LAW.

BY

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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, §§ 1-18.
2. Immorality as distinguished from indictability, § 15.
4. Mental disturbance as affecting responsibility, § 82.
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.
12. Crime as illogical, § 121.
13. Effectiveness of omissions, § 130.
15. Causation as the disturbance of an equilibrium, § 153.
16. Causation imputable only to moral agents, § 154.
17. Is not necessarily physical, § 167.
18. Determinism and free agency, though logically contradictory opposites, are practically coordinate factors, § 225, note.
20. Ubiquity of the prerogative of the State in vindicating its own rights, or the rights of its subjects, § 284, note.

F. W.