Syllabus

COERCION CONSENT AND CHOICE - 62738

Last update 08-08-2013

HU Credits: 4

Degree/Cycle: 1st degree (Bachelor) and 2nd degree (Master)

Responsible Department: Law

Academic year: 3

Semester: Yearly

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Ram Rivlin

Coordinator Email: ram.rivlin@mail.huji.ac.il

Coordinator Office Hours: Sunday, 11-12

Teaching Staff: Dr. Ram Rivlin
Course/Module description:
Questions regarding coercion and consent have a central role in various legal contexts. We can find these questions in duress in contract law; extortion in criminal law; consent in sexual offences and plea bargaining; various torts, etc. Yet a close look reveals that these phenomena are elusive and unclear. What are the relations between coercion, free choice, and the availability of alternate possibilities? Is coercion mainly a psychological concept? And in what way the wrongfulness of coercion relates to exempting one from responsibility to an action done out of coercion? Are the concepts of coercion and consent unified, or do they vary according to the context? And what are the relations between consent, autonomy and choice?

Course/Module aims:
In the seminar we will focus at those questions, based on philosophical writing in the analytical tradition. We will utilize these insights to go back to the law, to better understand it as well as to critically evaluate it. The law, in turn, will serve as a lab for the philosophical insights. Students will be able to conduct their research either on a specific (relevant) legal doctrine or on a more general and abstract question.

Learning outcomes - On successful completion of this module, students should be able to:
To be familiar with, and able to use, the method of law and philosophy (in the analytic tradition)
To recognize the main problems with issues of consent, coercion and choice
To apply the theoretical discussion on a practical context
To conduct an independent research and write a paper on a topic which is related to the seminar

Attendance requirements(%):
100%

Teaching arrangement and method of instruction: Seminar

Course/Module Content:
1. Introduction
Morality
2. What does consent do?
3. First analysis: Nozick on coercion
4. Offer, threat and baselines
5. Conclusion: coercion, choice and consent
Law
6. Consent in contracts
7. Economic duress
8. Plea bargaining
9. Sexual offences
10. Blackmail
11. Summary

Required Reading:
Heidi M. Hurd, The Moral Magic of Consent, 2 LEGAL THEORY 121 (1996);
Brian Bix, Contracts, in THE ETHICS OF CONSENT: THEORY AND PRACTICE 251-279 (Franklin G. Miller & Alan Wertheimer, eds., Oxford University Press, 2010).

ALAN WERTHEIMER, CONSENT TO SEXUAL RELATIONS, ch. 8, 163-192 (2003)
**Additional Reading Material:**
Referring students to further reading will be in accordance to the topics they will choose to write on

**Course/Module evaluation:**
- End of year written/oral examination 0 %
- Presentation 25 %
- Participation in Tutorials 15 %
- Project work 60 %
- Assignments 0 %
- Reports 0 %
- Research project 0 %
- Quizzes 0 %
- Other 0 %

**Additional information:**
Most of the reading is in English