

## Final Exam Preview

The Final Exam is scheduled for Tuesday, May 11 at 9 am.

The exam will have two parts. I think that each part should take about forty minutes to complete. The exam time is two hours or about one and a half times as long as I think you need. Of course, writing styles and speeds vary. So you might take more or less time than eighty minutes with no cause for concern.

The first part will be like the short test you took in February. You will be asked to choose *two* out of four passages. For these two passages, you will be asked to identify the author of the passage (the names will not be given), describe what the author is saying, and evaluate the passage's significance by showing how it is related to the broader theory or argument that the author advanced. The passages will be drawn from the readings we have done *since* the Short Test, that is, everything from Hart on separating law and morality (February 15) through Waldron on torture.

In the second part, you will be asked to write an essay on one of the following topics. Please do not use notes.

1. John Stuart Mill described *On Liberty* as defending "one very simple principle," that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." If so, any law that limits individual liberty for some other purpose is improper. Give what you regard as the best case for thinking that there could be justified paternalistic or moralistic interference, contrary to Mill's principle. How might Mill defend his principle? What do you think, should the law conform to Mill's principle or not?
2. We have considered four accounts of the purpose that punishment serves: utilitarian, retributive, expressive, and respect. Take one of these and describe its chief advantages and disadvantages. Then describe your own opinion: is this account basically correct or not? If you think it is correct,

explain why the disadvantage you considered is not compelling. If you think it is incorrect, describe what you see as a superior alternative.

3. Our society punishes attempted crimes as well as successful ones, though typically less often and with less severity. Describe an important question about, or problem with, our practices of punishing attempts. Then explain how you think the question or problem ought to be handled.
4. What should the legal status of torture be? Give the best reason for thinking that there should be legal provision to allow torture in some, hopefully very rare, cases. Give the best reason for thinking it should remain illegal. What do you think the right answer is?