

Tuesday-8/27

Ingredients of a crime:

- Society as a whole is effected
- There is a punitive punishment
- Not a crime to think it, but once something is taken into action and it effects someone, it's a crime

Self crime:

- Certain things you can and can't do to yourself
- Taking certain drugs can be a crime, as they are in you, but body art and piercings are not
- If someone tattoos something so offensive that it is considered a hate crime (racist, etc.), it is now a crime
- This is because society is effected as they do not want to live in that kind of society
- No longer a crime to commit suicide
- Even if you think doing something to yourself would better your life, it could be a crime if it goes beyond what society wants to widely accept
- Can be convicted if what you do to yourself is videoed and has potential to cause damage to other people that donut know the proper way to do it if they try (scrotum nailing example)

KEY POINTS:

- Crimes protect us as a society
- Crimes will change over time as we advance and adapt
- Criminal law is punitive with its punishment
- Supreme courts can decide what becomes a crime because we as society have told them that we trust them to decide what is best for us as a society
- The moment consent for something is not given by both parties, but gets taken into action, it's a crime.

Thursday-8/29

Hammurabi Code- eye for an eye or equivalent

Biblical Law- compensation for loss or eye for an eye (purpose was more for compensation)

- Sometimes there would be a sacrifice for the death of person to "get back on good terms with God"
- Ex. Someone is murdered, so they kill a sheep in God's honor to be forgiven for the lost human life

Greek (Athenian) Law

- Not for death penalty
- Law should be written down so people can go back and look to see what they can and can't do
- Intentional homicide and negligent homicide is punishable by exile
- Exile was a huge deal because those exiled no longer had the protection by the city and had to survive on their own
- Crime of passion- heat of the moment crime
- Crime of passion could be used where a male finds his wife or lover in the embrace of another
- Make my day law- right to stand our ground and defend ourselves in danger
- Jury- members of society speak for society as a whole and holds one accountable for laws they did or didn't break
- Premeditated murder- death penalty
- Emperor Justinian is where we get the word "justice" because he made the "Corpus Juris Civilis" which were written down and final law

- Roman Law
- Christians didn't obey Roman law because they answered to God and not Romans so Constantine allowed the church to hold their own court to hold their believers accountable under law. This became known as Canon Law
- Canon law later became used to protect college students from local law because the students answered to their university and not the local law. Local law would've put the students to death but universities didn't want that as the students are the future so the university would hold them in court themselves to avoid the student being put to death but still punished for their actions.
- Caught in the act is more serious than being found guilty later because further conflict could have potentially happened
- Purgery- intentional lying in court (punishable by beheading)
- Treason- a crime against the state (punishable by beheading)
- Intentional homicide (punishable by beheading)

- Accepting bribes from someone who broke a law (punishable by beheading)
- All other crimes would be a death punishment linked to the crime you committed (execution at the place where you committed the crime) (if you commit arson, you get burned) (piracy- killed at sea or at docks)
- Fornication vs. adultery
- Adultery- the person in the sexual activity that is married or in a relationship, therefore cheating on a relationship (more severe)
- Fornication- the person that is not married that is involved in the sexual activity with the married person, therefore not cheating on a relationship

Our law is American Common Law

This means that we use the law that was brought over by the founders but has been adapted over time. These laws are adapted to what works in society at the time.

EX. In England, horses were a crucial part of life and if stolen would be punishable by death. In the colonies there were little to no horses and pigs were used to survive the winter. So the founders changed the law to a stolen pig being punishable by death.

Tuesday- 9/3

- Developed the common law because England started the practice of giving everyone the same law
- All common law countries have the same rules in court (not laws)
- Middle Ages in England is the base for the common law that we have now
- Quiz Question: The Hammurabi code is a model of- all of them
- Quiz Question: Under which law are all offenses against law- Israelite

William I

- Decides to go to England and conquer
- Duke of Normandy
- Brings troops and has a battle with Harold, kills Harold, and becomes king of England
- Is French, but is a ruler of the Anglo-Saxons which speak English
- Builds the Tower of London to protect himself from the citizens
- This is why latin and French are still used in court occasionally
- Latin is used because the high intellectuals in society spoke it
- The mixture of ideas from different cultural backgrounds is what established the common law
- Develops a system of dealing with crimes that is distinctly different than the rest of Europe

- Under common law there is: criminal law (crimes), and civil law (all the other stuff)
- Different civil law than Civil law (the strange law that is practiced in Europe, except England)
- During the dark ages the church unifies life (jewish, islamic, catholic)
- Majority of people in England believe there is a God and he had Jesus Christ and when you die you go to purgatory or hell
- The church deals with crimes associated with the religion (heresy, adultery, etc.)
- Church doesn't like what William is doing because they want their things that they deal with (church law)
- Church law vs. secular law (non church). Secular eventually wins as we know now
- Places that still have heavy religious law: Middle East, Russia, China
- William I helped develop ways of proof
- Water Ordeal- held underwater to try to torture you into the truth
- Sleep deprivation is the most effective way of getting someone to tell the truth
- William also introduced trial by battle
- His logic was the God would only let the innocent win, so the guilty party would be the one killed
- Valued certain things to make an even compensation for each crime
- People started to question the legitimacy of the church which caused the church to back off and let secular law take over justice
- William I introduced the constable which was to look over the well being of the citizens
- The constable reported to their shire reeve (head of county or area)
- Constables later became peace officers and shire reeve became sheriff
- The citizens are responsible for reporting the crime (hue and cry) for the village to know a crime has been committed and the constable is responsible for trying to catch who committed the crime

Innocent the 3rd

- A pope who realized that members of the Catholic Church shouldn't be involved in the secular law process
- The issue was that if you took God out of the courtroom, what could you use to substitute God making the decisions?

Henry the II

- Henry the II introduced juries to decide whether you were innocent or guilty since God was taken out of the courtroom
- Henry was alive between William and Innocent the 3rd

- Henry already had made juries in England before Innocent the 3rd decided to take the church out of the courtroom
- Taking God out of the courtroom worried the rest of Europe, but not England because they already did that
- Since God was taken out and there weren't any juries, they used torture to get the truth out for justice
- The rest of Europe still don't have juries today
- Established "circuit courts/judges" where judges leave to go hear cases in other places

Thursday 9/5

Accusatorial System

- Like a tennis match
- Judge is the official
- Lawyers are the players
- Jury are the spectators
- One side accuses the other of what was done
- 97% of cases in New York are settled with plea bargaining

Inquisitorial System

- Decision of a judge in one court differs from others per case per day
- Unlike the US where if one superior judge rules one way, others will too
- As crime rates rose, so did the number of death penalty sentences (most cases gave death penalty)
- There were some "prisons" but acted as holding cells, not places to serve a sentence
- People in France started working on the idea of the "dungeon"
- Henry VIII
- Henry VIII executed more people than any other monarch in history because he was very serious about people following the law
- Wanted to get divorced to get remarried, but you can't get a divorce under the Catholic Church
- Founded the Church of England in order to be able to get divorced
- He started the codification of English law (writing it down)
- Started valuing the crime to see if it is harsh enough for the death penalty or not
- This was the beginning of plea bargaining (lessening the severity of the case)

Constitutional Government