

Summary

„Strafrecht und Strafbegründung bei Rousseau“

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In his “Contrat social” Rousseau discusses the justification of the death penalty. He gives two different reasons. First, in the social contract every citizen expresses his consent to all measures which are necessary to save their lives. By contrast the second explanation refers to the criminal as an enemy. A person who follows his or her individual interest against the general will breaks the social contract and is at war with the society. Both arguments raise different questions – and don’t fit together.

