

University of Oxford Faculty of Law HT 2017

John Gardner and James Edwards

Political Philosophy and Criminal Law

Weeks 1-3-5-7, Thursdays 2-4pm, All Souls College, room VII/2 (JG's room)

Seminar 1: Standing and Authority

Duff, [‘Responsibility, Citizenship and the Criminal Law’](#) in Duff and Green (eds.), *Philosophical Foundations of Criminal Law* (OUP 2011)

Cohen, [‘Casting the First Stone: Who Can and Who Can’t Condemn the Terrorists’](#) (2006) 58 *Royal Institute of Philosophy Supplement* 113; reprinted in his *Finding Oneself in the Other* (Princeton 2013).

Edwards, ‘Standing to Hold Responsible’ (draft, available via PFCL Weblearn)

Further Reading

Tadros, [‘Poverty and Criminal Responsibility’](#) (2009) 43 *Journal of Value Inquiry* 391

Duff, [‘Blame, Moral Standing and the Legitimacy of the Criminal Trial’](#) (2010) 23 *Ratio* 123

Gardner, [‘Relations of Responsibility’](#) in Cruft, Kramer and Reiff (eds) *Crime, Punishment and Responsibility* (OUP 2011)

Seminar 2: Punishment and Duty

McMahan, [‘The Basis of Moral Liability to Defensive Killing’](#) (2005) 15 *Philosophical Issues* 386

Gardner, [‘What is Tort Law For? Part 1. The Place of Corrective Justice’](#) (2011) 30 *Law and Philosophy* 1

Tadros, *The Ends of Harm* (OUP 2012) [chs 12 and 13](#)

Further Reading

Garvey, [‘Restorative Justice, Punishment, and Atonement’](#) [2003] *Utah Law Review* 303

Ferzan, [‘Rethinking The Ends of Harm’](#) (2013) 32 *Law and Philosophy* 177

Tadros, *Wrongs and Crimes* (OUP 2016) ch 4

Seminar 3: Politics and Morality

Williams, 'Realism and Moralism in Political Theory' in his *In the Beginning Was the Deed* (Princeton 2005)

Thorburn, '[Constitutionalism and the Limits of the Criminal Law](#)' in Duff et al (eds), *The Structures of the Criminal Law* (OUP 2011)

Gardner, '[Citizens in Uniform](#)' in Duff et al (eds), *The Constitution of Criminal Law* (OUP 2013)

Further Reading

Brownlee, '[Responsibilities of Criminal Justice Officials](#)' (2010) 27 *Journal of Applied Philosophy* 123

Ripstein, *Force and Freedom* (Harvard 2009) chs 1, 2 and 10

Tadros, '[Independence without Interests](#)' (2011) 31 *Oxford Journal of Legal Studies* 193

Seminar 4: Ideal and Non-Ideal Theory

Rawls, *A Theory of Justice* (rev edn, Harvard 1999) § 2, 22, 38 and 48

Sen, '[What Do We Want from a Theory of Justice?](#)' (2006) 103 *Journal of Philosophy* 215

Green, '[The Nature of Limited Government](#)' in Keown and George (eds), *Reason, Morality and Law* (OUP 2013)

Further Reading

Raz, 'Autonomy, Toleration and the Harm Principle', in Gavison (ed) *Issues in Contemporary Legal Philosophy: The Influence of H.L.A. Hart* (OUP 1987)

Simmons, '[Ideal and Non-Ideal Theory](#)' (2010) 38 *Philosophy and Public Affairs* 5

Stemplowska, '[What's Ideal About Ideal Theory?](#)' (2008) 34 *Social Theory and Practice* 319