

University of Oxford Faculty of Law HT 2018

John Gardner and James Edwards

## Political Philosophy and Criminal Law

Fridays 3-5 in weeks 1-4 only, at All Souls College (room VII/2)

### *Seminar 1: Standing and the State*

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).

Herstein, ‘Understanding Standing: Permission to Deflect Reasons’ (2017) 174 *Philosophical Studies* 3109–3132

### *Further Reading*

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)

Watson, [‘A Moral Predicament in the Criminal Law’](#) (2015) 58 *Inquiry* 168.

### *Seminar 2: 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)

Edwards, [‘Criminal Law’s Asymmetry’](#) (2018) *Jurisprudence* (forthcoming).

### *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

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

*Seminar 3: Duty, Compensation, Punishment*

Hart, *Punishment and Responsibility* (2<sup>nd</sup> edn, OUP 2008) [ch 1](#)

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) [ch 12](#).

*Further Reading*

Moore, *Placing Blame* (OUP 1997) [ch 4](#)

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

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

*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

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

*Further Reading*

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

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