



The Boundaries of the Criminal Law (Criminalization)

*By R.A. Duff, Lindsay L. Farmer, S.E. Marshall, Massimo M. Renzo,
Victor V. Tadros*

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Criminalization is a new series arising from an interdisciplinary investigation into criminalization, focusing on the principles and goals that should guide decisions about what kinds of conduct are to be criminalized, and the forms that criminalization should take. Developing a normative theory of criminalization, the six volumes will tackle the key questions at the heart of the issue: By reference to what principles and goals should legislations decide what to criminalize? How should criminal wrongs be classified and differentiated? And how should law enforcement officials apply the law's specification of offenses?

Boundaries of the Criminal Law is the first book in this series examining the scope and boundaries of the criminal law. Investigations into the scope of the criminal law have often focused on the harm principle, the principle that conduct can be justifiably criminalized only if it is harmful, or other master principles that might determine the proper scope of the criminal law. This collection of original essays by some of the leading scholars in criminal law and philosophy from the UK and the US makes significant advances in the development of a broader range of ideas that might inform criminalization decisions.

A range of issues are discussed, including the significance for criminalization of ideas of moral wrongdoing and of using a person as a means, the distinction between criminal law and other forms of legal regulation, the role of new technology in our understanding of the evolving scope of the criminal law, and the role of criminal justice officials in decision-making about criminalization. The authors draw on legal and philosophical sources, but also on history, sociology and social psychology in their investigations for a truly interdisciplinary approach.

This is a groundbreaking set of essays which will help to reorient legal and philosophical discussion about the proper scope of the criminal law.

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Review

"One can and should expect a fresh and committed piece of scholarship both to kindle the interest of the reader in the subject matter and to stoke the larger project at hand. On this score, *The Boundaries of the Criminal Law* delivers."

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"...a much needed examination of what is perhaps the most relevant topic in contemporary criminal legal theory. All the chapters make important contributions to the debate, and the book as a whole generates high expectations for the future volumes of the *Criminalisation* series." --Henrique Carvalho, King's College, London

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About the Author

R A Duff has taught in the Department of Philosophy, University of Stirling, since 1970. His research focuses on the philosophy of criminal law, and he has published widely on penal theory, including; *Trials and Punishments* (CUP, 1986) and *Punishment, Communication and Community* (OUP, 2001); on the structure and principles of criminal liability with titles including *Intention, Agency and Criminal Liability* (Blackwell, 1990), *Criminal Attempts* (OUP, 1996), and *Answering for Crime* (Hart, 2007); and on the

criminal trial. His current projects include a book on *The Realm of the Criminal Law*.

Lindsay Farmer has been professor of law at the University of Glasgow since 1999. He works on the relationship between criminal law, legal theory and legal history, looking at how historical changes in the institutions and practices of the criminal law do and should shape normative accounts of criminal law. His book *Criminal Law, Tradition and Legal Order* (CUP, 1997) examines the development of Scots criminal law and its relation to national identity. He is currently working on a historical account of theories of criminalization.

S.E. Marshall is a professor of philosophy at the University of Stirling. She co-edited *The Trial on Trial* with R.A. Duff, L. Farmer, and V. Tadros (Hart 2007), serves on the Management Committee of the *Philosophical Quarterly*, and is President of the UK Association for Legal and Social Philosophy.

Massimo Renzo is a member of the philosophy department at the University of Stirling. He works primarily in legal theory and political philosophy. His main research interests are in the philosophical foundation of criminal law, international justice, state legitimacy, and political obligation.

Victor Tadros is a professor of criminal law and legal theory at the University of Warwick. Prior to this he held posts at the University of Aberdeen and the University of Edinburgh. He works primarily on the philosophy of criminal law, criminal justice and punishment. He also has interests in general jurisprudence, moral and political philosophy. His book *Criminal Responsibility* was published by Oxford University Press in 2005. He is currently writing a book for OUP entitled *The Moral Foundations of the Criminal Law*, as well as developing work on criminalization for a book entitled *Wrongs and Crimes*.

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