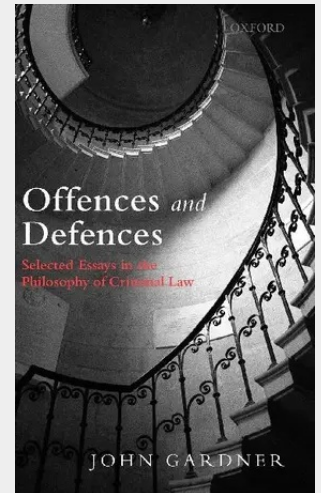


Offences and Defences

Selected Essays in the Philosophy of Criminal Law

John Gardner's writings on the theory of criminal law have had a significant impact on the way that this subject is understood by legal scholars and philosophers. This book collects together a selection of his best-known and most provocative pieces. John Gardner tackles persistent and troublesome questions about the philosophical foundations of the criminal law. Which wrongs are suitable to be crimes and why? What are the conditions of criminal responsibility, and how do they relate to the conditions of moral responsibility? What does it take to be complicit in another's wrongdoing? Should crimes ever be excused, and if so, on what basis? How, if at all, should the criminal law adapt to conditions of social and cultural diversity? The issues raised in these essays have a significance extending beyond the law. What does it mean to be a responsible agent and why does it matter? Is my moral character only or mostly my own business? Is there a difference between being reasonable and being rational? These and many other moral problems lurk in the background of the criminal law, and the pieces in this book bring them into the foreground. Theoretical writings on the criminal law have often been dominated by a preoccupation with the justification of criminal punishment. This work is different. Although it discusses the legitimacy of criminal punishment it proceeds on the footing that the criminal law does many important things apart from punishing people. In particular, Gardner argues that the criminal law provides an important forum for people to explain themselves. Such a forum would be important, argues Gardner, even if criminal punishment were to be abolished.

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