General Editor’s Introduction

In this innovative volume, Antony Duff and Stuart Green bring together a set of new essays addressing the 'special part' of the criminal law. There has been longstanding scholarly interest in certain types of offences, such as homicide, sexual offences, and property crimes, but theoretical writings on the criminal law have tended to focus on the 'general part', that is, doctrines applicable across the range of offences—such as the fault requirements, defences to crime, complicity, and so forth. Yet as soon as such examples are mentioned, questions of definition become obvious. Is omissions liability, or inchoate criminal liability, properly a matter for the general part or the special part? Are there any general principles that should determine whether or not certain conduct should be criminalized? Are there general principles to indicate which wrongs should be left to private parties to pursue and which wrongs should properly be the business of the criminal law? These and many related questions have often been assumed to be largely a matter of political contingency, whereas the essays in this volume demonstrate that there are several points of principle on which philosophers of the criminal law can make illuminating contributions. Some of those concern the proper boundaries of the criminal law, and others concern the way in which the criminal law should classify and label the types of conduct that it penalizes. These essays explore the issues of principle in the context of a range of different crimes, and the editors' introduction explains just why the special part of the criminal law warrants the more searching examination that this volume provides.

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