

Contents

1	Introduction	1
1.1	What Is This Book About?	1
1.2	Why Is This Book Important?	3
1.3	Methodology	7
1.3.1	Conceptual Clarification	7
1.3.2	Empirical Evidence	8
1.3.3	Consistency	9
1.3.4	The Appeal to Moral Intuitions	10
1.4	Overview of Chapters	11
	References	15
2	Harm and Criminalization: On Why Harm Principles Are Redundant	17
2.1	Introduction	17
2.2	A Further Specification of the Concept of Harm and Some Key Distinctions	21
2.3	Temporal Baselines	25
2.4	Baselines from Mankind	27
2.5	Counterfactual Baselines	30
2.6	Why Harm Principles Are Redundant	34
2.7	Conclusion	39
	References	41
3	No Offense! On the Offense Principle and Some New Challenges	43
3.1	Introduction	43
3.2	The Offense Principle	45
3.3	Theories of Well-Being and the Distinction Between Offense and Harm	48
3.4	Harm as Wrongful Setbacks to Interests	50
3.5	Conclusion	55
	References	55

4 New Legal Moralism: Some Strengths and Challenges	57
4.1 Introduction	57
4.2 What Is Legal Moralism?	59
4.3 A Critique of Devlin's Legal Moralism	66
4.4 Legal Moralism Beyond Devlin: George, Moore, Kekes and Duff	72
4.4.1 A Critical Discussion of George's Legal Moralism	73
4.4.2 A Critical Discussion of Moore's Legal Moralism	80
4.4.3 A Critical Discussion of Kekes's Legal Moralism	83
4.4.4 A Critical Discussion of Duff's Legal Moralism	87
4.5 Conclusion	91
References	92
5 On Dignity Principles of Criminalization: A Critical Discussion	93
5.1 Introduction	93
5.2 What Is Dignity?	95
5.3 Kantian Versions of the Dignity Principle of Criminalization	97
5.4 A Dignity-Based Critique of Harm-Based Principles of Criminalization	100
5.5 A Critique of the Kantian Dignity Principle of Criminalization	102
5.6 A Critique of a Non-Kantian Interpretation of the Dignity Principle of Criminalization	105
5.7 Conclusion	109
References	110
6 A Soft Defence of a Utilitarian Principle of Criminalization	113
6.1 Introduction	113
6.2 Setting the Stage	114
6.3 Specifying UPC and the Importance of Defending UPC	116
6.4 A Critical Discussion of Husak's Objection to UPC	118
6.5 A Critical Discussion of Two of Tadros's Objections to UPC	124
6.6 The Counterproductive Criminalization Principle and UPC	132
6.7 Conclusion	134
References	135
Appendix: What Is Well-Being?	137
Introduction	137
Requirements for Well-Being: Experience, Information and Autonomy	138
Some Challenges	143
Conclusion	148
References	148