

**XXIII World Congress of Philosophy of Law and Social Philosophy
Cracow 1—7 August 2007**

**Special Workshop:
Foundational Issues in the Philosophy of Criminal Law**

The criminal laws of different legal systems display some striking similarities in both structure and content: such wrongs as murder, rape and theft are criminal wrongs everywhere; the ascription of criminal liability is generally structured by such foundational concepts as culpability, action, intention, causation. However, there are also striking differences between different jurisdictions—differences in the scope of the criminal law and in the definitions of particular offences, differences in the way those basic concepts are understood and applied (reflecting different conceptions of criminal responsibility), differences in the logical structure of determinations of responsibility and liability. This workshop will examine some of these differences as they bear on the ‘general part’ of the criminal law, and on issues concerning the nature and boundaries of criminal responsibility.

Examples of issues that we hope will be discussed include (but the following list is not intended to be exhaustive)—

- *The structure of crime*: is it useful to analyse crimes into an ‘objective’ and a ‘subjective’ part, or into ‘*actus reus*’ and ‘*mens rea*’, or into ‘*Tatbestand*’, ‘*Rechtswidrigkeit*’ and ‘*Schuld*’?
- *The concept of intention*: how should intention be defined; what role should it play in defining or determining criminal liability? (The concept of ‘*dolus eventualis*’ is of particular interest here.)
- *Complicity and participation*: how should the criminal law deal with the various modes of complicity in crime; under what conditions (if any) can we be properly held criminally responsible for the actions of others?
- *Attempt and preparation*: how should the law define attempted crimes; how far should the criminal law extend beyond completed substantive offences to preparatory conduct?
- *Acts and omissions*: what kind of distinction should the criminal law draw between ‘acts’ and ‘omissions’; how far should it require us to be ‘good Samaritans’, or impose on us a responsibility to assist others?
- *Causation*: how should causation, and the requirement that a defendant’s conduct caused the harm for which he is to be held liable, be understood in the criminal law?

If we are to gain a clearer understanding of such issues as these, and thus of the proper scope, structure and grounds of criminal responsibility, we need an approach that is interdisciplinary and international—an approach that draws on philosophy as well as on law, and that draws on the different ways in which different legal systems and different traditions of legal thought have dealt with these issues. A World Congress of Legal and Social Philosophy is therefore an especially apt context for a workshop of this kind.

We will aim to have at least two papers, reflecting contrasting approaches from different legal systems, on each topic. Draft papers will be made available to all potential participants in advance of the workshop; the workshop will then be conducted on the assumption that all participants have read the papers—thus allowing time for developed discussion.

Proposals for papers should be sent to Christoffer Wong (Christoffer.Wong@jur.lu.se) not later than 1 November 2006. Draft papers will need to be submitted by 1 June 2007. We hope to arrange to publish revised versions of the papers after the Congress.

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