

Introduction: Political Philosophy and Criminal Justice

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Philosophical study of the criminal justice system is a branch of political philosophy. This should be obvious from the fact that the criminal justice system is one of the central institutions of the state. In light of this, it is puzzling that despite the fact that a great deal of excellent work is being done both on the philosophy of the criminal law and in political theory, engagement between the two scholarly communities remains quite limited. Most major treatises on political theory have almost nothing to say about criminal justice—John Rawls’ *A Theory of Justice* (1999), Joseph Raz’s *The Morality of Freedom* (1986), Ronald Dworkin’s *Sovereign Virtue* (2000) are classic examples.

At the same time, most major treatises on the philosophy of the criminal law are at best very tentative about the political dimensions of the project, and leave these dimensions undefended. The most ambitious general theories of the criminal law that have recently been provided, such as Michael Moore’s *Placing Blame* (1997) and Antony Duff’s *Answering for Crime* (2007), have limited ambitions in outlining the general political theory within which a theory of criminal justice is to be defended.

As contemporary criminal law theory demonstrates, a great deal of progress can be made on many of the most important questions about the justification of criminal justice institutions and practices without situating them within a comprehensive political theory. It may even be argued, as Adil Haque does in his contribution to this Special Issue, that the ability of a political theory to provide suitable answers to questions of criminal justice is a requirement of a satisfactory political theory. Nevertheless, the importance of political theory to questions of criminal justice can hardly be doubted. Surely the lack of adequate engagement between these two branches of moral and political philosophy is to be lamented. This is so even if, as Haque suggests, it is too much to expect every philosopher of the criminal law to become a political theorist. To paraphrase Haque, even if we cannot expect every philosopher of the criminal law to engage *in* political theory we can expect him or her to engage *with* political theory.

No doubt the somewhat unfortunate state of affairs where philosophers of the criminal law and political philosophers have not engaged with each other as much as might be

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