

Property Offences as Crimes of Injustice

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Abstract The article provides an outline of the basic principles and conditions of criminalisation of interferences with others' property rights in the context of a specific context: a liberal, social democratic state, the legitimacy of which depends primarily on its impartiality between moral doctrines and the fair distribution of liberties and resources. I begin by giving a brief outline of the conditions of political legitimacy, the place of property and the conditions of criminalisation in such a state. With that framework in place, I argue that interferences with others' property rights should be viewed as violations of political duties stemming from institutions of distribution. I then discuss three implications of this view: the bearing of social injustice on the criminal law treatment of acts of distributive injustice; the expansion of criminalisation over the violation of distribution-related duties, which are considered criminally irrelevant under moral conceptions of criminalisation; and, finally, the normative significance of the *modus operandi*.

Keywords Property offences · Social justice and criminal law · Liberal legitimacy and criminal law

Introduction

My aim in this paper is to provide an outline of the conditions of criminalisation of interferences with property rights within a specific political theoretical framework. Namely, a neutral, liberal, social democratic state setting terms of social cooperation, which can be accepted by all reasonable citizens irrespective of their moral beliefs and commitments.

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