

Securing Civil Order: On the Aims of the Criminal Law

Professor Lindsay Farmer
University of Glasgow School of Law

Thursday, April 4th, 2013
11:30am – 1:30pm
D492 Loeb Building



This paper will look at the ways in which in the modern criminal law has been used as a means of securing or bringing about different versions of civil order. In doing this I aim to show, first, the changing scope of the different areas of social life that criminal law has been called on to regulate – and thus how the kind of civil order that criminal law has been called upon to secure, and how it has sought to secure it – has changed over time. I then want to address a second issue which is that of changing conceptions of order: what are the understandings of social order that can be linked to the criminal law at different periods of time, and how have these shaped the understanding of the social function and aims of the criminal law. The broader aim of the chapter will be to show that, far from there being a single or simple concept of civil order which it is the aim of the criminal law to secure or even produce, that even within the broadly liberal conception of the state there are different forms or aims of criminal law and different understandings of social order. The simple view of the criminal law as establishing only the threshold conditions for civil order either neglects substantial differences between different versions of liberal political order, or wilfully obscures these in order to promote one version above another.

Lindsay Farmer is Professor of Law at the University of Glasgow. He is the author of *Criminal Law, Tradition and Legal Order* (Cambridge 1997), *The Trial on Trial III. Towards a Normative Theory of the Criminal Trial* (with RA Duff, SE Marshall, and V Tadros) (Hart, 2007), and *Jurisprudence: Theory and Concepts* (with S Veitch & E Christodoulidis) (2nd edn, Routledge, 2012). He has published widely on the history and theory of the criminal law. This paper is part of a monograph which he is currently writing on criminalization, to be published by Oxford University Press.

**This event is sponsored by the
Department of Law and Legal Studies.**