

**R. A. Duff, Lindsay Farmer, S. E. Marshall,
Massimo Renzo, and Victor Tadros: *The Boundaries
of the Criminal Law***

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The Boundaries of the Criminal Law is the first major publication stemming from an ambitious interdisciplinary research project conducted by a group of leading US and UK criminal law scholars pursuant to a grant from the UK Arts and Humanities Research Council. The goal of the project is to determine the overarching goals, principles, and limitations of criminal law in today's world. This volume of collective works will be followed by three more collections of papers and three individual monographs. Being the first book in the series, *The Boundaries of the Criminal Law* in many ways sets up the stage for the upcoming discussion.

The initial Chapter of the book authored by its editors, R.A. Duff, Lindsay Farmer, S.E. Marshall, Massimo Renzo, and Victor Tadros, opens with a seemingly simple question: “just what should the criminal law cover?” (2). The answer to this question, however, is far from being simple. At the very minimum, it requires understanding of (and probably a degree of public consensus on) what distinguishes criminal law from other types of legal regulation and what kinds of conduct should be the subject to that form of state coercion (6). The authors make it clear that they are not trying to give a global recipe for the perfect criminal law. They essentially examine the boundaries of permissible criminalization in a liberal democracy that respects such values as equality, liberty, and privacy (Duff et al. 2010).

Those values are at the bottom of conflicting criminal law policies. On the one hand, society has to respond to new kinds of wrongs (for example, terrorism) by creating new crimes. Yet on the other hand, many societies, particularly the United States and Great Britain, already face a crisis of overcriminalization (8). Criminal prosecution involves substantial costs (financial, human, moral), and those costs have to be included in the decisions involving criminalization. As the authors persuasively argue,

If the effect of criminalizing a particular type of conduct is that those suspected of engaging in such conduct face a criminal process that gives them no real opportunity to answer to the charge or to defend themselves, and when convicted face imprisonment under oppressive and destructive conditions, we should certainly be very

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