

The Philosophy of Criminal Law: Extending the Debates

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Abstract Larry Alexander and Peter Westen each critically examine different topics from my recent collection of essays, *The Philosophy of Criminal Law*. Alexander focuses on my “Rapes Without Rapists,” “Mistake of Law and Culpability,” and “Already Punished Enough.” Westen offers a more extended commentary on my “Transferred Intent.” I briefly reply to each critic in turn and try to extend the debates in new directions.

Keywords Transferred intent · Consent · Mistake of law · Boundary problem · Meshing problem · Retributivism · Desert

The single most rewarding and challenging aspect of my professional career has been the opportunity to critically interact with so many knowledgeable peers and colleagues. The two contributors to this little Symposium are personal friends as well as philosophical adversaries who share a commitment to advancing the field of criminal law theory. We are members of a mutual admiration society who express our feelings in a manner that must seem peculiar to persons outside the circles of academia. In writing, we customarily pay one another what is called the “scholar’s compliment”: a paragraph or so of sincere praise followed by pages of scathing criticism. In this curious way we exhibit our respect and affection.

I have generously been allowed to have the last word in these exchanges. Structuring a reply to critics can be difficult. Should the response be organized by critic, by issue, or by some other device? Fortunately, in this case the decision is easy. Larry Alexander and Peter Westen each examine different topics from my recent collection *The Philosophy of Criminal Law* (Husak, 2010). Thus there is almost no overlap between their contributions. Alexander comments on three essays: *Rapes Without Rapists*, *Mistake of Law and Culpability*, and *Already Punished Enough*. Westen focuses exclusively on *Transferred Intent*. I briefly reply to each critic in turn.

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