



# Punishment and Responsibility: Essays in the Philosophy of Law

By H.L.A. Hart

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## **Punishment and Responsibility: Essays in the Philosophy of Law** By H.L.A. Hart

This classic collection of essays, first published in 1968, has had an enduring impact on academic and public debates about criminal responsibility and criminal punishment. Forty years on, its arguments are as powerful as ever. H.L.A. Hart offers an alternative to retributive thinking about criminal punishment that nevertheless preserves the central distinction between guilt and innocence. He also provides an account of criminal responsibility that links the distinction between guilt and innocence closely to the ideal of the rule of law, and thereby attempts to by-pass unnerving debates about free will and determinism. Always engaged with live issues of law and public policy, Hart makes difficult philosophical puzzles accessible and immediate to a wide range of readers.

For this new edition, otherwise a reproduction of the original, John Gardner adds an introduction engaging critically with Hart's arguments, and explaining the continuing importance of Hart's ideas in spite of the intervening revival of retributive thinking in both academic and policy circles.

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#### Review

"*Punishment and Responsibility* is still regarded as one of the cornerstones of both penal philosophy and the burgeoning field of criminal law theory in Britain, Australia, Israel and North America. Its idea of criminal responsibility ... is the inspiration for or counterpoint to almost all serious scholarship in English in the field published over the last 35 years."

--Nicola Lacey, *A Life of H.L.A. Hart* (OUP, 2004)

#### About the Author

**The Late H.L.A. Hart** was Professor of Jurisprudence in the University of Oxford from 1952 to 1968. Subsequently he became Principal of Brasenose College, Oxford. His other major works include *Causation in the Law* (with Tony Honoré, OUP 1959), *The Concept of Law* (OUP 1961) and *Law, Liberty and Morality* (OUP 1963).

John Gardner has been Professor of Jurisprudence in the University of Oxford since 2000. He is a former Fellow of All Souls and Brasenose Colleges in Oxford, and has also taught at King's College London, Yale Law School, Columbia Law School, and the University of Texas. His book *Offences and Defences* is forthcoming from OUP.

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