

JURISPRUDENCE

Peter Mirfield

Week 1

The Enforcement of Morality

A. Reading

Mill, *On Liberty*, Chs. 1, 4 and 5

Devlin, *The Enforcement of Morals*, Preface and Ch. 1

Hart, *Law, Liberty and Morality*, *passim*

Hart, *The Concept of Law* (2nd ed. 1994), pp. 193-200

Feinberg, *The Moral Limits of the Criminal Law* - Vol. 3, *Harm to Self*, pp. 3-26 and 124-142; Vol. 4, *Harmless Wrongdoing*, pp. 124-155

Raz, *The Morality of Freedom*, Ch. 15

R. Dworkin, *Taking Rights Seriously*, Ch. 10

G. Dworkin, "Paternalism", in *Philosophy, Politics and Society*, ed's Laslett and Fishkin, or in *Morality and the Law*, ed. Wasserstrom

R. v. Brown [1994] 1 A.C. 212 (Lords Templeman and Mustill only)

B. Essay

Can the criminality of the following (actual or potential) criminal offences be justified, as a matter of principle?

- (a) possession of heroin;
- (b) supplying heroin;
- (c) incest between consenting adults in private;
- (d) consensual sexual intercourse between adults, in a public place;
- (e) blasphemy;
- (f) smoking cigarettes in a public place;
- (g) smoking cigarettes in any place;
- (h) boxing.

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