

## INTRODUCTION

The workshop will address the consequences of a second-personal/relational conception of morality for criminal law and criminal procedure. Despite the great importance that those conceptions have gained in contemporary ethics in recent years, it seems to us that their possible implications for criminal law, especially in Germany, are still relatively unexplored. One reason may be the peculiarities of (German) criminal law and its theory, according to which crimes are traditionally understood as wrongs that, normatively speaking, take place solely in the relationship between the offender and the state. Consequently, in substantive criminal law, the victim has, strictly speaking, no right or other individual entitlement against the offender not to be harmed. And in criminal proceedings it is the state that decides on criminal prosecution and the prosecutor does not need to make her decision based on what she deems to be in the victim's will (or interest), but on what is necessary to maintain public order.

We believe that second-personal or relational approaches in ethics, as developed by Stephen Darwall or Jay Wallace, challenge this traditional understanding and can be a fruitful basis for normative theorising in criminal law. Therefore, in this workshop, we bring together philosophers concerned with second-personal/relational morality and legal philosophers and theorists from both the Anglo-American and German legal traditions to explore the question of the extent to which a second-personal/relational understanding of morality can or should shape our understanding of criminal law and criminal procedure. Their presentations address either questions about the theoretical foundations of criminal law, doctrinal questions of substantive criminal law or the structure of criminal procedure.

**MAX PLANCK INSTITUTE**  
FOR THE STUDY OF  
CRIME, SECURITY AND LAW



Friedrich-Alexander-Universität  
Institut für Philosophie

## Organization

### TIME:

6–8 JULY 2023

### LOCATION:

Max-Planck-Institut zur Erforschung von Kriminalität, Sicherheit und Recht, Günterstalstraße 73, 79100 Freiburg

### HOST:

Max Planck Research Group „Criminal Law Theory“ in cooperation with the Department of Philosophy of the University Erlangen/Nürnberg

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### FURTHER INFORMATION AND REGISTRATION:

<https://csl.mpg.de/en/relamor>

# RELATIONAL MORALITY AND THE CRIMINAL LAW

6–8 JULY 2023

CRIMINAL LAW THEORY  
Research Group

Max Planck Institute for the  
Study of Crime, Security and Law

# Program

## THURSDAY, 6 JULY 2023

**10:00–10:30**

**Philipp-Alexander Hirsch / Erasmus Mayr**  
Welcome and Introduction

**10:30–11:45**

**R. Jay Wallace (Berkeley)**  
Morality and “the General Regulation of Behavior”

**11:45–13:00**

*lunch break*

**13:00–14:15**

**Armin Engländer (München)**  
The German Doctrine of the Protection of Legal Goods as the Task of Criminal Law: Critical Remarks on an Alleged Achievement of German Criminal Law Theory

**14:15–15:30**

**Leora Dahan Katz (Jerusalem)**  
Wrongs and Wrongings

**15:30–16:00**

*coffee break*

**16:00–17:15**

**Philipp-Alexander Hirsch (Freiburg)**  
Crimes as Status Violations. Relational Morality, Dignity, and the Criminal Law

**18:00**

*dinner: Waldrestaurant “St. Valentin” (speakers only)*

## FRIDAY, 7 JULY 2023

**9:30–10:45**

**Herlinde Pauer-Studer (Wien)**  
The Perpetrator’s Will in Authoritarian and Liberal Criminal Law

**10:45–11:00**

*coffee break*

**11:00–12:15**

**Tatjana Hörnle (Freiburg)**  
The Impact of a Second-Person Viewpoint on Criminal Law Doctrine

**12:15–14:00**

*lunch break*

**14:00–15:15**

**Victor Tadros (Warwick)**  
Relational Consent to Sex and the Limits of the Law

**15:15–16:30**

**Gideon Yaffe (Yale)**  
Aggressive Action as Second-Personal Address

**16:30–17:00**

*coffee break*

**17:00–18:15**

**Erasmus Mayr (Erlangen)**  
Wronging, Personal Complaint and the Criminal Law

**19:00**

*dinner: Restaurant “Rappen” (speakers only)*

## SATURDAY, 8 JULY 2023

**9:30–10:45**

**Antje Du Bois Pedain (Cambridge)**  
Relational Morality in the Public Domain

**10:45–11:00**

*coffee break*

**11:00–12:15**

**Stephen Darwall (Yale)**  
Criminal Law is to Private Law as Representative Authority is to Individual Authority

**12:15–12:30**

Closing Remarks

**12.30**

*lunch: Restaurant: “Kaiser” (speakers only)*

