Public Wrongs and Public Reason

Chad Flanders

Follow this and additional works at: https://scholarship.law.slu.edu/faculty

Part of the Criminal Law Commons, Criminal Procedure Commons, and the Law Enforcement and Corrections Commons
Public Wrongs and Public Reason

*Dialogue: Canadian Philosophical Review, Volume 55, Issue 1, pp. 45-58, (March 2016)*

Chad Flanders
Saint Louis University - School of Law

**Abstract**

The distinction between crimes that involve wrongs in themselves and crimes that are wrong because the law makes them so has long puzzled theorists. This essay argues that the distinction, while getting at something real, is based on a mistake. That mistake is made both by those who see moral wrongness as a necessary condition for criminality and by those who believe merely making something illegal is sufficient to make it criminal. Neither is correct. Rather, what makes something a criminal wrong is that it involves a violation of a law that has been justified in terms of “public reason.”

**Suggested Citation:**