



## RIGHTS IN CRIMINAL LAW

EXPLORING THE ROLE OF INDIVIDUAL ENTITLEMENTS  
IN CRIMINAL LAW

7. - 9. JULY 2022

UNIVERSITÄT GRAZ  
UNIVERSITY OF GRAZ



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



### Presentations by:

**Markus Abraham** (Hamburg) · **Gregory Antill** (New Haven) · **Ivó Coca Vila** (Barcelona) · **Michelle Coleman** (Swansea) · **Michal Derek** (Cracow) · **Antony Duff** (Stirling) · **Matthew Dyson** (Oxford) · **Mark Dsouza** (London) · **Philipp Alexander Hirsch** (Freiburg) · **Tatjana Hörnle** (Berlin/Freiburg) · **Sören Lichtenthäler** (Mainz) · **Elias Moser** (Graz) · **Joachim Renzikowski** (Halle) · **Galia Schneebaum** (Herzliya) · **Markus Stepanians** (Bern) · **Hamish Stewart** (Toronto) · **Aness Webster** (Durham)

### Venue

RESOWI

Universitätsstraße 15, A.2

8010 Graz

### Organisation

Philipp-Alexander Hirsch, Elias Moser

### Registration

[rights.crim.law@uni-graz.at](mailto:rights.crim.law@uni-graz.at)

### Information →

[Rights in Criminal Law](#)

In this international three-day conference, the Institute of Philosophy Graz together with the Max-Planck-Institute Freiburg invites renowned experts in the philosophy of law and criminal law theory to debate the meaning and scope of the concept of individual rights in criminal law.

According to the common view in criminal law theory, compliance with legal obligations is owed not to the individuals protected by the law, but to the state. Thus, criminal law theorist rarely conceive of individuals as holders of normative claims against one another, but merely as beneficiaries of restrictions. Contrary to the predominant view, our aim is to explore the argumentative and theoretical space to show that individual rights have a central role in criminal law. We ask questions about the possibility, nature, and normative implications of rights in criminal law:

- Is the violation of rights the reason for criminalizing behavior?
- To whom do subjects of rights owe compliance with criminal law provisions?

In doing so, we touch upon various topics in both legal theory and legal ethics, such as theories of rights, the justification of punishment, criminal-tort-law distinction, restorative justice, victims' rights in procedure, or consent in criminal law.

Sponsor



Das Land  
Steiermark

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# RIGHTS IN CRIMINAL LAW

## Programme

### Thursday, 07.07.2022

09.00 **Elias Moser** (Graz)  
Welcome and Introduction

### **The Concept of Rights in Criminal Law**

09.15 **Markus Stepanians** (Bern)  
The Conceptual Origin of Rights

10.15 Coffee Break

10.45 **Mathew Dyson** (Oxford)  
Naked Rights

11.45 **Elias Moser** (Graz)  
Theories of Rights and Making Sense of  
Consent in Criminal Law

12.45 Lunch Break

### **Rights and the Offender Centric Foundation of Criminal Law**

14.00 **Gregory Antill** (New Haven)  
Rights, Reasons, and Culpability

15.00 **Tatjana Hörnle** (Berlin/Freiburg)  
Rights and Obligations – Why They Should  
be Central for the Assessment of Criminal  
Wrongdoing

16.00 Coffee Break

### **Rights and the Offender Centric Foundation of Criminal Law – Part I**

16.30 **Hamish Stewart** (Toronto)  
Rights and the Instrumentality of Criminal  
Law

17.30 **Joachim Renzikowski** (Halle)  
Rights as Grounds for Duties

19.00 Dinner

### Friday, 08.07.2022

### **Rights as a Normative Principle for Criminalization – Part II**

09.00 **Michal Derek** (Cracow)  
Compensation and Reconciliation as a  
Sufficient Reaction to a Crime. The  
Reflection on Three Axiological Models of  
Criminalization

10.00 **Ivó Coca Vila** (Barcelona)  
A Right-Based Approach as an Alternative  
Principle for Criminalization

11.00 Coffee Break

11.30 **Aness Webster** (Durham)  
Looking Beyond the Substantive Doctrine

12.30 Lunch Break

### **Consequences for Substantive Criminal Law and Criminal Procedure**

14.00 **Mark Dsouza** (London)  
The (Ir)Relevance of Victims' Rights in  
Justifications

15.00 **Galia Schneebaum** (Herzliya)  
Is there a Right to Freedom from  
Domination under the Criminal Law?

16.00 Coffee Break

16.30 **Michelle Coleman** (Swansea)  
Rights in Conflict? Exploring the  
Expansion of Victims' Rights in the Light  
of the Presumption of Innocence

17.30 **Antony Duff** (Stirling)  
The Rights (and Responsibilities) of the  
Guilty

19.00 Dinner

### Saturday, 09.07.2022

### **Rights and the Public Character of Criminal Law**

09.00 **Markus Abraham** (Hamburg)  
Two Rights Underlying the State's Right  
to Criminal Sanctions

10.00 **Sören Lichtenthäler** (Mainz)  
The Role of Rights in Criminal Law and  
the Theories of Punishment

11.00 Coffee Break

11.30 **Philipp-Alexander Hirsch** (Freiburg)  
Individual Consent and Shared  
Normative Authority: Conceiving Crimes  
as Individual Right Violations and Public  
Wrongs

12.30 **Philipp-Alexander Hirsch** (Freiburg)  
Closing Remarks