VINCENT CHIAO
Assistant Professor, Faculty of Law, University of Toronto

Criminal Law in the Age of the Administrative State
(Oxford University Press, forthcoming 2018)

This chapter sketches the gradual emergence of criminal law as public law over the course of the eighteenth and nineteenth centuries, as public institutions gradually asserted control over most aspects of the criminal process. Public institutions collectively manage the risk of crime, in part by mobilizing practices of policing, prosecution and punishment. The development of the welfare state in the early decades of the 20th century provides a model for analyzing criminal law as public law. Institutionally dense welfare states represent a social commitment to treating crime as a publicly shared burden rather than merely a tragedy to be borne privately. This transformation suggests that, rather than modeling crime and punishment on the rights of parties in the state of nature, a normative theory of criminal law should be appropriately sensitive to the institutional morality and political legitimacy of public institutions.

The Introduction and Chapter 1 of Professor Chiao’s book are available online at our website and in hard copy at the Center.

PLACE Selznick Seminar Room, 2240 Piedmont Avenue
TIME 12:45 – 2:00pm. Coffee and water provided. Bag lunches welcome.
INFO https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/
EMAIL csls@law.berkeley.edu