



ANTONY DUFF AND ALEC WALEN

INTRODUCTION

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This special issue of *Law and Philosophy* is a *Festschrift* for Doug Husak – and we are very grateful to the journal’s editors for making this possible.

The justification for putting this *Festschrift* together will be obvious to anyone working in the field of criminal law theory. Doug Husak has for several decades been a leading figure in that field: he has played a major role in defining it, in advancing it, and in supporting others in developing it. His own scholarship has covered, and enriched, almost every aspect of criminal law theory, and displays many of the virtues that such scholarship requires (but often lacks). It is philosophically imaginative and creative; it is informed by that essential combination of intellectual honesty and humility; it follows the arguments through, even when they lead to conclusions that will be unpopular; it subjects our often under-thought assumptions to critical scrutiny; and it is informed by a humane liberalism that recognises the importance of always questioning the criminal law’s operations, the difficulty of justifying many of those operations, and the necessity of setting effective constraints on them.

But Husak’s contributions to criminal law theory reach well beyond his own scholarship. He has served as editor-in-chief of two of the leading journals in legal philosophy – of *Law and Philosophy* and of *Criminal Law and Philosophy*; indeed, that they are leading journals in the field is due in no small part to his editorial labours. He has also been a friend and mentor to many of us working in this area, who greatly value his kindness, his support, his humour, and his constant appetite for philosophical debate; the enthusiasm with which people we invited to participate in this *Festschrift*, either as authors or as commentators, accepted the invitation is one indication of the respect and affection in which he is held.

In two ways this *Festschrift* is unlike many others. First, it takes the form of a special issue of *Law and Philosophy* rather than a book. This is partly due to the changing nature of academic publishing: to the fact that papers are more likely to be noticed and read if they are published in a leading journal with a strong online presence than if they appear only in a book. But it is also a way to mark Husak's contribution as editor of the journal: it is fitting that the journal should thus celebrate him.

The second unusual feature of this *Festschrift* lies in the contributors. A typical *Festschrift* is likely to contain chapters by fellow scholars of the same established eminence (and thus also of the same academic age) as the person being honoured; we instead invited younger scholars (academically youthful or middle-aged), and asked them to think about the difference that Husak has made to criminal law theory – to look not so much to his past achievements as to the future that he has helped to shape (we also invited Husak himself to contribute a new paper; it shows how he is still shaping that future). Some more senior figures who might have expected to be invited to contribute chapters to a *Festschrift* were instead invited to be commentators on the draft papers for this issue, at a *Husak Fest* that we planned to hold at Rutgers. Of course, that *Fest* could not take place in person (we were limited to a brief Zoom celebration): but the commentators kindly agreed to provide written comments for the authors they would have commented on at the *Fest*; the authors also each sent another author written comments. We, and the authors, are very grateful to the commentators for their support and their work: Larry Alexander, Vera Bergelson, Michelle Dempsey, Heidi Hurd, Sandra Marshall, Michael Moore, Stephen Morse, Carol Steiker, Kit Wellman, Peter Westen, and Ekow Yankah.

Above all, of course, we are grateful for Doug Husak for all that he has contributed (and will, we are sure, continue to contribute) to the enterprise of critically theorising criminal law.

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