

Retribution, Justice, and Therapy

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DORDRECHT : HOLLAND / BOSTON : U.S.A. / LONDON : ENGLAND

Retribution Justice And Therapy

Ralph Henham



Retribution Justice And Therapy:

Retribution, Justice, and Therapy J.G. Murphy, 2012-12-06 One might legitimately ask what reasons other than vanity could prompt an author to issue a collection of his previously published essays The best reason I think is the belief that the essays hang together in such a way that as a book they produce a whole which is in a sense greater than the sum of its parts When this happens as I hope it does in the present case it is because the essays pursue related themes in such a way that together they at least form a start toward the development of a systematic theory on the common foundations supporting the particular claims in the particular articles With respect to this collection the essays can all be read as particular ways of pursuing the following general pattern of thought that a commitment to justice and a respect for rights and not social utility must be the foundation of any morally acceptable legal order that a social contractarian model is the best way to illuminate this foundation that a retributive theory of punishment is the only theory of punishment resting on such a foundation and thus is the only morally acceptable theory of punishment that the twentieth century's faddish movement toward a scientific or therapeutic response to crime runs grave risks of undermining the foundations of justice and rights on which the legal order ought to rest and finally that the legitimate worry about the tendency of the behavioral sciences to undermine the values of

Retribution, Justice, and Therapy J G Murphy, 1979-07-31 **Legal and Ethical Retributivism** Halil Cesur, 2025-07-31 This book explores a foundational philosophical tension in contemporary retributivism revealing ambiguities in its approach to punishment between two conflicting conceptions of restoration legal justice and ethical love Through an analysis of the three parties involved in a crime the victim the offender and the state it argues that neo retributivism has not sufficiently incorporated the ethical face of punishment into its theoretical framework The pull of legal justice is often so strong that the voice of ethical love is silenced neo retributivism is at an impasse To navigate this the book engages with contemporary critical criminal justice scholarship introducing the ideal of loving justice while highlighting an unresolved tension between penal reformism and abolitionism The book will be of interest to academicians and researchers working in the areas of philosophy of punishment criminal law theory criminal justice restorative justice philosophy of law political philosophy and Hegel scholarship

Trials and Punishments Antony Duff, 1986 This book discusses whether a system of criminal punishment can be justified within our legal system

Doing Justice to Mercy Jonathan Rothchild, Matthew Myer Boulton, Kevin Jung, 2012-10-05 It is often assumed that the law and religion address different spheres of human life Religion and ethics articulate complex systems of moral reasoning that concern norms deliberation of ends cultivation of disposition and transformation of moral agency Law in contrast seeks to govern human conduct through procedural justice rights and public good Doing Justice to Mercy challenges this assumption by presenting the reader with an urgent conversation between the law and religion that yields a constructive approach both theoretically and practically to the complex role of mercy in our legal process Authored by legal practitioners activists and theorists in addition to theologians

and ethicists the essays collected here are informed by timeless principles and yet they could not be timelier The trend in sentencing moves toward an increased severity and the number of incarcerated people in the United States is at an all time high In the half decade since 9 11 moreover homeland security has established itself as a permanent fixture in our lives In this atmosphere the current volume seeks initially to clarify how justice and mercy intertwine in relation to a number of issues such as rehabilitation the death penalty domestic violence and war crimes Exploring the legal philosophical and theological grounds for mercy in our courts the discussion then moves to the practical ways in which mercy may be implemented Contributors Marc Mauer The Sentencing Project Lois Gehr Livezey McCormick Theological Seminary Ernie Lewis Public Advocate Commonwealth of Kentucky Jonathan Rothchild Loyola Marymount University Albert W Alschuler Northwestern University School of Law David Scheffer Northwestern University School of Law David Little Harvard Divinity School Matthew Myer Boulton Andover Newton Theological School Mark Lewis Taylor Princeton Theological Seminary Sarah Coakley Cambridge University William Schweiker University of Chicago Divinity School Kevin Jung College of William and Mary Peter J Paris Princeton Theological Seminary W Clark Gilpin University of Chicago Divinity School William C Placher Wabash College **Counseling and the Therapeutic State** James J. Chriss, After Injury Ashraf H.A.

Rushdy,2018-05-01 After Injury explores the practices of forgiveness resentment and apology in three key moments when they were undergoing a dramatic change The three moments are early Christian history for forgiveness the shift from British eighteenth century to Continental nineteenth century philosophers for resentment and the moment in the 1950s postwar world in which British ordinary language philosophers and American sociologists of everyday life theorized what it means to express or perform an apology The debates that arose in those key moments have largely defined our contemporary study of these practices **Punishment, Communication, and Community** R. A. Duff,2003-05-15 The question What can justify

criminal punishment becomes especially insistent at times like our own of penal crisis when serious doubts are raised not only about the justice or efficacy of particular modes of punishment but about the very legitimacy of the whole penal system Recent theorizing about punishment offers a variety of answers to that question answers that try to make plausible sense of the idea that punishment is justified as being deserved for past crimes answers that try to identify some beneficial consequences in terms of which punishment might be justified as well as abolitionist answers telling us that we should seek to abolish rather than to justify criminal punishment This book begins with a critical survey of recent trends in penal theory but goes on to develop an original account based on Duff s earlier *Trials and Punishments* of criminal punishment as a mode of moral communication aimed at inducing repentance reform and reconciliation through reparation an account that undercuts the traditional controversies between consequentialist and retributivist penal theories and that shows how abolitionist concerns can properly be met by a system of communicative punishments In developing this account Duff articulates the liberal communitarian conception of political society and of the role of the criminal law on which it depends he

discusses the meaning and role of different modes of punishment showing how they can constitute appropriate modes of moral communication between political community and its citizens and he identifies the essential preconditions for the justice of punishment as thus conceived preconditions whose non satisfaction makes our own system of criminal punishment morally problematic Punishment Communication and Community offers no easy answers but provides a rich and ambitious ideal of what criminal punishment could be an ideal of what criminal punishment could be and ideal that challenges existing penal theories as well as our existing penal theories as well as our existing penal practices Justice and Punishment Matt Matravers, 2000-08-03 This book aims to answer the question why and by what right do some people punish others The author argues that the justification of punishment must be embedded in a substantive political and moral theory Matravers questions why it is that recent theories of distributive justice have had so little to say about the punishment and retributive justice His answer is that contemporary theories of justice cannot explain the relationship of justice and morality more broadly conceived As this is also the relationship that a theory of punishment needs to explain it is in examining the problem of punishment that the limitations of contemporary theories of justice are most starkly exposed Moreover the limitations are such as to undermine these accounts of justice The claim is that it is through the discussion of punishment that the inadequacies of contemporary theories of justice is demonstrated and it is therefore through the discussion of punishment that those inadequacies can be rectified Matravers argues for a genuinely constructivist account of morality constructivist in that it rejects any idea of objective mind independent moral values and seeks instead to construct morality from non moral human concerns and human wills and genuinely constructivist in that in contrast to the faux constructivism of Rawls and cognate approaches it does not take as a premise the equal moral worth of persons He argues that a genuine constructivism will show the need for and justification of punishment as intrinsic to morality itself **Just Deserts for Corporate Criminals** Kip Schlegel, 1990 *Treatment for Crime* David Birks, Thomas Douglas, 2018 Traditional means of crime prevention such as incarceration and psychological rehabilitation are frequently ineffective This collection considers how crime preventing neurointerventions CPNs could present a more humane alternative but on the other hand how neuroscientific developments and interventions may threaten fundamental human values The Ethics of Proportionate Punishment Jesper Ryberg, 2007-11-10 The philosophical discussion of state punishment is well on in years In contrast with a large number of ethical problems which are concerned with right and wrong in relation to a narrowly specified area of human life and practice and which have at least since the early 70 s been regarded as a legitimate part of philosophical thinking constituting the area of applied ethics reflections on punishment can be traced much further back in the history of western philosophy This is not surprising That the state mandated infliction of death suffering or deprivation on citizens should be met with hesitation from which ethical reflections may depart seems obvious Such a practice certainly calls for some persuasive justification It is therefore natural that reflective minds have for a long time devoted attention to

punishment and that the question of how a penal system can be justified has constituted the central question in philosophical discussion. Though it would certainly be an exaggeration to claim that the justification question is the only aspect of punishment with which philosophers have been concerned, there has in most periods been a clear tendency to regard this as the cardinal issue. Comparatively much less attention has been devoted to the more precise questions of how and how much criminals should be punished for their respective wrong doings. This may of course be due to several reasons.

Understanding Justice 2/e Barbara Hudson, 2003-03-16. Why should offenders be punished? What should punishments be designed to achieve? Why has imprisonment become the normal punishment for crime in modern industrial societies? What is the relationship between theories of punishment and the actual penalties inflicted on offenders? This revised and updated edition of a highly successful text provides a comprehensive account of the ideas and controversies that have arisen within law, philosophy, sociology and criminology about the punishment of criminals. Written in a clear, accessible style, it summarises major philosophical ideas: retribution, rehabilitation, incapacitation, and discusses their strengths and weaknesses. This new edition has been updated throughout, including for example a new section on recent cultural studies of punishment and on the phenomenon of mass imprisonment that has emerged in the United States. This second edition includes a new chapter on restorative justice which has developed considerably in theory and in practice since the publication of the first edition. The sociological perspectives of Durkheim, the Marxists, Foucault and their contemporary followers are analysed and assessed. A section on the criminological perspective on punishment looks at the influence of theory on penal policy and at the impact of penal ideologies on those on whom punishment is inflicted. The contributions of feminist theorists and the challenges they pose to masculinist accounts of punishment are included. The concluding chapter presents critiques of the very idea of punishment and looks at contemporary proposals which could make society's response to crime less dependent on punishment than at present. *Understanding Justice* has been designed for students from a range of disciplines and is suitable for a variety of crime-related courses in sociology, social policy, law and social work. It will also be useful to professionals in criminal justice agencies and to all those interested in understanding the issues behind public and political debates on punishment.

Competence and Vulnerability in Biomedical Research Philip Bielby, 2008-09-16. Enhanced knowledge of the nature and causes of mental disorder have led increasingly to a need for the recruitment of cognitively vulnerable participants in biomedical research. These individuals often fall into the grey area between obvious decisional competence and obvious decisional incompetence and as a result may not be recognised as having the legal capacity to make such decisions themselves. At the core of the ethical debate surrounding the participation of cognitively vulnerable individuals in research is when, if at all, we should judge them decisionally and legally competent to consent to or refuse research participation on their own behalf and when they should be judged incompetent in this respect. In this book the author develops a novel justificatory framework for making judgments of decisional competence to consent to biomedical research.

with reference to five groups of cognitively vulnerable individuals older children and adolescents adults with intellectual disabilities adults with depression adults with schizophrenia and adults with dementia including Alzheimer s disease Using this framework the author argues that we can make morally defensible judgments about the competence or incompetence of a potential participant to give contemporaneous consent to research by having regard to whether a judgment of competence would be more harmful to the generic rights of the potential participant than a judgment of incompetence The argument is also used to justify an account of supported decision making in research and applied to evaluate the extent to which this approach is evident in existing ethical guidelines and legal provisions The book will be of interest to bioethicists as well as psychiatrists and academic medical lawyers interested in normative questions raised by the concepts of competence and capacity

Encyclopedia of Ethics Lawrence C. Becker,Charlotte B. Becker,2013-10-18 The editors working with a team of 325 renowned authorities in the field of ethics have revised expanded and updated this classic encyclopedia Along with the addition of 150 new entries all of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features New entries include Cheating Dirty hands Gay ethics Holocaust Journalism Political correctness and many more

Equality and Liberty J. Angelo Corlett,2016-07-27 Equality and Liberty Analysing Rawls and Nozick is an indispensable source for those seriously interested in some rigorous assessments of the ideas of America s two most popular political philosophers The essays in this volume cover a wide range of topics some engaging each other in their analyses of particular Rawlsian or Nozickian themes This collection of recent essays brings the student up to date concerning some of the more recent developments and assessments of Rawlsian and Nozickian ideas

Theory and Practice Ian Shapiro,Judith Wagner Decew,1996-10 What are the relations between philosophical theories and everyday life This question as old as it is profound is the central focus of Theory and Practice The authors include some of the most influential thinkers of our generation among them Cass Sunstein Jean Bethke Elshtain Martha Nussbaum Jeremy Waldron and Kent Greenawalt In sixteen chapters all published here for the first time the authors examine major attempts to reconcile theory with practice in the Western tradition from Herodotus Plato and Aristotle to Kant and Heidegger and examine contemporary efforts to grapple with this problem

The Oxford Handbook of Philosophy of Criminal Law John Deigh,David Dolinko,2011-09-22 This title contains 17 original essays by leading thinkers in the field and covers the field s major topics including limits to criminalization obscenity and hate speech blackmail the law of rape attempts accomplice liability causation responsibility justification and excuse duress and more

Punishment and Process in International Criminal Trials Ralph Henham,2017-03-02 International sentencing has become significant given the numerous events on the world stage which have focused attention on the justifications and adequacy of punishment for heinous crimes such as genocide and crimes against humanity In addition to providing a detailed evaluation of the philosophical and theoretical difficulties

raised by this rapidly developing area of international criminal justice this book provides an integrated socio legal analysis of the law and process of international sentencing It considers the rationale and development of international sentencing structures and processes the nature and scope of legal and procedural constraints on decision making as well as access to justice and rights issues The book discusses sentencing within the context of international criminal law and examines internationalized trial processes and alternative mechanisms for resolution In seeking to comprehend the punishment of international crimes through the comparative contextual analysis of trial processes it challenges our present understanding of how and why particular sentencing outcomes are produced and the perceived legitimacy of international trial justice

The Philosophical Review ,1981

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