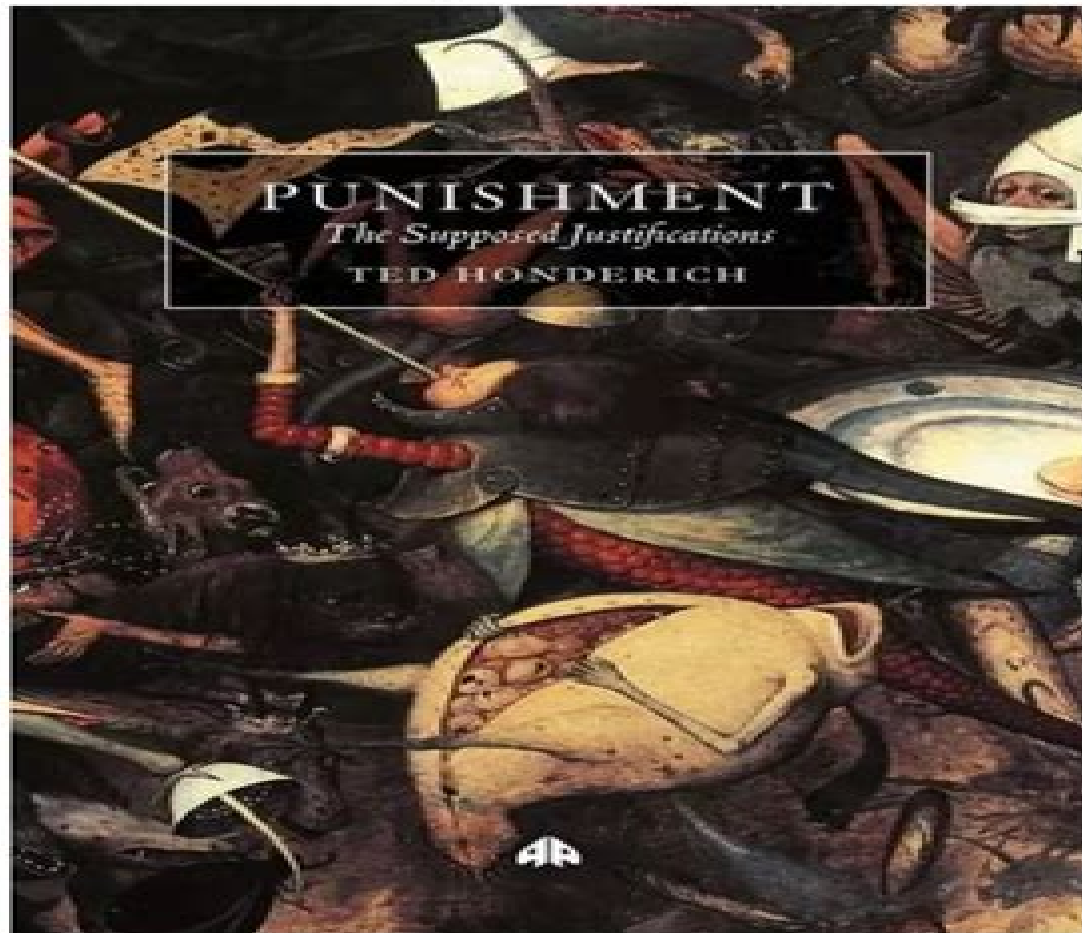


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Facing the Limits of the Law Erik Claes, Wouter Devroe, Bert Keirsbilck, 2009-04-21 Many legal experts no longer share an unbounded trust in the potential of law to govern society efficiently and responsibly They often experience the limits of the law as they are confronted with striking inadequacies in their legal toolbox with inner inconsistencies of the law with problems of enforcement and obedience and with undesired side effects and so on The contributors to this book engage in the challenging task of making sense of this experience Against the background of broader cultural transformations such as globalisation new technologies individualism and cultural diversity they revisit a wide range of areas of the law and map different types of limits in relation to some basic functions and characteristics of the law Additionally they offer a set of strategies to manage justifiably law's limits such as dedramatising law's limits conceptual refinement constructivism striking the right balance between different functions of the law seeking for complementarity between law and other social practices

The Use of Punishment Sean McConville, 2013-01-10 In recent decades there has been a vast increase in the use of imprisonment and penal supervision and to many this development appears to be qualitatively as well as quantitatively different The causes of this development its consequences and future course form the main point of departure for the contributors to this volume who consider the changes that have contributed to these apparently fundamental shifts in the use of punishment In this major new book contributors from a range of disciplines provide an integrated approach to a range of questions surrounding the use of punishment In what ways have broader social institutions and processes contributed to penal expansion This book is the principal outcome of the Guggenheim Punishment Project which aimed for a truly interdisciplinary account of thinking about punishment and an outcome which was general and reflective rather than specific and policy oriented and accessible to the generalist as well as

those with a specialist interest in the field **What More Philosophers Think** Julian Baggini, Jeremy Stangroom, 2007-05-31 Following on from the success of the first edition of *What Philosophers Think* this second edition brings together a collection of interviews with some of the world's most important and influential philosophers and intellectuals and leading figures in the arts and politics including Bernard Williams, Onora O'Neill, Philippa Foot, Philip Pullman, Bhikhu Parekh, Slavoj Žižek, AC Grayling, Igor Alexander, Alexander McCall Smith, Daniel Dennett, Oliver Letwin. The interviews all revised and expanded from *The Philosopher's Magazine* cover a wide range of issues and offer a unique insight into the minds behind the great ideas of today. Always lively, provocative and accessible, these interviews get to the heart of today's most vital questions.

Punishment And Culture María José Falcón y Tella, Fernando Falcón y Tella, 2006 This volume critically explores the basis and the goal of punishment from the standpoint of the right to punish. The work reviews the main doctrines that have dealt with the theme of punishment from Antiquity to the present, not limiting itself to the legal philosophical sphere but also analyzing the contributions from other social sciences. It then explores how these are reflected in the sphere of Positive Law.

The Practice of Punishment Wesley Cragg, 2003-09-02 Cragg combines the findings of contemporary studies, reports and papers focusing on crime, punishment and penal practice with philosophical argument and thereby constructs a radical theory of restorative justice.

The Death Penalty from an African Perspective Fainos Mangena, Jonathan O. Chimakonam, 2018-01-15 This book is about an African philosophical examination of the death penalty debate. In a 21st century world where the notion of human right is primed, this book considers the question of the death penalty in two sub-Saharan African countries, namely Zimbabwe and Nigeria, notorious for their poor human right records. This edited collection comprises of 11 essays from Zimbabwean and Nigerian philosophers. As opinions continue to divide over the retention or abolition of the death penalty, these African philosophers attempt to localise this debate by raising the following questions: What is the meaning of life in the African place? Is it proper to take the human life under any guise at all? Who has the right to take the human life? Can the death penalty be justified on the bases of African cultures? Why should it be abolished? Why should it be retained? Indeed, this book is the first of its kind to engage the tumultuous issue of capital punishment in the postcolonial Africa and from the African philosophical point of view.

Justifying Legal Punishment Igor Primoratz, 1997-11 While the philosophy of punishment is dominated by utilitarian and mixed theories, this study, written in the analytic tradition but also drawing on the views of Hegel, argues for a purely retributive view. All the main questions facing a theory of punishment are answered in terms of justice and desert without any concessions to social expediency.

Punishment and Retribution Leo Zaibert, 2016-04-15 Discussions of punishment typically assume that punishment is criminal punishment carried out by the State. Punishment is, however, a richer phenomenon and it occurs in many contexts. This book contains a general account of punishment which overcomes the difficulties of competing accounts. Recognizing punishment's manifoldness is valuable not merely in contributing to conceptual clarity but in that this recognition sheds light

on the complicated problem of punishment's justification. Insofar as they narrowly presuppose that punishment is criminal punishment, most apparent solutions to the tension between consequentialism and retributivism are rather unenlightening if we attempt to apply them in other contexts. Moreover, this presupposition has given rise to an unwieldy variety of accounts of retributivism which are less helpful in contexts other than criminal punishment. Treating punishment comprehensibly helps us to better understand how it differs from similar phenomena and to carry on the discussion of its justification fruitfully.

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

Why Punish? Rob Canton, 2017-09-16. Why do we punish? Is it because only punishment can achieve justice for victims and right the wrong of a crime? Or is it justified because it reduces crime by deterring potential offenders, offering rehabilitative treatment to others, and incapacitating the most dangerous? The complex answers to this enduring question vary across time and place and are directly linked to people's personal, cultural, social, religious, and ethical commitments and even their sense of identity. This unique introduction to the philosophy of punishment provides a systematic analysis of the themes of retribution, deterrence, rehabilitation, incapacitation, and restorative justice. Integrating philosophical, sociological, political, and ethical perspectives, it provides a thorough and wide-ranging discussion of the purposes, meanings, and justifications of punishment for crime and the extent to which punishment does, could, or should live up to what it claims to achieve. Why Punish challenges criminology and criminal justice students as well as policy makers, judges, magistrates, and criminal justice practitioners to think more critically about the role of punishment and the moral principles that underpin it. Bridging abstract theory with the realities of practice, Rob Canton asks what better punishment would look like and how it can be achieved.

Criminal Punishment and Restorative Justice David J. Cornwell, F. W. M. McElrea, John R. Blad, Robert B. Cormier, 2006. Criminal Punishment and Restorative Justice is an appraisal of the divide that exists between punitive and restorative methods. The book looks at events that serve to restrict a greater and more emphatic adoption of restorative justice and its huge potential in contemporary criminal justice developments. In an era of increasing and worldwide reliance on imprisonment and other punitive methods, the author argues that justice and communities would be far better served by a more enthusiastic and early shift to restorative methods. Criminal Punishment and Restorative Justice provides an international perspective on how restorative justice can bring about an altogether more enlightened approach to dealing with offenders and victims alike against a backdrop of often spurious traditional justifications for punishment. While acknowledging the need for a constructive use of custody and other corrections in response to serious crime, the author points out that the present over-reliance on custody can be reduced by challenging offenders to take responsibility for their offenses and to make practical reparation for their wrong-doing and repairing the harm that they have caused. The book also assesses the potential of restorative justice to make corrections more effective, civilized, humane, and pragmatic in terms of finding solutions to crime on the basis of sound principles and information, not political expediency.

The Philosophy of

Punishment Anthony Ellis, 2012-05-30 The series St Andrews Studies in Philosophy and Public Life originates in the Centre for Ethics Philosophy and Public Affairs University of St Andrews and is under the general editorship of John Haldane The series includes monographs collections of essays and occasional anthologies of source material representing study in those areas of philosophy most relevant to topics of public importance with the aim of advancing the contribution of philosophy in the discussion of these topics In this volume the author sets aside the usual division between theories of punishment that do or do not focus on retribution In its place he proposes and explores the distinction between internalist and externalist theories The final chapter discusses the deterrent value of punishment *War and Self-Defense* David Rodin, 2002-10-17

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