

# Retribution, Justice, and Therapy

Jeffrie G. Murphy



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# Retribution Justice And Therapy

**J.G. Murphy**



## **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

**Counseling and the Therapeutic State** James J. Chriss, **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     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     **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     **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

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