



Madness and the Criminal Law (Studies in Crime & Justice)

Morris, Norval

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Madness And The Criminal Law Studies In Crime Justice

R.A. Duff



Madness And The Criminal Law Studies In Crime Justice:

Madness and the Criminal Law Norval Morris,1982

Madness and the Criminal Law Norval Morris,1984-02-01

Discusses the criminal responsibility of the mentally ill looks at involuntary conduct and argues that mental illness should affect sentencing but not determine guilt or innocence Punishment and Incarceration Mathieu Deflem,2014-10-16 This volume in the series Sociology of Crime Law and Deviance deals with aspects of punishment including sentencing incarceration and prison conditions in a variety of settings at local national and or regional levels Law and Crime Gerry Johnstone,Tony Ward,2009-12-09 What is the definition of crime Law and Crime helps the criminologist to understand how the law constructs crime and how one might engage in critical analysis of such legal constructions It uses a thematic approach to comprehensively explore the relationship between criminal conduct criminal justice and the law The book introduces key topics in criminal law scholarship for criminologists including criminalization fault and criminal responsibility corporate liability the production of criminal guilt the nature of judicial punishment Aimed at students with no prior knowledge of law the book includes many useful features to enhance understanding from chapter overviews and key terms to study questions and suggestions for further reading The Key Approaches to Criminology series celebrates the removal of traditional barriers between disciplines and specifically reflects criminology s interdisciplinary nature and focus It brings together some of the leading scholars working at the intersections of criminology and related subjects Each book in the series helps readers to make intellectual connections between criminology and other discourses and to understand the importance of studying crime and criminal justice within the context of broader debates The series is intended to have appeal across the entire range of undergraduate and postgraduate studies and beyond comprising books which offer introductions to the fields as well as advancing ideas and knowledge in their subject areas Confronting Penal Excess David Hayes,2019-11-14 This monograph considers the correlation between the relative success of retributive penal policies in English speaking liberal democracies since the 1970s and the practical evidence of increasingly excessive reliance on the penal State in those jurisdictions It sets out three key arguments First that increasingly excessive conditions in England and Wales over the last three decades represent a failure of retributive theory Second that the penal minimalist cause cannot do without retributive proportionality at least in comparison to the limiting principles espoused by rehabilitation restorative justice and penal abolitionism Third that another retributivism is therefore necessary if we are to confront penal excess The monograph offers a sketch of this new approach late retributivism as both a theory of punishment and of minimalist political action within a democratic society Centrally criminal punishment is approached as both a political act and a policy choice Consequently penal theorists must take account of contemporary political contexts in designing and advocating for their theories Although this inquiry focuses primarily on England and Wales its models of retributivism and of academic contribution to democratic penal policy making are relevant to other jurisdictions too Disability, Criminal Justice and Law

Linda Steele, 2020-04-29 Through theoretical and empirical examination of legal frameworks for court diversion this book interrogates law's complicity in the debilitation of disabled people. In a post deinstitutionalisation era diverting disabled people from criminal justice systems and into mental health and disability services is considered therapeutic, humane and socially just. Yet by drawing on Foucauldian theory of biopolitics, critical legal and political theory and critical disability theory, Steele argues that court diversion continues disability oppression. It can facilitate criminalisation, control and punishment of disabled people who are not sentenced and might not even be convicted of any criminal offences. On a broader level, court diversion contributes to the longstanding phenomenon of disability-specific coercive intervention, legitimates prison incarceration and shores up the boundaries of foundational legal concepts at the core of jurisdiction, legal personhood and sovereignty. Steele shows that the United Nations Convention on the Rights of Persons with Disabilities cannot respond to the complexities of court diversion, suggesting the CRPD is of limited use in contesting carceral control and legal and settler colonial violence. The book not only offers new ways to understand relationships between disability, criminal justice and law, it also proposes theoretical and practical strategies that contribute to the development of a wider reimagining of a more progressive and just socio-legal order. The book will be of interest to scholars and students of disability law, criminal law, medical law, socio-legal studies, disability studies, social work and criminology. It will also be of interest to disability prisoner and social justice activists.

The Oxford Handbook of Criminology Alison Liebling, Shadd Maruna, Lesley McAra, 2023

With contributions from leading authorities, this is the definitive guide to current criminological theory, research and policy. The Oxford Handbook of Criminology provides a comprehensive collection of chapters covering the core and emerging topics studied on criminology courses, indispensable to students, academics and professionals alike. 43 chapters written by over 85 leading academics exploring relevant theory, cutting-edge research, policy developments and current debates, encouraging students to appreciate the diverse and interdisciplinary nature of criminological discourse. Includes detailed references to aid further research. Chapters updated to reflect recent cases, statistics and scholarship, as well as significant current events such as Covid-19 and social justice movements. New chapters added presenting research on topical issues including victimology, hate crime, desistance, cybercrime, atrocity crimes, convict criminology, security and smart cities, prison abolitionism, comparative criminology, sex offending and network criminology. Digital formats and resources. The seventh edition is available for students and institutions to purchase in a variety of formats and is supported by online resources. The e-book offers a mobile experience and convenient access along with functionality, tools, navigation features and links that offer extra learning support. www.oxfordtextbooks.co.uk/ebooks. The accompanying online resources include essay questions and links to useful websites for each chapter, along with guidance on answering essay questions and access to chapters from previous editions.

A Theory of Legal Punishment Matthew Altman, 2021-05-05 This book argues for a mixed theory of legal punishment that treats both crime reduction and retribution as important aims of the state. A central question in the

philosophy of law is why the state's punishment of its own citizens is justified. Traditionally two theories of punishment have dominated the field: consequentialism and retributivism. According to consequentialism, punishment is justified when it maximizes positive outcomes. According to retributivism, criminals should be punished because they deserve it. This book recognizes the strength of both positions. According to the two-tiered model, the institution of punishment and statutory penalties as set by the legislature are justified based on their costs and benefits in terms of deterrence and rehabilitation. The law exists to preserve the public order. Criminal courts, by contrast, determine who is punished and how much based on what offenders deserve. The courts express the community's collective sense of resentment at being wronged. This book supports the two-tiered model by showing that it accords with our moral intuitions, commonly held compatibilist theories of freedom, and assumptions about how the extent of our knowledge affects our obligations. It engages classic and contemporary work in the philosophy of law and explains the theory's advantages over competing approaches from retributivists and other mixed theorists. The book also defends consequentialism against a longstanding objection that the social sciences give us little guidance regarding which policies to adopt. Drawing on recent criminological research, the two-tiered model can help us to address some of our most pressing social issues, including the death penalty, drug policy, and mass incarceration. This book will be of interest to philosophers, legal scholars, policymakers, and social scientists, especially criminologists, economists, and political scientists.

Medicine and Justice Katherine Watson, 2019-12-06. This monograph makes a major new contribution to the historiography of criminal justice in England and Wales by focusing on the intersection of the history of law and crime with medical history. It does this through the lens provided by one group of historical actors: medical professionals who gave evidence in criminal proceedings. They are the means of illuminating the developing methods and personnel associated with investigating and prosecuting crime in the eighteenth and nineteenth centuries, when two linchpins of modern society—centralised policing and the adversarial criminal trial—emerged and matured. The book is devoted to two central questions: what did medical practitioners contribute to the investigation of serious violent crime in the period 1700 to 1914, and what impact did this have on the process of criminal justice? Drawing on the details of 2,600 cases of infanticide, murder, and rape which occurred in central England, Wales, and London, the book offers a comparative long-term perspective on medico-legal practice: that is, what doctors actually did when they were faced with a body that had become the object of a criminal investigation. It argues that medico-legal work developed in tandem with and was shaped by the needs of two evolving processes: pre-trial investigative procedures, dominated successively by coroners, magistrates, and the police; and criminal trials, in which lawyers moved from the periphery to the centre of courtroom proceedings. In bringing together for the first time four groups of specialists—doctors, coroners, lawyers, and police officers—this study offers a new interpretation of the processes that shaped the modern criminal justice system.

Sentencing Multiple Crimes Jesper Ryberg, Julian V. Roberts, Jan W. de Keijser, 2017-10-10. Most people assume that criminal offenders have only been convicted of a single crime.

However in reality almost half of offenders stand to be sentenced for more than one crime The high proportion of multiple crime offenders poses a number of practical and theoretical challenges for the criminal justice system For instance how should courts punish multiple offenders relative to individuals who have been sentenced for a single crime How should they be punished relative to each other Sentencing Multiple Crimes discusses these questions from the perspective of several legal theories This volume considers questions such as the proportionality of the crimes committed the temporal span between the crimes and the relationship between theories about the punitive treatment of recidivists and multiple offenders Contributors from around the world and in the fields of legal theory philosophy and psychology offer their perspectives to the volume A comprehensive examination of the dynamics involved with sentencing multiple offenders has the potential to be a powerful tool for legal scholars and professionals particularly given the practical importance of the topic and the relative dearth of research about punishment of multiple offense cases

The Oxford Handbook of Criminology Rod Morgan, Mike Maguire, Robert Reiner, 2012-04-12 The approach of the year 2000 has made the study of apocalyptic movements trendy But groups anticipating the end of the world will continue to predict Armageddon even after the calendar clicks to triple Os

Encyclopedia of Prisons and Correctional Facilities Mary Bosworth, 2004-12-15 The two volume Encyclopedia of Prisons and Correctional Facilities aims to provide a critical overview of penal institutions within a historical and contemporary framework Issues of race gender and class are fully integrated throughout in order to demonstrate the complexity of the implementation and intended results of incarceration The Encyclopedia contains biographies articles describing important legal statutes and detailed and authoritative descriptions of the major prisons in the United States Comparative data and examples are employed to analyze the American system within an international context The Encyclopedia's 400 entries are written by recognized authorities The appendix contains a comprehensive listing of every federal prison in the U S complete with facility details and service information

Self, Others and the State Arlie Loughnan, 2019-12-12 Criminal responsibility is now central to criminal law but it is in need of re examination In the context of Australian criminal laws Self Others and the State reassesses the general assumptions made about the rise to prominence of criminal responsibility in the period since around the turn of the twentieth century It reconsiders the role of criminal responsibility in criminal law arguing that criminal responsibility is significant because it organises key sets of relations between self others and the state as relations of responsibility Detailed studies of decisive moments and developments since the turn of the twentieth century and original explorations of relations of responsibility expose the complexity and dynamism of criminal responsibility and reveal that it is the means by which matters of subjectivity relationality and power make themselves felt in the criminal law

American Juvenile Justice Franklin E. Zimring, 2018-12-21 American Juvenile Justice is a definitive volume for courses on the criminology and policy analysis of adolescence The focus is on the principles and policy of a separate and distinct system of juvenile justice The book opens with an introduction of the creation of adolescence

presenting a justification for the category of the juvenile or a period of partial responsibility before full adulthood Subsequent sections include empirical investigations of the nature of youth criminality and legal policy toward youth crime At the heart of the book is an argument for a penal policy that recognizes diminished responsibility and a youth policy that emphasizes the benefits of letting the maturing process continue with minimal interruption In this updated and expanded second edition Zimring has included four new chapters with examinations on important topics including US Supreme Court decisions of life sentences for minors the elected use of juvenile courts over criminal court punitive sex offender registration for juveniles and appropriate tactics for juvenile justice reform

Sexual and Reproductive Justice Jabulile Mary-Jane Jace Mavuso, Tracy Morison, 2022-03-28 *Sexual and Reproductive Justice From the Margins to the Centre* offers new insights and perspectives on sexual and reproductive justice The thought provoking and diverse contributions in this volume which range from indigenous approaches to sexual violence to gender affirming primary and mental healthcare extend sexual and reproductive justice scholarship and spark critical questions novel thinking and ongoing dialogue in this field

Why Punish? How Much? Michael Tonry, 2010-12-07 Punishment like all complex human institutions tends to change as ways of thinking go in and out of fashion Normative political social psychological and legal ideas concerning punishment have changed drastically over time and especially in recent decades *Why Punish How Much* collects essays from classical philosophers and contemporary theorists to examine these shifts Michael Tonry has gathered a comprehensive set of readings ranging from Kant Hegel and Bentham to recent writings on developments in the behavioral and medical sciences Together they cover foundations of punishment theory such as consequentialism retributivism and functionalism new approaches like restorative communitarian and therapeutic justice and mixed approaches that attempt to link theory and policy This volume includes an accessible introduction that chronicles the development of punishment systems and theorizing over the course of the last two centuries *Why Punish How Much* provides a fresh and comprehensive approach to thinking about punishment and sentencing for a broad range of law sociology philosophy and criminology courses

Infanticide Rachel Dixon, 2023-02-02 *Infanticide* examines medical expert evidence in infanticide cases focusing specifically on the shifting notion of certainty in medical testimony Beginning in the Early Modern period and concluding in the mid twentieth century it considers how courts determined whether an infant died from natural causes or other reasons including violence The book explores expert evidence in cases of infanticide and examines the extent of certainty created by medical specialists who founded their testimony on anatomical exploration and science As the book progresses it becomes clear that medical specialists were unable to scientifically establish cause of death and in doing so conveyed uncertainty in court proceedings Rather than being regarded as a professional failing Dixon argues that the uncertainty created by medical specialists redirected the outcomes of infanticide cases The combination of uncertainty and the changing perceptions of infanticidal women by the court lead juries to find infanticidal women not guilty of a capital offence in many cases This book will be of great interest to students

and scholars of Criminology Law and History **Feminist Governance and International Law** Paola Zichi, 2025-09-26 Documenting the intertwined history of international institutions and transnational feminism through the lens of Mandate Palestine in the inter war period this book elicits the historical formation of an early form of feminist governance at the international level It is commonly accepted that International Women s Rights entered the halls of international institutions with the 1979 passage of the Convention on the Elimination of Discrimination Against Women But as this book argues feminist interventions in international law began much earlier Engaging the history of feminist engagements with the first international institution of modern international law the League of Nations this book based on archival research and drawing upon TWAIL and critical legal feminist approaches focuses on the Arab Palestinian feminist movement Uncovering a peripheral feminist legal agenda driven by women under colonial rule the book interrogates feminist legal advances in three different fields criminal and anti trafficking laws family and divorce laws and human rights and prisoners laws Detailing this early feminist legal activism the book demonstrates how today s feminists mission as enshrined in the UN Charter and subsequent conventions are the by product of a much longer history of colonial resistance and contestation This book will be of considerable interest to scholars and researchers in the fields of international law international history women s and feminist history and feminist legal studies **The Constitution of the Criminal Law** R.A. Duff, 2013-01-31 The third book in the Criminalization series examines the constitutionalization of criminal law It considers how the criminal law is constituted through the political processes of the state how the agents of the criminal law can be answerable to it themselves and finally how the criminal law can be constituted as part of the international order Addressing the ways in which and the grounds on which types of conduct can be justifiably criminalized the first four chapters of this volume focus on the questions that arise from a consideration of the political constitution of the criminal law The contributors then turn their attention to the role of the state its institutions and officials and their role not only as creators enactors interpreters and enforcers of the criminal law but also as subjects of it How can the agents of the criminal law also be answerable to it Finally discussion turns to how the criminal law can be constituted as part of an international order Examining the relationships between domestic laws of different nation states and between domestic criminal law and international or transnational law the chapters also look at the authority and jurisdiction of international criminal law itself and its relationship to other dimensions of the international order A vital examination of one of the most important topics in modern criminal legal theory this volume raises new questions central to the study of the criminal law and offers new suggestions for addressing them *Subject Guide to Books in Print* ,1997

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