

# *Punishment, Compensation, and Law*

*A Theory of Enforceability*

Mark R. Scott  
University of Melbourne



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# Punishment Compensation And Law A Theory Of Enforceability

**Daniel F McAuley**



## **Punishment Compensation And Law A Theory Of Enforceability:**

**Punishment, Compensation, and Law** Mark R. Reiff, 2005-07-11 This book is the first comprehensive study of the meaning and measure of enforceability While we have long debated what restraints should govern the conduct of our social life we have paid relatively little attention to the question of what it means to make a restraint enforceable Focusing on the enforceability of legal rights but also addressing the enforceability of moral rights and social conventions Mark Reiff explains how we use punishment and compensation to make restraints operative in the world After describing the various means by which restraints may be enforced Reiff explains how the sufficiency of enforcement can be measured and he presents a unified theory of deterrence retribution and compensation that shows how these aspects of enforceability are interconnected Reiff then applies his theory of enforceability to illuminate a variety of real world problem situations **Juridical**

**Perspectives between Islam and the West** Federico Lorenzo Ramaioli, 2024-01-01 This comparative philosophy of law book aims at formulating a new analytical approach to the Islamic legal tradition based on juridical categories a concept that facilitates comprehension and understanding of juridical phenomena Building upon legal comparativism and legal pluralism this project intends to avoid bias caused by universalizing Western categories when analyzing foreign juridical notions which inevitably results in the miscomprehension of non Western ideas and institutions Unlike existing literature this project will not focus on substantive comparisons between normative contents but on the juridical perspectives that helped to shape the Islamic and Western legal orders The book focuses on the most relevant juridical questions regarding the Islamic and Western legal perspectives such as the different visions regarding juridical spatiality the role of human reason and the relationship between law man and the divinity While contributing to legal philosophy this work intends also to develop and define a new interdisciplinary approach aiming to provide a starting point for novel analyses in research fields such as legal comparativism legal pluralism and constitutional law Finally by formulating a new interdisciplinary approach it will provide a foundational discussion of a continuously evolving subject that will never be exhaustively explored As such it aims at broadening scholarly reflections on the relationship between the West and Islam eventually placing these concepts within a suitably comprehensive and contextualized framework Published in cooperation with gLAWcal Global Law Initiatives for Sustainable Development Hornchurch Essex United Kingdom **Crime, Punishment, and Responsibility** Rowan

Cruft, Matthew H. Kramer, Mark R. Reiff, 2011-07-14 For many years Antony Duff has been one of the world's foremost philosophers of criminal law This volume collects essays by leading criminal law theorists to explore the principal themes in his work In a response to the essays Duff clarifies and develops his position on central problems in criminal law theory Some of the essays concentrate on the topic of criminalization That is they examine what forms of conduct including attempts offensiveness and negligence can aptly qualify as criminal offences and what principled limits if any should be placed on the reach of the criminal law Several of the other essays assess the thesis that punishment is justifiable as a form of

communication between offenders and their community Those essays examine the presuppositions about the nature and function of community and about the moral structure of atonement that must be embraced if communication is to be a primary role for punishment The remaining essays examine the nature and limits of responsibility in the law as they engage with philosophical debates over moral luck by investigating the ways in which the law can legitimately hold people responsible for events that were not within their control These chapters tie the first and third parts of the book together as they explore the relationship between the principles that determine a person's responsibility and the principles that determine which types of actions can appropriately be criminalized Finally Duff responds with comments that seek to defend and clarify his views while also acknowledging the correctness of some of the critics objections

**Company Law and Directors' Duties in Sub-Saharan Africa** Oludara Akanmidu, 2024-04-02 This book provides a critical analysis of the enforcement regime for breach of directors duties in sub Saharan Africa Focusing on Nigeria Kenya Ghana and Tanzania it interrogates the current state of play regarding the enforcement of directors duties in sub Saharan African countries The book examines the effectiveness of enforcement the reasons for its successes or failures and how it might be improved in these countries Finally taking into consideration the specific socio cultural context of the countries in question it offers persuasive and practical avenues for reform This book will be of interest to scholars and practitioners of comparative corporate law and corporate governance in Africa

**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

**Inferno** Robert A. Ferguson, 2014-03-03 Robert Ferguson diagnoses all parts of a massive out of control punishment regime Turning the spotlight on the plight of prisoners he asks the American people Do we want our prisons to be this way Acknowledging the suffering of prisoners and understanding what punishers do when they punish are the first steps toward a better more just system

**Theory of Legal Personhood** Visa A. J. Kurki, 2019 This work offers a new theory of what it means to be a legal person and suggests that it is best understood as a cluster property The book explores the origins of legal personhood the issues afflicting a traditional understanding of the concept and the numerous debates surrounding the topic

**Sovereignty Conflicts and International Law and Politics** Jorge E. Núñez, 2017-05-12 Many ongoing conflicts throughout the world can be characterised as sovereignty conflicts in which two States claim exclusive sovereign rights for different reasons over the same piece of land Drawing on the work of John Rawls this book considers

how distributive justice theories can be in tune with the concept of sovereignty and explores the possibility of a solution for sovereignty conflicts based on Rawlsian methodology Jorge E N ez explores a solution of egalitarian shared sovereignty evaluating what sorts of institutions and arrangements could and would best realise shared sovereignty and how it might be applied to territory population government and law

**Just Financial Markets?** Lisa Herzog, 2017 Well functioning financial markets are crucial for the economic well being and the justice of contemporary societies The Great Financial Crisis has shown that a perspective that naively trusts in the self regulating powers of free markets cannot capture what is at stake in understanding and regulating financial markets The damage done by the Great Financial Crisis including its distributive consequences raises serious questions about the justice of financial markets as we know them This volume brings together leading scholars from political theory law and economics in order to explore the relation between justice and financial markets Broadening the perspective from a purely economic one to a liberal egalitarian one the volume explores foundational normative questions about how to conceptualize justice in relation to financial markets the biases in the legal frameworks of financial markets that produce unjust outcomes and perspectives of justice on specific institutions and practices in contemporary financial markets Written in a clear and accessible language the volume presents analyses of how financial markets should function and how the Great Financial Crisis came about proposals for how the structures of financial markets could be reformed and analysis of why reform is not happening at the speed that would be desirable from a perspective of justice

**In the Name of Liberty** Mark R. Reiff, 2020-04-30 For years now unionization has been under vigorous attack Membership has been steadily declining and with it union bargaining power As a result unions may soon lose their ability to protect workers from economic and personal abuse as well as their significance as a political force In the Name of Liberty responds to this worrying state of affairs by presenting a new argument for unionization one that derives an argument for universal unionization in both the private and public sector from concepts of liberty that we already accept In short In the Name of Liberty reclaims the argument for liberty from the political right and shows how liberty not only requires the unionization of every workplace as a matter of background justice but also supports a wide variety of other progressive policies

**Culpable Carelessness** Findlay Stark, 2016-10-20 A doctrinal and theoretical analysis of culpability for unjustified risk taking in Anglo American criminal law

**International Law as Social Construct** Carlo Focarelli, 2012-05-24 This book explores international law as a social construct by analysing its social foundations and by re conceptualizing the way in which it is commonly understood It asks what law is and how it works in society and shows why it is worth to struggle for new and better working rules in the international legal order

**Sanctions: An Essential Element of Law?** Nicoletta Bersier, Christoph Bezemek, Frederick Schauer, 2025-06-28 The volume is dedicated to the concept of sanctions and to the reassessment of its interrelation with the concept of law It does not seem that long ago that law and sanctions were thought of as necessarily interrelated Every Law is a command we read in Austin s Province of Jurisprudence

Determined a particular command however in that the party to whom it is directed is liable to evil from the other in case he does not comply And the evil which will probably be incurred in case a command be disobeyed is frequently called a sanction

H L A Hart's critique of Austin's command theory of law successfully drove a wedge into the interrelation of law and sanctions so successful in fact that it caused some scholars to part with the idea of force underlying the concept of law altogether and others to emphatically protest what they perceived as a rash move to discard one of the core elements of law

The debate still is on      **Outlines and Highlights for Punishment, Compensation, and Law** Cram101 Textbook Reviews,2011-03 Never HIGHLIGHT a Book Again Virtually all of the testable terms concepts persons places and events from the textbook are included Cram101 Just the FACTS101 studyguides give all of the outlines highlights notes and quizzes for your textbook with optional online comprehensive practice tests Only Cram101 is Textbook Specific Accompanys 9780521846691      The Routledge Companion to Social and Political Philosophy Gerald F. Gaus,Fred D'Agostino,2013 This comprehensive work provides an up to date survey of social and political philosophy charting its history and key figures and movements and addressing enduring questions as well as contemporary research      Conscience and Conviction Kimberley Brownlee,2012-10-18 The book shows that civil disobedience is generally more defensible than private conscientious objection Part I explores the morality of conviction and conscience Each of these concepts informs a distinct argument for civil disobedience The conviction argument begins with the communicative principle of conscientiousness CPC According to the CPC having a conscientious moral conviction means not just acting consistently with our beliefs and judging ourselves and others by a common moral standard It also means not seeking to evade the consequences of our beliefs and being willing to communicate them to others The conviction argument shows that as a constrained communicative practice civil disobedience has a better claim than private objection does to the protections that liberal societies give to conscientious dissent This view reverses the standard liberal picture which sees private conscientious objection as a modest act of personal belief and civil disobedience as a strategic undemocratic act whose costs are only sometimes worth bearing The conscience argument is narrower and shows that genuinely morally responsive civil disobedience honours the best of our moral responsibilities and is protected by a duty based moral right of conscience Part II translates the conviction argument and conscience argument into two legal defences The first is a demands of conviction defence The second is a necessity defence Both of these defences apply more readily to civil disobedience than to private disobedience Part II also examines lawful punishment showing that even when punishment is justifiable civil disobedients have a moral right not to be punished Oxford Legal Philosophy publishes the best new work in philosophically oriented legal theory It commissions and solicits monographs in all branches of the subject including works on philosophical issues in all areas of public and private law and in the national transnational and international realms studies of the nature of law legal institutions and legal reasoning treatments of problems in political morality as they bear on law and explorations in the nature and development of legal

philosophy itself The series represents diverse traditions of thought but always with an emphasis on rigour and originality It sets the standard in contemporary jurisprudence

**On Unemployment, Volume II** Mark R. Reiff, 2015-10-07 With unemployment at historically high rates that show signs of becoming structural there is a pressing need for an in depth exploration of this economic injustice Unemployment is one of the problems most likely to put critical pressure on our political institutions disrupt the social fabric of our way of life and even threaten the continuation of liberalism itself Despite the obvious importance of the problem of unemployment however there has been a curious lack of attention paid to this issue by contemporary non Marxist political philosophers On Unemployment explores the moral implications of the problem of unemployment despite the continuing uncertainty involving both its causes and its cures Reiff takes up a series of questions about the nature of unemployment and what justice has to tell us about what we should do if anything to alleviate it The book comprehensively discusses the related theory and suggests how we might implement these more general observations in the real world It addresses the politics of unemployment and the extent to which opposition to some or all of the book s various proposals stem not from empirical disagreements about the best solutions but from more basic moral disagreements about whether the reduction of unemployment is indeed an appropriate moral goal This exciting new text will be essential for scholars and readers across business economics and finance as well as politics philosophy and sociology

**Exploitation and Economic Justice in the Liberal Capitalist State** Mark R. Reiff, 2013-02-28 Develops a new liberal theory of economic justice presenting a liberal egalitarian non Marxist theory of exploitation using a reconceived notion of the ancient doctrine of the just price and a concept of intolerable unfairness

*Law at War: The Law as it Was and the Law as it Should Be* Ola Engdahl, Pål Wrange, 2009-01-31 The authors of this volume have been inspired by the scholar to which this Liber Amicorum is dedicated Professor Ove Bring to look into both the past and the future of international law Like Ove Bring they have dealt with many aspects of the law governing the use of force from arms control to human rights international criminal law the UN Charter and of course international humanitarian law Like Professor Bring they have allowed themselves to draw trajectories from history and into the future and have shunned away from neither the controversial nor the speculative be it on the Middle East the invasion of Iraq or the independence of Kosovo This collection brings together insights from a former UN Legal Counsel a former Executive Chairman of UNMOVIC present and former judges of the European Court of Justice the International Criminal Tribunal for the former Yugoslavia and the International Tribunal for the Law of the Sea one present and one former member of the International Law Commission as well as law professors and practitioners from all Nordic countries Germany and Australia Together they form a highly challenging mosaic of perspectives on topical issues like cluster munitions targeting human rights in peace operations and the purposes of sentencing in international tribunals The volume also contains a bibliography and a presentation of Professor Bring s work

[The Adam Smith Review: Volume 10](#) Fonna Forman, 2017-09-27 Adam Smith s contribution to economics is well recognised but scholars have recently been

exploring anew the multidisciplinary nature of his works The Adam Smith Review is a rigorously refereed annual review that provides a unique forum for interdisciplinary debate on all aspects of Adam Smith's works his place in history and the significance of his writings to the modern world It is aimed at facilitating debate between scholars working across the humanities and social sciences thus emulating the reach of the Enlightenment world which Smith helped to shape This tenth volume brings together leading scholars from across several disciplines and offers a particular focus on Smith's continuing impact on the history of economics There is also an emphasis throughout the volume on the relationship between Smith's work and that of other key thinkers



## Unveiling the Magic of Words: A Review of "**Punishment Compensation And Law A Theory Of Enforceability**"

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