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Philosophical
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Punishment

Second Edition

Edited by

Gertrude Ezorsky

Philosophical Perspectives On Punishment

Shona Minson



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Philosophical Perspectives on Punishment Gertrude Ezorsky, 1972-06-30 Punishment writes J E McTaggart is pain and to inflict pain on any person obviously requires justification But if the need to justify punishment is obvious the manner of doing so is not Philosophers have developed an array of diverse often conflicting arguments to justify punitive institutions Gertrude Ezorsky introduces this source book of significant historical and contemporary philosophical writings on problems of punishment with her own article The Ethics of Punishment She brings together systematically the important papers and relevant studies from psychology law and literature and organizes them under five subtopics concepts of punishment the justification of punishment strict liability the death penalty and alternatives to punishment Under these general headings forty two papers are presented to give philosophical perspectives on punishment Included are many e g John Stuart Mill s defense of capital punishment not generally available This book brings together in a single volume the views of such diverse writers as Plato St Thomas Aquinas Samuel Butler Karl Marx and Lady Barbara Wooten Others are J Andenaes K G Armstrong John Austin Kurt Baier Jeremy Bentham F H Bradley Richard Brandt Clarence Darrow A C Ewing Joel Feinberg The Hon Mr Gilpin H L A Hart G W F Hegel Thomas Hobbs Immanuel Kant J D Mabbott H J McCloskey J E McTaggart R Martinson G E Moore Herbert Morris Anthony Quinton D Daiches Raphael H Rashdall John Rawls W D Ross Royal Commission on Capital Punishment Report 1949 53 George Bernard Shaw T L S Sprigge and R Wasserstrom

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 hav 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 stately mandated infliction of death suffering or deprivation on citizens should be met with hesitation from which ethical reflections may depar 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

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The Handbook is conveniently organized into four sections I Theories of Punishment and Contemporary Perspectives II Philosophical Perspectives on Punishment III Sciences Prevention and Punishment IV Alternatives to Current Punishment Practices A volume introduction and a comprehensive index help make The Routledge Handbook of the Philosophy and Science of Punishment essential reading for upper undergraduate and postgraduate students in disciplines such as philosophy law criminology psychology and forensic psychiatry and highly relevant to a variety of other disciplines such as political and social sciences behavioral and neurosciences and global ethics It is also an ideal resource for anyone interested in current theories research and programs dealing with the problem of punishment

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

Philosophical Foundations of Criminal Law R.A. Duff, Stuart Green, 2011-03-10 Philosophical Foundations of Criminal Law gathers leading theorists to present original work on a range of foundational questions in criminal law theory The volume provides an overview of current philosophical work on the criminal law setting an agenda for further research and debate

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

Criminal Justice Ethics Cyndi Banks, 2009 Following on the success of its First Edition which was praised for its comprehensive coverage and flexible organization Criminal Justice Ethics Second Edition continues to explore ethical dilemmas faced by criminal justice professionals and discusses how they might be resolved covering codes of ethics for various players and providing applied examples in the form of illustrative real life case boxes The Second Edition also retains the unique praised organizational style of the previous edition covering the interaction of ethics and the criminal justice system in Part I to lay a foundation for the ethical theories and perspectives introduced in Part II New to this Edition Includes a new chapter in the Second Edition Ethics and the War on Terrorism explores the very timely topic of terrorism covering definitions of terrorism restrictions of rights in the interests of national security and the ethics of torture Provides expanded treatment of important topics and offers global perspectives where appropriate Readers will find more coverage of transparency and accountability in the criminal justice system and more comparative discussions showing how ethical challenges are addressed in other countries Offers updated information throughout with a more accessible interior design and more robust pedagogy Expanded coverage of timely topics and issues that impact the contemporary criminal justice system including prostitution drug abuse abortion homosexuality human rights terrorism and the Patriot Act a more appealing visual design and helpful pedagogical features such as key terms end of chapter cases and new feature boxes

enhance student learning w **Pardons** Kathleen Dean Moore,1997-07-03 In *Pardons* Kathleen Dean Moore addresses a host of crucial questions surrounding acts of clemency including what justifies pardoning power who should be pardoned and the definition of an unforgivable crime Illustrating her arguments with rich and fascinating historical examples some scandalous or funny others inspiring or tragic Moore examines the philosophy of pardons from King James II s practice of selling pardons for two shillings through the debates of the Founding Fathers over pardoning power to the record low number of pardons during recent U S administrations Carefully analyzing the moral justification of clemency Moore focuses on presidential pardons revealing that over and over again after the Civil War after Prohibition after the Vietnam War and after Watergate controversies about pardons have arisen at times when circumstances have prevented people from thinking dispassionately about them Her groundbreaking study concludes with recommendations for the reform of presidential pardoning practices

Honor and Revenge: A Theory of Punishment Whitley R.P. Kaufman,2012-08-28 This book addresses the problem of justifying the institution of criminal punishment It examines the paradox of retribution the fact that we cannot seem to reject the intuition that punishment is morally required and yet we cannot even after two thousand years of philosophical debate find a morally legitimate basis for inflicting harm on wrongdoers The book comes at a time when a new abolitionist movement has arisen a movement that argues that we should give up the search for justification and accept that punishment is morally unjustifiable and should be discontinued immediately This book however proposes a new approach to the retributive theory of punishment arguing that it should be understood in its traditional formulation that has been long forgotten or dismissed that punishment is essentially a defense of the honor of the victim Properly understood this can give us the possibility of a legitimate moral justification for the institution of punishment

Maternal Sentencing and the Rights of the Child Shona Minson,2019-12-24 This book brings to life the experiences of children affected by maternal imprisonment and provides unique in depth analysis of judicial thinking on this issue It explores the experiences of children whose mothers are sentenced to imprisonment in England and Wales and contrasts their state sanctioned separation from their mothers in the criminal courts where the court may not even be aware of the existence of a child to the state sanctioned separation of children from their parents in the family courts where the child has legal representation and their best interests are the court s paramount consideration Drawing on detailed empirical research with children caregivers and Crown Court judiciary *Maternal Sentencing and the Rights of the Child* brings together relevant literature on law criminology and human rights to provide insight into the reasons for the differentiated treatment and its implications for children their caregivers and wider society

Document Retrieval Index ,1974 [The Oxford Handbook of Distributive Justice](#) Serena Olsaretti,2018-06-11 Distributive justice has come to the fore in political philosophy in recent decades how should we arrange our social and economic institutions so as to distribute fairly the benefits and burdens of social cooperation Thirty two leading figures from philosophy and political theory present specially written critical assessments of the state of research

on a broad range of questions about distributive justice. The first seventeen chapters examine different views of distributive justice and its role in political philosophy and consider some key methodological questions facing theorists of justice. The remaining fifteen chapters investigate questions about the implementation of distributive justice with regard to a range of aspects of society including gender, race, the family, education, work, health, language, migration, and climate change. This Oxford Handbook will be a rich and authoritative resource for anyone working on theories of justice.

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.

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