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# Punishment, Danger and Stigma: Morality of Criminal Justice

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# Punishment Danger Stigma

**Mirko Bagaric**



## **Punishment Danger Stigma:**

**Punishment, Danger and Stigma** Nigel Walker, 1980-01-01 To find more information about Rowman and Littlefield titles please visit [www.rowmanlittlefield.com](http://www.rowmanlittlefield.com) **Punishment Danger and Stigma** Walker, 1982-05-01 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 have 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 state mandated infliction of death suffering or deprivation on citizens should be met with hesitation from which ethical reflections may depart 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

**Punishment and Sentencing** Mirko Bagaric, 2025-02-03 First published in 2001 Punishment and Sentencing provides a way of introducing principle into sentencing This is done by bridging the gap between the philosophical justification for punishment and sentencing law and practice In terms of the interests it deals with sentencing is the most important area of law Ironically it is also arguably the least coherent Nearly three decades ago sentencing was described as a wasteland in the law Unfortunately little has changed in that time Sentencing decisions are often made in accordance with the idiosyncratic sentiments of sentencers rather than on the basis of binding rules and principles Part A of the book provides an overview of current sentencing law and practice Part B critically examines the main contemporary theories of punishment Part C discusses the implications that this has for the sentencing process It is a useful text for students of criminology law and philosophy courses as well as a valuable resource for criminal law practitioners **The Abuses of Punishment R.**

Adams, 1998-02-18 This book argues that abusive punishments are particularly deeply rooted in authoritarian states and in some Western countries such as Britain and the USA from which they have been exported over past centuries The book surveys a variety of psychological physically constraining custodial corporal and capital punishments The implicit punitive content of judicial processes such as trial as well as treatments such as behavioural therapy may have as much psychological impact as more explicitly physical punishments **The Moral Benefit of Punishment** Frances E. Gill, 2003-01-01 In this provocative work Frances E Gill argues that self determination is a universal goal of correctional counseling Gill leads the

reader through a rigorous philosophical justification of the paternalism of state punishment in service of this goal Drawing on the thought of Maurice Merleau Ponty Mitchell Aboulafia and Lawrence Kohlberg Gill shows that the internalization of moral values which an offender could achieve through psychotherapy is necessary for true self determination After surveying the predominant contemporary schools of psychotherapy she shows that in spite of the differences among existing theoretical orientations practitioners of correctional counseling consistently strive to facilitate their clients self determination Gill s intelligent treatise will be a valuable reference for scholars of moral and political philosophy clinical and correctional psychology and criminal justice as well as for practicing correctional counselors

**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

**Punishment and Culture** María José Falcón y Tella, Fernando Falcón y Tella, 2006-05-01 This volume critically explores the basis and the goal of punishment from the standpoint of the right to punish Studies and works dedicated to punishment are scarce compared to those dedicated to Crime Theory or some aspect thereof The book 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 Moving from the most abstract and general to the most concrete and

specific various themes relating to the concept of punishment are distinguished These themes are not exactly equivalent but are nevertheless often confused with one another They are Punishment Punitive Practice Sentence and Penalty Of these the third Sentence which is almost the least generic concept dealt with having to do with that area of law which basically constitutes Criminal Law forms the central part of the work In this section via a dual structure the distinction is made between punishments and deterrents as the prime types of punitive practice with a distinct historical tradition diverse bases and functions around which different sorts of theories and schools have developed The book ends with a series of critical conclusions as to what in the opinion of the authors should be a correct conception of punishment **The Right to Be**

**Punished** Gabriel Hallevy, 2012-10-12 Does an offender have the right to be punished The right to be punished may sound like an oxymoron but it is not necessarily so With the emergence of modern criminal law the offender gained the right to be punished by rational criminal law rather than being lynched by an angry mob The present day offender may have the right to be punished by doctrinal sentencing rather than being subjected to verdicts based on vague unclear and uncertain principles In modern criminal law the imposition of criminal liability follows accurate and strict rules whereas there are no similar rules for the imposition of punishment The process of sentencing is vague and obscure as are the considerations used for the imposition of punishments The objective of the present book is to propose a comprehensive general and legally sophisticated theory of modern doctrinal sentencing The challenges of such a legal theory are plenty and complex In addition to increasing clarity and certainty modern doctrinal sentencing must deal with modern types of delinquency e g organized crime recidivism corporate offenders high tech offenses etc and modern principles of criminal law Modern doctrinal sentencing must serve to ensure optimal sentencing **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 *The Presumption of Innocence* Andrew

Stumer,2010-06-14 The presumption of innocence is universally recognized as a fundamental human right and a core principle in the administration of criminal justice Nonetheless statutes creating criminal offences regularly depart from the presumption of innocence by requiring defendants to prove specific matters in order to avoid conviction Legislatures and courts seek to justify this departure by asserting that the reversal of the burden of proof is necessary to meet the community interest in prosecuting serious crime and maintaining workable criminal sanctions This book investigates the supposed justifications for limitation of the presumption of innocence It does so through a comprehensive analysis of the history rationale and scope of the presumption of innocence It is argued that the values underlying the presumption of innocence are of such fundamental importance to individual liberty that they cannot be sacrificed on the altar of community interest In particular it is argued that a test of proportionality which seeks to weigh individual rights against the community interest is inappropriate in the context of the presumption of innocence and that courts ought instead to focus on whether an impugned measure threatens the values which the presumption is designed to protect The book undertakes a complete and systematic review of the United Kingdom and Strasbourg authority on the presumption of innocence It also draws upon extensive references to comparative material both judicial and academic from the United States Canada and South Africa

Punishment Christopher Harding,Richard W. Ireland,2022-09-01 First published in 1989 Punishment examines the practice of punishment not simply as a typical sanction employed by the state but as a pervasive feature of social organisation in both past and contemporary societies With depth and rigour they consider penal practice in a variety of historical and cultural contexts such as the family kinship and tribal groupings small communities educational institutions the workplace and the commercial environment criminal organisations and the wider international community as well as that of the state In this way they widen the scope of the debate about the use of punishment as an instrument of human organisation presenting different perspectives on the phenomenon of punishment and questioning the boundaries between different disciplines juridical philosophical sociological psychological and historical within which the subject has been considered in the past This book will be of interest to students and teachers of history sociology criminology law philosophy and psychology

**Reward, Punishment, and Forgiveness** Joze Krasovec,2014-09-03 This book deals with central and universal issues of reward punishment and forgiveness for the first time in a compact and comprehensive way Until now these themes have received far too little attention in scholarly research both in their own right and in their interrelationship The scope of this study is to present them in relation to the foundations of our culture These and related issues are treated primarily within the Hebrew Bible using the methods of literary analysis The centrality of these themes in all religions and all cultures has resulted however in a comparative investigation drawing attention to the problem of terminology the importance of Greek culture for the European tradition and the fusion of Greek and Jewish Christian cultures in our modern philosophical and theological systems This broad perspective shows that the biblical personalist understanding of divine authority and of

human righteousness or guilt provides the personalist key to the search for reconciliation in a divided world      **Sex Offenders, Stigma, and Social Control** Diana Rickard, 2016-07-12 The 1990s witnessed a flurry of legislative initiatives most notably Megan's Law designed to control a population of sex offenders child abusers widely reviled as sick evil and incurable In *Sex Offenders Stigma and Social Control* Diana Rickard provides the reader with an in depth view of six such men exploring how they manage to cope with their highly stigmatized role as social outcasts The six men discussed in the book are typical convicted sex offenders neither serial pedophiles nor individuals convicted of the type of brutal act that looms large in public perceptions about sex crimes *Sex Offenders Stigma and Social Control* explores how these individuals who have been cast as social pariahs construct their sense of self How does being labeled in this way and controlled by measures such as Megan's Law affect one's identity and sense of social being Unlike traditional criminological and psychological studies of this population this book frames their experiences in concepts of both deviance and identity asking how men so highly stigmatized cope with the most extreme form of social marginality Placing their stories within the context of the current culture of mass incarceration and zero tolerance Rickard provides a deeper understanding of the complex relationship between public policy and lived experience as well as an understanding of the social challenges faced by this population whose re integration into society is far from simple or assured *Sex Offenders Stigma and Social Control* makes a significant contribution to our understanding of sex offenders offering a unique window into how individuals make meaning out of their experiences and present a viable not monstrous social self to themselves and others      The Oxford Handbook of Practical Ethics Hugh LaFollette, 2005-09-15 This is a guide to contemporary thought on ethical issues in all areas of human activity personal medical sexual social political judicial and international from the natural world to the world of business

*Corporate Criminal Liability in Environmental Jurisprudence* Indrajit Dube, Mia Mahmudur Rahim, 2025-09-08 Environmental jurisprudence is a dynamic field that integrates insights from various disciplines including basic sciences earth science economics and law At its core this discipline emphasizes the importance of enforcing rights as environmental pollution poses significant threats to individuals and society as a whole The repercussions of pollution are not confined to the immediate vicinity they can reverberate across vast regions and impact countless future generations Addressing pollution as a wrong or crime demands a nuanced understanding of the law making the study of environmental jurisprudence essential This book explores corporate polluter liability within the framework of environmental jurisprudence While protective measures for the environment have been embedded in various statutes since the early 20th century the notion of environmental jurisprudence has only recently come to the forefront of legal discourse This field is crucial for safeguarding the natural and legal rights of individuals communities and the state With a comprehensive approach that encompasses both national and international dimensions this book critically engages with the foundational concepts of environmental jurisprudence exposing the rampant environmental violations perpetrated by corporations and outlining how these entities

can be held accountable within regulatory frameworks Furthermore it provides a thorough analysis of essential international instruments aimed at combatting corporate induced environmental degradation offering recommendations to elevate corporate criminal liability within the realm of environmental jurisprudence scholarship Highlighting the urgent need for accountability but also inspiring action toward a sustainable future this book will interest legal scholars researching on criminal liability and environmental law Smith, Hogan, and Ormerod's Criminal Law David|Laird Ormerod (Karl|Gibson, Matthew),2024 *Metamorphosis* Robert A. Ferguson,2018-01-01 A radical rethinking of prisons and their purpose

**Urban Justice** Francisco Colom-González,2024-10-28 This book outlines an interdisciplinary normative framework that makes sense of the historical transformation of cities and helps to assess contemporary urban conditions and policies for the built environment This normative framework is embedded in what the editor and authors have termed urban justice As is widely acknowledged the urban condition has become the inescapable horizon of modern life Urban relations now permeate the lives of the majority of the world s population Even if urbanization as a global process seems to have reached its zenith there is no end in sight to the growth of cities This is a fact that political theory must come to terms with when debating justice To address this this book is divided into three sections each dealing with the spatial dimension of social agency normative ideas about inclusive urban design and contemporary processes that threaten to erode the urban fabric In doing so it helps one to normatively evaluate the spatial materialization of social relations in the city so the view of urban habitat as a shared good becomes prominent This book is of interest to scholars of urban studies social sciences political theory and social philosophy as well as those interested in contemporary urban processes in general



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