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Punishment The Supposed Justifications Revisited

Ted Honderich

Punishment The Supposed Justifications Revisited:

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the Limits of the Law Erik Claes, Wouter Devroe, Bert Keirsbilck, 2009-04-21 Many legal experts no longer share an unbounded trust in the potential of law to govern society efficiently and responsibly They often experience the limits of the law as they are confronted with striking inadequacies in their legal toolbox with inner inconsistencies of the law with problems of enforcement and obedience and with undesired side effects and so on The contributors to this book engage in the challenging task of making sense of this experience Against the background of broader cultural transformations such as globalisation new technologies individualism and cultural diversity they revisit a wide range of areas of the law and map different types of limits in relation to some basic functions and characteristics of the law Additionally they offer a set of strategies to manage justifiably law s limits such as dedramatising law s limits conceptual refinement constructivism striking the right balance between different functions of the law seeking for complementarity between law and other social practices

Rethinking Punishment Leo Zaibert, 2018-04-19 The age old debate about what constitutes just punishment has become deadlocked Retributivists continue to privilege desert over all else and consequentialists continue to privilege punishment s expected positive consequences such as deterrence or rehabilitation over all else In this important intervention into the debate Leo Zaibert argues that despite some obvious differences these traditional positions are structurally very similar and that the deadlock between them stems from the fact they both oversimplify the problem of punishment Proponents of these positions pay insufficient attention to the conflicts of values that punishment even when justified generates Mobilizing recent developments in moral philosophy Zaibert offers a properly pluralistic justification of punishment that is necessarily more complex than its traditional counterparts An understanding of this complexity should promote a more cautious approach to inflicting punishment on individual wrongdoers and to developing punitive policies and institutions 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 guestions as well as contemporary research **Understanding Jurisprudence** Raymond Wacks, 2021 Understanding Jurisprudence provides an illuminating and engaging introduction to the central questions of legal theory It is the perfect starting point for those new to the subject Moral and Political Philosophy Paul Smith, 2008-04-30 A clear and concise introduction to moral and political philosophy which critically analyses arguments about controversial and topical practical issues drug laws justifications of punishment civil disobedience whether there is a duty to obey the law and Confronting Penal Excess David Hayes, 2019-11-14 This monograph considers the correlation between the global poverty 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 The Oxford Handbook of Crime and Criminal Justice Michael Tonry, 2011-09-29 Although criminal justice systems in developed Western countries are much alike in form structure and function the American system is unique While it is structurally similar to those of other Western countries the punishments it imposes are often vastly harsher No other Western country retains capital punishment or regularly employs life without parole three strikes or lengthy mandatory minimum sentencing laws As a result the U S imprisonment rate of nearly 800 per 100 000 residents dwarfs rates elsewhere The Oxford Handbook of Crime and Criminal Justice is an essential guide to the development and operation of the American criminal justice system A leading scholar in the field and an experienced editor Michael Tonry has brought together a team of first rate scholars to provide an authoritative and comprehensive overview and introduction to this crucial institution Expertly organized the various sections of the Handbook explore the American criminal justice system from a variety of perspectives including its purposes functions problems and priorities and present analyses of police and policing juvenile justice prosecution and sentencing and community and institutional corrections making it a complete and unrivaled portrait of how America approaches crime and criminal justice and giving persuasive answers as to why and how it has developed to what it is today Accessibly written for a wide audience the Handbook serves as a definitive reference for scholars and a broad survey for students in criminology and criminal justice

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