

RETRIBUTION

*EVIL FOR EVIL IN
ETHICS, LAW AND LITERATURE*

MARVIN HENBERG



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Retribution Evil For Evil In Ethics Law And Literature

Huangqi Zhang



Retribution Evil For Evil In Ethics Law And Literature:

Retribution Marvin Henberg, 1990 Despite our moral misgivings retributive canons of justice the return of evil to evildoers remain entrenched in law literature and popular moral precept In this wide ranging examination of retribution Marvin Henberg argues that the persistence and pervasiveness of this concept is best understood from a perspective of evolutionary naturalism After tracing its origins in human biology and psychology he shows how retribution has been treated historically in such diverse cultural expressions as law codes scriptures drama poetry philosophy and novels Henberg considers retributive thought in light of contemporary moral theory and current social and political concerns and advances his own theory of the morality of legal punishment Retribution is no single doctrine or unified set of doctrines but rather a sprawling variety of doctrines many of them at odds with one another observes Henberg He suggests that understanding retributive thought as the quest for solace in the face of suffering helps to explain its variable nature Since there is no single defensible moral criterion for identifying exact retaliation culture is more important than nature in selecting among retributive practices Typically some forms of retribution are culturally approved while others are disapproved In place of the mistaken tendency to think of legal punishment as morally justified Henberg maintains that legal punishment should be thought of as morally permitted Author note Marvin Henberg is Professor and Chair of the Department of Philosophy and Director of the University Honors Program at the University of Idaho

Law and Literature María José Falcón y Tella, 2016-04-26 Mar a Jos Falc n y Tella invites us on a fascinating journey through the world of law and literature travelling through the different eras and exploring eternal and as such current issues such as justice power resistance vengeance rights and duties This is an unending conversation which brings us back to Sophocles and Dickens Cervantes and Kafka Dostoyevsky and Melville among many others There are many ways to approach the concept of Law and Literature In the classical manner the author distinguishes three paths the Law of Literature involving a technical approach to the literary theme Law as Literature a hermeneutical and rhetorical approach to examining legal texts and finally Law in Literature which is undoubtedly the most fertile and documented perspective the fundamental part of the work focusses on this direction This timely volume offers an introduction to this enormous field of study which was born in the United States over a century ago and is currently taking root in the European continent

John Gower and the Limits of the Law Conrad van Dijk, 2013 An examination of the ways in which Gower s poetry engages with contemporary law and legal questions It has long been thought that John Gower was probably a lawyer before turning to poetry and this study reveals his active engagement with contemporary legal debates they include constitutional questions jurisdictional issues private vengeance jurisprudential concepts such as equity and the rigor iuris and aspects of criminal law The author argues that the *Confessio Amantis* in particular demonstrates Gower s uncertainty about how to reconcile the ideal of a just law with alternative modes of justice such as self help royal discretion and divine will The book also examines the parallel development of the exemplum

and casus in medieval literature Exempla frequently create a sense of narrative closure by means of some form of punishment or as Gower would put it vengeance How then do we set Gower's reputation as a sympathetic writer alongside his frequent desire for closure and punishment What are the limits of exemplarity and law These questions are answered by reading Gower in relation to the volatile politics of the Ricardian period and in comparison with the poetic concerns of contemporary writers such as Chaucer and Langland In so doing the book provides a searching introduction to the intersection between literature and law in the late fourteenth century Dr Conrad van Dijk is Assistant Professor of English at Concordia University College of Alberta Edmonton Canada

The Death Penalty in America Hugo Adam Bedau, 1998-05-28

In *The Death Penalty in America: Current Controversies* Hugo Adam Bedau, one of our preeminent scholars on the subject, provides a comprehensive sourcebook on the death penalty making the process of informed consideration not only possible but fascinating as well No mere revision of the third edition of *The Death Penalty in America* which the *New York Times* praised as the most complete, well edited and comprehensive collection of readings on the pros and cons of the death penalty, this volume brings together an entirely new selection of 40 essays and includes updated statistical and research data, recent Supreme Court decisions and the best current contributions to the debate over capital punishment From the status of the death penalty worldwide to current attitudes of Americans toward convicted killers, from legal arguments challenging the constitutionality of the death penalty to moral arguments enlisting the New Testament in support of it, from controversies over the role of race and class in the judicial system to proposals to televise executions, Bedau gathers readings that explore all the most compelling aspects of this most compelling issue

Heinous Crime Frederic G. Reamer, 2005 This book offers innovative perspectives on issues concerning a civilized society's response to offenders guilty of heinous crimes It considers specific cases and the chilling accounts of victims and the criminals themselves In providing detailed strategies for prevention and rehabilitation, the author examines the psychological and social factors that lead individuals to commit reprehensible crimes, arguing that a fuller understanding of different criminal types is crucial to developing successful answers to the problem of heinous crimes

A Unified Theory of Justice and Crime Michael J. DeValve, Tammy S. Garland, Elizabeth Q. Wright, 2018-09-15 Despite great effort and some improvements, criminal justice today still seems like an oxymoron There are some very good reasons for this feeling: catastrophic failures abound and marginal improvements appear revolutionary This book addresses the idea of justice in order to guide society toward a more effective justice system Specifically, the authors argue that justice and love are one and the same thing They trace impoverished and accomplished thinking in criminological and justice discourses and show that the historic ills that have plagued humanity tend to evaporate when justice and love are understood to be synonyms

Wishbone Laura C. Jarmon, 2003 Jarmon, English U of Tennessee Martin studies the history and attempts to trace the origins of several prevalent themes in African American folklore using folk tale collections from the US and Africa The themes link subjects with symbolic content such as the tar baby with binding and

transcription and the skull with presence and propriety An introduction presents Jarmon s methodology her thesis is that these narratives are a type of modal discourse that is symbolized by the motifs of the wishbone and crossroads which she sees as emblematic of the concept of margins and reflective of a mood of indeterminacy Annotation c 2003 Book News Inc Portland OR booknews com

Philosophy of Law Mark Tebbit,2005-06-14 Philosophy of Law An Introduction provides an ideal starting point for students of philosophy and law as it assume no prior knowledge of either subject The book is structured around the key issues and themes in the philosophy of law including what is the law exploring the major legal theories of realism positivism and natural law the reach of the law covering authority rights liberty privacy and tolerance criminal responsibility and punishment including legal defenses crime diminished responsibility and theories of punishment The second edition is updated with important developments in English law the general impact of the Human Rights Act and the defence of necessity in relation to the Case of the Conjoined Twins Radical Marxism feminist critical legal studies and critical race theories are also explained against the background of controversy between postmodernism and defences of modernity New chapters assess the value of traditional legal theory and various critical perspectives and study questions at the end of each chapter help students explore the most important issues in philosophy of law

The Global Community Yearbook of International Law and Jurisprudence 2023 GLOBAL COMMUNITY: YEARBOOK OF INTERNATIONAL LAW AND JURISPRUDENCE.,2024-11-05 The Global Community Yearbook of International Law and Jurisprudence features an annual review of global issues and legal developments from international courts and tribunals The 2023 edition explores threats to democracy and the environment international reparations issues the implications of the Russia Ukraine and Israel Palestine conflicts pertaining to international law and the legality of the ECOWAS s intervention in Niger among other topics

The Passions of Law Susan Bandes,2000 Scholars of law theology political science and philosophy evaluate the role of emotion in the practice and conception of law and justice Exploring the part that emotions such as disgust shame remorse the desire for revenge and love all play in legal settings the authors debate the ways that emotion should or should not be used in the decision making processes of judges lawyers and juries and explore the possibility of an emotional hierarchy and ways to evaluate emotion in sensational cases such as death sentencing and hate crimes Annotation copyrighted by Book News Inc Portland OR

The Killing State Austin Sarat,2001-05-24 Over 7 000 people have been legally executed in the United States this century and over 3 000 men and women now sit on death rows across the country awaiting the same fate Since the Supreme Court temporarily halted capital punishment in 1972 the death penalty has returned with a vengeance Today there appears to be a widespread public consensus in favor of capital punishment and considerable political momentum to ensure that those sentenced to death are actually executed Yet the death penalty remains troubling and controversial for many people The Killing State Capital Punishment in Law Politics and Culture explores what it means when the state kills and what it means for citizens to live in a killing state helping us understand why America clings tenaciously to a punishment

that has been abandoned by every other industrialized democracy Edited by a leading figure in socio legal studies this book brings together the work of ten scholars including recognized experts on the death penalty and noted scholars writing about it for the first time Focused more on theory than on advocacy these bracing essays open up new questions for scholars and citizens What is the relationship of the death penalty to the maintenance of political sovereignty In what ways does the death penalty resemble and enable other forms of law s violence How is capital punishment portrayed in popular culture How does capital punishment express the new politics of crime organize positions in the culture war and affect the structure of American values This book is a timely examination of a vitally important topic the impact of state killing on our law our politics and our cultural life

Morality and Moral Controversies Steven Scalet, John Arthur, 2016-06-23 Morality and Moral Controversies provides students with the tools to understand the philosophical ideas that are shaping our world today This comprehensive anthology includes classic and contemporary readings in moral theory and the most current applied ethics debates emphasizing international concerns Through analyzing these readings such as Supreme Court decisions students will grasp the scope of various philosophical discussions Supreme Court justices must have Morality and Moral Controversies challenges readers to critically assess leading controversies in moral social and political philosophy Upon completing this book readers will be able to Understand philosophical ideas that are shaping our world today Confront conflicts faced when given the choice of morality Apply various philosophical ideas to politics religion economics relationships and medicine Discuss basic philosophical arguments

Rogue Regimes Raymond Tanter, 1999-02-15 Explores U S foreign policy with regard to nations such as Iran Iraq Syria and Libya uncovering the reasons why these countries are so menacing to the United States

Routledge Revivals: Encyclopedia of American Civil Liberties (2006) Paul Finkelman, 2018-04-17 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of civil liberties in America The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book s multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students

Contemporary Moral Issues Lawrence M. Hinman, 2016-07-01 Contemporary Moral Issues is an anthology that provides a selection of readings on contemporary social issues revolving around three general themes Matters of Life and Death Matters of Equality and Diversity and Expanding the Circle which includes duties beyond borders living together with animals and environmental ethics The text contains a number of distinctive high profile readings and powerful narratives including Jonathan Foer s Eating Animals Eva Feder Kittay s On the Ethics of Selective Abortion for Disability and Susan M Wolf s Confronting Assisted Suicide and Euthanasia My Father s Death Each set of readings is accompanied by an extensive introduction a bibliographical essay pre reading questions and discussion questions

Law, Mystery, and the Humanities Logan

Atkinson, Diana Majury, 2008-01-01 The trans disciplinary study of law and the humanities is becoming a more widespread focus among scholars from a range of disciplines Complementary in several major ways concepts and theories of law can be used to formulate fresh ideas about the humanities and vice versa Law Mystery and the Humanities a collection of essays by leading scholars is based on the hypothesis that law has significant contributions to make to ongoing discussions of philosophical issues recurrent in the humanities The philosophical issues in question include the role of rationality in human experience the problem of dissent the persistence of suffering and the possibility of transcendence In each of these areas law is used to add complexity and offer divergent perspectives thus moving important questions in the humanities forward by introducing the possibility of alternative analysis Ranging from discussions of detective fiction Chomsky s universal grammar the poetry of Margaret Atwood the Great Plague of London and more Law Mystery and the Humanities offers a unique examination of trans disciplinary potential

After Injury Ashraf H.A. Rushdy, 2018-05-01 After Injury explores the practices of forgiveness resentment and apology in three key moments when they were undergoing a dramatic change The three moments are early Christian history for forgiveness the shift from British eighteenth century to Continental nineteenth century philosophers for resentment and the moment in the 1950s postwar world in which British ordinary language philosophers and American sociologists of everyday life theorized what it means to express or perform an apology The debates that arose in those key moments have largely defined our contemporary study of these practices

The Oxford Companion to Philosophy Ted Honderich, 2005-03-10 Oxford University Press presents a major new edition of the definitive philosophical reference work for readers at all levels For ten years the original volume has served as a stimulating introduction for general readers and as an indispensable guide for students its breadth and depth of coverage have ensured that it is also read with pleasure and interest by those working at a higher level in philosophy and related disciplines A distinguished international assembly of 249 philosophers contributed almost 2 000 entries and many of these have now been considerably revised and updated to these are added over 300 brand new pieces on a fascinating range of current topics This new edition offers enlightening and enjoyable discussions of all aspects of philosophy and of the lives and work of the great philosophers from antiquity to the present day

Philosophies of Gratitude Ashraf H. A. Rushdy, 2020-10-28 In Philosophies of Gratitude Ashraf H A Rushdy explores gratitude as a philosophical concept The first half of the book traces its significance in fundamental Western moral philosophy and notions of ethics specifically examining key historical moments and figures in classical antiquity the early modern era and the Enlightenment In the second half of the book Rushdy focuses on contemporary meanings of gratitude as a sentiment action and disposition how we feel grateful act grateful and cultivate grateful being He identifies these three forms of gratitude to discern various roles our emotions play in our ethical responses to the world around us Rushdy then discusses how ingratitude instead of indicating a moral failure can also act as an important principle and ethical stand against injustice Rushdy asserts that if we practice gratitude as a moral recognition of

the other then that gratitude varies alongside the different kinds of benefactors who receive it ranging from the person who provides an expected service or gift to the divine or natural sources whom we may credit with our very existence By arguing for the necessity of analyzing gratitude as a philosophical concept Rushdy reminds us of our capacity and appreciation for gratitude simply as an acknowledgment and acceptance of our humble dependency on and connectedness with our families friends communities environments and universe

Honor For Us William Lad Sessions, 2010-10-21 Honor For Us is the first contemporary philosophical inquiry into the concept of honor It is unique not only in its analysis of six distinct concepts of honor which includes an investigation into the place of honor in religious thought and ethics but also in its interpretation of honor s prevalence in our own culture Many would like to discard honor altogether as obsolete but Sessions contends that the concept of honor is poorly understood standing sorely in need of clarification He argues that the notion of honor remains viable in the face of powerful criticism and that it has important features which warrant our normative interest While not downplaying the dark side of honor violence sexism inequality its abuse in religion Sessions shows that honor not only constitutes a descriptively useful concept but also remains a potentially valuable concept for us today

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