

Punishment, Danger and Stigma: Morality of Criminal Justice

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Punishment Danger Stigma

Mirko Bagaric



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Punishment, Danger and Stigma Nigel Walker, 1980-01-01 To find more information about Rowman and Littlefield titles please visit www.rowmanlittlefield.com *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 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

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

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

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

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