

PUNISHMENT

AS

SOCIETAL

DEFENSE

PHILLIP MONTAGUE

Punishment As Societal Defense

Hugo Adam Bedau



Punishment As Societal Defense:

Punishment as Societal-defense Phillip Montague, 1995 People punished by law are treated in ways that we consider immoral in other contexts In Punishment as Societal Defense Phillip Montague develops a new theory of punishment that instead of justifying it on the basis of deterrence or retribution constructs it as analogous to individual self defense If people are justified in defending themselves against wrongful aggression Montague argues the same principles of distributive justice underlie punishment as societal defense *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 **Justified Killing** Whitley R. P. Kaufman, 2009-01-01 In *Justified Killing* Whitley R P Kaufman argues that none of the leading theories adequately explains why it is permissible even to kill an innocent attacker in self defense given the basic moral prohibition against killing the innocent Kaufman suggests that such an explanation can be found in the traditional Doctrine of Double Effect according to which self defense is justified because the intention of the defender is to protect himself rather than harm the attacker **Social Defence** Ils 212 Marc Ancel, Leon Radzinowicz, 2013-08-21 First published in 1998 This book is concerned with a modern approach to criminal problems written in 1965 by Marc Ancel who combines a scientific and academic career with that of Judge of the Supreme Court of France **The Palgrave Handbook on the Philosophy of**

Punishment Matthew C. Altman, 2023-03-23 This Handbook provides a comprehensive survey of major topics in the philosophy of punishment from many of the field's leading scholars. Key features: Presents a history of punishment theory from ancient times to the present. Evaluates the main proposed justifications of punishment including retributivism, general and specific deterrence theories, mixed theories, expressivism, societal defense theory, fair play theory, rights forfeiture theory, and the public health/quarantine model. Discusses sentencing, proportionality, policing, prosecution, and the role punishment plays in the context of the state. Examines advances in neuroscience and debates about whether free will skepticism undermines the justifiability of punishment. Considers forgiveness, restorative justice, and calls to abolish punishment. Addresses pressing social issues such as mass incarceration, juvenile justice, punitive torture, the death penalty, and cruel and unusual punishment. With its unmatched breadth and depth, this book is essential reading for scholars who want to keep abreast of the field and for advanced students wishing to explore the frontiers of the subject. **The Punishment**

Response Graeme Newman, 2017-07-28 Punishment occupies a central place in our lives and attitudes. We suffer a profound ambivalence about its moral consequences. Persons who have been punished or are liable to be punished have long objected to the legitimacy of punishment. We are all objects of punishment yet we are also its users. Our ambivalence is so profound that not only do we punish others but we punish ourselves as well. We view those who submit too willingly to punishment as obedient, verging on the groveling coward, and we view those who resist punishment as disobedient rebels. In *The Punishment Response*, Graeme Newman describes the uses of punishment and how these uses change over time. Some argue that punishment promotes discrimination and divisiveness in society. Others claim that it is through punishment that order and legitimacy are upheld. It is important that punishment is understood as neither one nor the other; it is both. This point, simple though it seems, has never really been addressed. This is why Newman claims we wax and wane in our uses of punishment: why punishing institutions are clogged by bureaucracy; why the death penalty comes and goes like the tide. Graeme Newman emphasizes that punishment is a cultural process and also a mechanism of particular institutions of which criminal law is but one. Because academic discussions of punishment have been confined to legalistic preoccupations, much of the policy and justification of punishment have been based on discussions of extreme cases. The use of punishment in the sphere of crime is an extreme unto itself since crime is a minor aspect of daily life. The uses of punishment and the moral justifications for punishment within the family and school have rarely been considered, certainly not to the exhaustive extent that criminal law has been in this outstanding work.

Humanistic Foundation of Criminal Law Xingliang Chen, 2023-03-04 This book uses humanity, rationality, and experience and the freedom of human will as a theoretical perspective to examine the basic framework of criminal law theories constructed by the criminal classic school and the criminal empirical school. The author puts forward the principle of the duality of rationality and experience of humanity and affirms the determinism of human behavior in the ontological sense and the freedom of will in the axiological sense. From this point of view, this book examines

the humanistic foundations of crime and punishment legislation and justice **Necessity and Proportionality in International Peace and Security Law** Claus Kreß, Robert Lawless, 2021 There are legal limits on the circumstances under which states may use military force to address a perceived or actual threat The concepts of necessity and proportionality are central to these limitations imposed by the law Necessity and Proportionality in International Peace and Security Law explores the many ways in which necessity and proportionality arise in the law on the modern battlefield which is rapidly changing complex and ambiguous **The Philosophy of Punishment** Anthony Ellis, 2012-05-30 The series St Andrews Studies in Philosophy and Public Life originates in the Centre for Ethics Philosophy and Public Affairs University of St Andrews and is under the general editorship of John Haldane The series includes monographs collections of essays and occasional anthologies of source material representing study in those areas of philosophy most relevant to topics of public importance with the aim of advancing the contribution of philosophy in the discussion of these topics In this volume the author sets aside the usual division between theories of punishment that do or do not focus on retribution In its place he proposes and explores the distinction between internalist and externalist theories The final chapter discusses the deterrent value of punishment **Review Journal of Political Philosophy, Volume 9** J. Jeremy Wisniewski, 2013-01-16 This journal has been discontinued Any issues are available to purchase separately *Targeted Killings* Claire Oakes Finkelstein, Jens David Ohlin, Andrew Altman, 2012-03 The controversy surrounding targeted killings represents a crisis of conscience for policymakers lawyers and philosophers grappling with the moral and legal limits of the war on terror This text examines the legal and philosophical issues raised by government efforts to target suspected terrorists **Death is Different** Hugo Adam Bedau, 1987 **Highlights of Current Legislation and Activities in Mid-Europe**, 1959 **The Social History of Crime and Punishment in America** Wilbur R. Miller, 2012-07-20 Several encyclopedias overview the contemporary system of criminal justice in America but full understanding of current social problems and contemporary strategies to deal with them can come only with clear appreciation of the historical underpinnings of those problems Thus this five volume work surveys the history and philosophy of crime punishment and criminal justice institutions in America from colonial times to the present It covers the whole of the criminal justice system from crimes law enforcement and policing to courts corrections and human services Among other things this encyclopedia explicates philosophical foundations underpinning our system of justice charts changing patterns in criminal activity and subsequent effects on legal responses identifies major periods in the development of our system of criminal justice and explores in the first four volumes supplemented by a fifth volume containing annotated primary documents evolving debates and conflicts on how best to address issues of crime and punishment Its signed entries in the first four volumes supplemented by a fifth volume containing annotated primary documents provide the historical context for students to better understand contemporary criminological debates and the contemporary shape of the U S system of law and justice *The Palgrave Handbook of Applied Ethics and the Criminal Law*

Larry Alexander, Kimberly Kessler Ferzan, 2019-12-02 This handbook consists of essays on contemporary issues in criminal law and their theoretical underpinnings Some of the essays deal with the relationship between morality and criminalization Others deal with criminalization in the context of specific crimes such as fraud blackmail and revenge pornography The contributors also address questions of responsible agency such as the effects of addiction or insanity and some deal with punishment its mode and severity and the justness of the state's imposition of it These chapters are authored by some of the most distinguished scholars in the fields of applied ethics criminal law and jurisprudence Islam Between East and West Alija 'Ali Izetbegovic, 1984-01-01 Islam Between East and West Islamic and Western philosophies examined by the first president of Bosnia In comparing the offerings of secular civilization with the truths and justice of Islam the author analyzes the West's denial of Islam and the lack of progress among Muslims An inspiring and astonishingly integrated analysis of the human condition The sweep of its power gives an invigorating sense of the beauty and universality of Islam Referrals for Islam Between East and West An inspiring and astonishingly integrated analysis of the human condition The sweep of its power gives an invigorating sense of the beauty and universality of Islam Robin Woodsworth Carlsen For centuries Europe has benefitted from Islam often without acknowledging it and without giving anything in return Now with the publication of Islam Between East and West Europe has begun to pay its debt to Islam Rational and yet not insulting to the emotions it exalts the spirit without denigrating the body But what stands it apart as a landmark is its transcendental wisdom expressed in a style inherent to all noble ideas Doubtless its appeal will go beyond its time because it embraces life and there is no theme greater than life M Tariq *The Case Against Punishment* Deirdre Golash, 2006-10 Golash addresses the value of punishment in contemporary society *Encyclopedia of Soviet Law* F. J. Ferdinand Joseph Maria Feldbrugge, Gerard Pieter Van den Berg, William Bradford Simons, 1985-04-26 The revised Encyclopedia follows the format of the 1973 edition It is a compilation of nearly 500 short factual articles on Soviet domestic and international law *International Bibliography on Crime and Delinquency*, 1965 **The Criminal Brain, Second Edition** Nicole Rafter, Chad Posick, Michael Rocque, 2016-08-30 A lively up to date overview of the newest research in biosocial criminology What is the relationship between criminality and biology Nineteenth century phrenologists insisted that criminality was innate inherent in the offender's brain matter While they were eventually repudiated as pseudo scientists today the pendulum has swung back Both criminologists and biologists have begun to speak of a tantalizing but disturbing possibility that criminality may be inherited as a set of genetic deficits that place one at risk to commit theft violence or acts of sexual deviance But what do these new theories really assert Are they as dangerous as their forerunners which the Nazis and other eugenicists used to sterilize incarcerate and even execute thousands of supposed born criminals How can we prepare for a future in which leaders may propose crime control programs based on biology In this second edition of *The Criminal Brain* Nicole Rafter Chad Posick and Michael Rocque describe early biological theories of crime and provide a lively up to date overview of the newest research in biosocial criminology New

chapters introduce the theories of the latter part of the 20th century apply and critically assess current biosocial and evolutionary theories the developments in neuro imaging and recent progressions in fields such as epigenetics and finally provide a vision for the future of criminology and crime policy from a biosocial perspective The book is a careful critical examination of each research approach and conclusion Both compiling and analyzing the body of scholarship devoted to understanding the criminal brain this volume serves as a condensed accessible and contemporary exploration of biological theories of crime and their everyday relevance

Punishment As Societal Defense Book Review: Unveiling the Power of Words

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