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AND JUSTICE
A RELATIONAL CRITIQUE

Alan Norrie

OXFORD MONOGRAPHS ON
CRIMINAL LAW AND JUSTICE

Punishment Responsibility And Justice A Relational Critique

Andrew Halpin



Punishment Responsibility And Justice A Relational Critique:

Punishment, Responsibility, and Justice Alan William Norrie, 2000 *Punishment Responsibility and Justice* builds on Alan Norrie's previous work in the philosophy of punishment and criminal law to develop a challenging and ground breaking critique of Kantian justice thinking. It casts a bold new light on recent debates about punishment and the criminal law in a period when traditional thinking has undergone opposition crisis and change. The retributive and orthodox subjectivist approaches which have driven the textbook tradition and law reform for forty years have been doubly challenged. A revisionist critique opposes their Kantian insistence on formal individual autonomy from both a communitarian position on punishment and a morally substantive view of responsibility. A postmodern critique opposes orthodoxy for its failure to see how the Kantian subject is constructed in relations of power and domination. Against both orthodox subjectivist and revisionist views Norrie develops a relational or dialectical critique to argue that they in fact both work in the same Kantian problematic. He establishes the concept of a blaming relation as the basis for a critique of both and to challenge the standard analytical account of criminal justice thinking. Moving from the legal theory of Ashworth, Duff, Fletcher, Moore, Smith and Williams to the jurisprudence of the courts, Norrie analyses the seemingly irresolvable problems of punishment responsibility and justice in the criminal law from a relational point of view. Against the postmodern approach he argues for the need to retain what remains of moral value in Kantianism by seeking a non-Kantian answer to the Kantian question of individual justice. The result is a relational critique of punishment responsibility and justice which recognises the ambiguity and ambivalence that accompany judgment of wrongdoing and which asserts both the real moral value and the fundamental limits of Kantian justice thinking.

Punishment, Responsibility, and Justice Alan William Norrie, 2000 *Punishment Responsibility and Justice* is about crime and punishment and the meaning of criminal justice and responsibility. It examines the work of modern criminal justice theorists like George Fletcher, Michael Moore and Anthony Duff.

Definition in the Criminal Law Andrew Halpin, 2004-10 This book investigates the role and scope of definition in criminal law, the nature of legal materials and the diversity of perspectives on law.

Shame, Blame, and Culpability Judith Rowbotham, Marianna Muravyeva, David Nash, 2013-06-03 This ground breaking collection of research based chapters addresses the themes of shame, blame and culpability in their historical perspective in the broad area of crime, violence and the modern state drawing on less familiar territories such as Russia and Greece not just on material from familiar locations in western Europe. Ranging from the early modern to the late twentieth century the collection has implications for how we understand punishments imposed by states or the community today. Shame, blame and culpability is divided into three sections with a crucial case study part complementing two theoretical parts on shame and on blame and culpability exploring the continuance of shaming strategies and examining their interaction with and challenge to modern state sponsored blaming mechanisms including allocations of culpability. The collection includes chapters on the deviant body, capital punishment and

of particular interest Russian case studies which demonstrate the extent to which the Russian like the Greek experience need to be seen as part of a wider European whole when examining ideas and themes The volume challenges ideas that shame strategies were largely eradicated in post Enlightenment western states and societies showing their survival into the twentieth century as a challenge to state dominance over identification of what constituted crime and also over punishment practices Shame blame and culpability will be a key text for students and academics in the fields of criminology and crime gender or European history **Selves, Persons, Individuals** Janice Richardson, 2017-03-02 Whilst feminist philosophy has frequently engaged with political theory this original book instead considers legal theory and the practical operation of law The work considers some of the contested meanings of what it is to be a self a person or an individual in relation to the law of obligations The discussion still impacts upon political theory as it concerns the way in which the question of what it is to be a woman has been defined within recent feminist theory In order to overcome what appears to be a block in feminist legal theory the book draws together areas of philosophy which are not normally considered within feminist or legal theory

Criminal Law Theory Stephen Shute, A. P. Simester, 2002 Concentrating upon those doctrines that make up the general part of the criminal law this collection of essays by leading American and British legal experts sheds theoretical light on key issues of contemporary relevance *Freedom and Criminal Responsibility in American Legal Thought* Thomas Andrew Green, 2014-10-27 This book deals with the most fundamental problem in criminal law the way in which free will and determinism relate to criminal responsibility *Law and Crime* Gerry Johnstone, Tony Ward, 2009-12-09 What is the definition of crime Law and Crime helps the criminologist to understand how the law constructs crime and how one might engage in critical analysis of such legal constructions It uses a thematic approach to comprehensively explore the relationship between criminal conduct criminal justice and the law The book introduces key topics in criminal law scholarship for criminologists including criminalization fault and criminal responsibility corporate liability the production of criminal guilt the nature of judicial punishment Aimed at students with no prior knowledge of law the book includes many useful features to enhance understanding from chapter overviews and key terms to study questions and suggestions for further reading The Key Approaches to Criminology series celebrates the removal of traditional barriers between disciplines and specifically reflects criminology's interdisciplinary nature and focus It brings together some of the leading scholars working at the intersections of criminology and related subjects Each book in the series helps readers to make intellectual connections between criminology and other discourses and to understand the importance of studying crime and criminal justice within the context of broader debates The series is intended to have appeal across the entire range of undergraduate and postgraduate studies and beyond comprising books which offer introductions to the fields as well as advancing ideas and knowledge in their subject areas *The Criminal Law's Person* Claes Lernerstedt, Matt Matravers, 2022-02-10 The state's use of the threat and imposition of punishments to regulate conduct is thought or at least said by many to be legitimised by the

idea that the criminal law's burdens only fall on those who are blameworthy for their conduct. However, the formal concept of blameworthiness needs to be made substantive. This puts various ideas regarding the criminal law's person at the heart of debates about blame, guilt, and responsibility. How is the criminal law's person constructed by whom and with what disciplinary norms? How is it threatened by new knowledge and how do those threats play out amongst the various stakeholders who claim the criminal law's person as theirs? To address these and cognate questions, this volume brings together an international group of academics to engage with the criminal law's person from a range of disciplinary perspectives.

Readings in Law and Popular Culture Steven Greenfield, Guy Osborn, 2007-05-07

Readings in Law and Popular Culture is the first book to bring together high quality research with an emphasis on context from key researchers working at the cutting edge of both law and cultural disciplines. Fascinating and varied, the volume crosses many boundaries, dealing with areas as diverse as football based computer games, *Buffy the Vampire Slayer*, digital sampling in the music industry, the films of Sidney Lumet, football hooliganism, and Enid Blyton. These topics are linked together through the key thread of the role of or the absence of law, therefore providing a snapshot of significant work in the burgeoning field of law and popular culture. Including important theoretical and truly innovative relevant material, this contemporary text will enliven and inform a legal audience and will also appeal to a much broader readership of people interested in this highly topical area.

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