

CRIMINAL LAW CONVERSATIONS



EDITED BY PAUL H. ROBINSON
STEPHEN P. GARVEY • KIMBERLY KESSLER FERZAN

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Criminal Law Conversations

Christian Coons, Michael Weber



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Criminal Law Conversations Paul H. Robinson, Stephen Garvey, Kimberly Kessler Ferzan, 2009-07-10 Criminal Law Conversations provides an authoritative overview of contemporary criminal law debates in the United States This collection of high caliber scholarly papers was assembled using an innovative and interactive method of nominations and commentary by the nation s top legal scholars Virtually every leading scholar in the field has participated resulting in a volume of interest to those both in and outside of the community Criminal Law Conversations showcases the most captivating of these essays and provides insight into the most fundamental and provocative questions of modern criminal law **Criminal Law**

Conversations Paul H. Robinson, Stephen Garvey, Stephen P. Garvey, Kimberly Kessler Ferzan, 2011 Criminal Law Conversations provides an authoritative overview of contemporary criminal law debates in the United States This collection of high caliber scholarly papers was assembled using an innovative and interactive method of nominations and commentary by the nation s top legal scholars Virtually every leading scholar in the field has participated resulting in a volume of interest to those both in and outside of the community Criminal Law Conversations showcases the most captivating of these essays and provides insight into the most fundamental and provocative questions of modern criminal law Jeffrie G Murphy s essay Remorse Apology Mercy was declared Recommended Reading in the Green Bag Almanac and Reader 2010

Rationale-Based Defences in Criminal Law Mark Dsouza, 2017-05-04 PRAISE FOR THE BOOK Despite the existing scholarly literature on criminal defences many issues remain contested or unresolved Dr Dsouza offers a thorough and scholarly treatment of a complex topic which can be expected to become a point of reference for future work in the field Professor James Chalmers University of Glasgow Mark Dsouza has produced an engaging incisive and cogently argued monograph that makes an original contribution to criminal law theory Required reading for scholars and graduate students working on criminal law defences Professor Paul Roberts University of Nottingham Although it is often accepted that rationale based defences to criminal liability can be justificatory or excusatory disagreements about how best to conceptualise the categories of justification and excuse have appeared so interminable that some theorists argue that they should be abandoned altogether This book offers a novel principled and intuitively appealing conceptual account of the natures of justifications and excuses showing how they differ and why the distinction between them matters The monograph breaks new ground by defending a model of rationale based defences that turns solely on the quality of the defendant s reasoning This model is shown to generate appealing liability outcomes advance convincing solutions to questions that have puzzled criminal lawyers for years and offer suggestions for doctrinal reform that are both normatively sound and practical By proposing new ways to think about defences this book makes an original contribution to criminal law theory that will be of benefit to academics practitioners and persons interested in law reform Law and Morality at War Adil Ahmad Haque, 2017-01-19 The laws are not silent in war but what should they say What is the moral function of the law of armed

conflict Should the law protect civilians who do not fight but help those who do Should the law protect soldiers who perform non combat functions or who may be safely captured How certain should a soldier be that an individual is a combatant rather than a civilian before using lethal force What risks should soldiers take on themselves to avoid harming civilians When do inaccurate weapons become unlawfully indiscriminate When does collateral damage to civilians become unlawfully disproportionate Should civilians lose their legal rights by serving voluntarily or involuntarily as human shields Finally when should killing civilians constitute a war crime These are the questions that Law and Morality at War answers contributing to a cutting edge international debate Drawing on the concepts and methods of contemporary moral and legal philosophy the book develops a normative framework within which the laws of war and international criminal law can be evaluated criticized and reformed While several philosophical works critically examine the moral status of civilians and combatants this book fills a gap offering both an account of the laws of war and war crimes and proposing how the law could be improved from a moral point of view

Crime, Punishment, and Responsibility Rowan Cruft, Matthew H. Kramer, Mark R. Reiff, 2011-07-14 For many years Antony Duff has been one of the world's foremost philosophers of criminal law This volume collects essays by leading criminal law theorists to explore the principal themes in his work In a response to the essays Duff clarifies and develops his position on central problems in criminal law theory Some of the essays concentrate on the topic of criminalization That is they examine what forms of conduct including attempts offensiveness and negligence can aptly qualify as criminal offences and what principled limits if any should be placed on the reach of the criminal law Several of the other essays assess the thesis that punishment is justifiable as a form of communication between offenders and their community Those essays examine the presuppositions about the nature and function of community and about the moral structure of atonement that must be embraced if communication is to be a primary role for punishment The remaining essays examine the nature and limits of responsibility in the law as they engage with philosophical debates over moral luck by investigating the ways in which the law can legitimately hold people responsible for events that were not within their control These chapters tie the first and third parts of the book together as they explore the relationship between the principles that determine a person's responsibility and the principles that determine which types of actions can appropriately be criminalized Finally Duff responds with comments that seek to defend and clarify his views while also acknowledging the correctness of some of the critics objections

The Insanity Defense Mark D. White, 2017-01-23 How often is the defense of insanity or temporary insanity for accused criminals valid or is it ever legitimate This unique work presents multidisciplinary viewpoints that explain support and critique the insanity defense as it stands What is the role of the insanity defense as a legal excuse How does U S law handle criminal trials where the defendant pleads insanity and how does our legal system's treatment differ from those of other countries or cultures How are insanity defenses used and how successful are these defenses for the accused What are the costs of incarceration versus psychiatric treatment and confinement This book presents a range of

expert viewpoints on the insanity defense exposing common myths investigating its effectiveness and place in our legal system through history case studies and comparative analysis and supplying perspectives from the disciplines of psychology psychiatry sociology and neuroscience The content also addresses the ramifications of declaring citizens insane or incapacitated and examines trials that involved pleas of insanity and temporary insanity

Popular Punishment Jesper Ryberg, Julian V. Roberts, 2014-05-15 Should public opinion determine or even influence sentencing policy and practice Should the punishment of criminal offenders reflect what the public regards as appropriate These deceptively simple questions conceal complex theoretical and methodological challenges to the administration of punishment In the West politicians have often answered these questions in the affirmative penal reforms have been justified with direct reference to the attitudes of the public This is why the contention that politicians should bridge the gap between the public and criminal justice practice has widespread resonance Criminal law scholars for their part have often been more reluctant to accept public input in penal practice and some have even held that the idea of consulting public opinion constitutes a populist approach to punishment The purpose of this book is to examine the moral significance of public opinion for penal theory and practice For the first time in a single volume the editors Jesper Ryberg and Julian V Roberts have assembled a number of respected criminologists philosophers and legal theorists to address the various aspects of why and how public opinion should be reflected in the way the criminal justice system deals with criminals The chapters address the myriad complexities surrounding this issue by first weighing the justifications for incorporating public views into punishment practices and then considering the various ways this might be achieved through juries prosecutors restorative justice programs and other means

Retributivism Has a Past Michael Tonry, 2011-09-01 For nearly two centuries in the United States the punishment of crime was largely aimed in theory and in practice at prevention rehabilitation or incapacitation and deterrence In the mid 1970s a sharp and some argued permanent shift occurred Punishment in the criminal justice system became first and foremost about retribution Retribution trumped rehabilitation proportionality outweighed prevention The retributivist sea change was short lived however After a few decades some policy makers returned tentatively to individualized approaches to punishment launching initiatives like drug courts and programs for treatment and reentry Others promoted policies that retained the rhetoric but betrayed the theory punishment in proportion to culpability of retributivism resulting in mandatory minimum sentences three strikes and you're out laws dangerous offender and sexual predator laws truth in sentencing and life without the possibility of parole What now for retributivism Retributivism Has a Past Has It a Future brings thoughtfulness and rigor back into the retributivism debate This collection of essays trains some of the most influential and brightest established and up and coming legal and philosophical minds on how retributivism does might or should affect contemporary policy and practices The volume's aim is neither to condemn nor to justify but to take new policies and practices seriously and examine them closely At a time when criminal justice policy makers are forced to reconsider

contemporary approaches to punishment and attempt to devise new ones Retributivism Has a Past Has It a Future offers serious theoretical critiques of the recent past and justifications for possible futures **The Ethics of Self-Defense**

Christian Coons, Michael Weber, 2016-05-02 The fifteen new essays collected in this volume address questions concerning the ethics of self defense most centrally when and to what extent the use of defensive force especially lethal force can be justified Scholarly interest in this topic reflects public concern stemming from controversial cases of the use of force by police and military force exercised in the name of defending against transnational terrorism The contributors pay special attention to determining when a threat is liable to defensive harm though doubts about this emphasis are also raised The legitimacy of so called stand your ground policies and laws is also addressed This volume will be of great interest to readers in moral political and legal philosophy **Moral Puzzles and Legal Perplexities** Heidi M. Hurd, 2019 Engages with the life and work of

Larry Alexander to explore puzzles and paradoxes in legal and moral theory **Truth and Evidence** Melissa Schwartzberg, Philip Kitcher, 2021-11-30 The relationship between truth and politics has rarely seemed more vexed Worries about misinformation and disinformation abound and the value of expertise for democratic decision making dismissed Whom can we trust to provide us with reliable testimony In Truth and Evidence the latest in the NOMOS series Melissa Schwartzberg and Philip Kitcher present nine timely essays shedding light on practices of inquiry These essays address urgent questions including what it means to Believe Women what factual knowledge we require to confront challenges like COVID 19 and how white supremacy shapes the law of evidence **Life Without Parole** Charles J. Ogletree, Austin

Sarat, 2012-06-04 Is life without parole the perfect compromise to the death penalty Or is it as ethically fraught as capital punishment This comprehensive interdisciplinary anthology treats life without parole as the new death penalty Editors Charles J Ogletree Jr and Austin Sarat bring together original work by prominent scholars in an effort to better understand the growth of life without parole and its social cultural political and legal meanings What justifies the turn to life imprisonment How should we understand the fact that this penalty is used disproportionately against racial minorities What are the most promising avenues for limiting reforming or eliminating life without parole sentences in the United States Contributors explore the structure of life without parole sentences and the impact they have on prisoners where the penalty fits in modern theories of punishment and prospects for as well as challenges to reform **The Emotional Brain and the**

Guilty Mind Federica Coppola, 2021-02-11 This book seeks to reframe the normative narrative of the culpable person in American criminal law through a more humanising lens It embraces such a reframed narrative to revise the criteria of the current voluntarist architecture of culpability and to advance a paradigm of punishment that positions social rehabilitation as its core principle The book constructs this narrative by considering behavioural and neuroscientific insights into the functions of emotions and socio environmental factors within moral behaviour in social settings Hence it suggests culpability notions that reflect a more contextualised view of human conduct and argues that such revised notions are better suited to

the principle of personal guilt Furthermore it suggests a model of punishment that values the dynamic power of change of individuals and acknowledges the importance of social relationships and positive environments to foster patterns of social re integration Ultimately this book argues that the potential adoption of the proposed models of culpability and punishment which view people through a more comprehensive lens may be a key factor for turning criminal justice into a less punitive more inclusionary and non stigmatising system

The Legitimacy of EU Criminal Law Irene Wiecezorek, 2020-07-09 This book traces the history of the EU competence EU policy discourse and EU legislation in the field of criminalisation from Maastricht until the present day It asks Why EU Criminal Law looking at what rationales the Treaty policy document and legislation put forth when deciding whether a certain behaviour should be a criminal offence To interpret the EU approach to criminalisation it relies on both modern and post modern theoretical frameworks on the legitimacy of criminal law read jointly with the theories on the functions of EU harmonisation of national law The book demonstrates that while EU constitutional law leans towards an effectiveness based enforcement driven understanding of criminal law the EU has in fact in more than one instance adopted symbolic EU criminal law ie criminal law aimed at highlighting what values are important to the EU but which is not fit to actually deter individuals from harming such values The book then questions whether this approach is consistent or in contradiction with the values based constitutional identity the EU has set for itself

The Central Law Journal, 1887 Vols 64 96 include Central law journal s international law list

Justice through Apologies Nick Smith, 2014-03-24 This book explains that penitentiaries were originally designed to bring about penance and that this has been lost in the assembly line of mass incarceration

Reports of Cases at Law and in Equity, Argued and Determined in the Supreme Court of Alabama Alabama. Supreme Court, 1880

Intuitions of Justice and the Utility of Desert Paul H. Robinson, 2013-03-26 Research suggests that people of all demographics have nuanced and sophisticated notions of justice The core of those judgments is often intuition rather than reason Should the criminal law heed what principles are embodied in those deep seated judgments In *Intuitions of Justice and the Utility of Desert* Paul H Robinson demonstrates that criminal law rules that deviate from public conceptions of justice and desert can seriously undermine the American criminal justice system s integrity and credibility by failing to recognize or meet the needs of the communities it serves Professor Robinson sketches the contours of a wide range of lay conceptions of what criminals justly deserve touching upon many issues that penal code drafters or policy makers must face including normative crime control culpability grading sentencing justification and excuse defenses principles of adjudication and judicial discretion He warns that compromising the American criminal justice system to satisfy other interests can uncover the hidden costs incurred when a community s notions about justice are not reflected in its criminal laws *Intuitions of Justice and the Utility of Desert* shows that by ignoring the views of justice held by the communities they serve legislators policymakers and judges undermine the relevance of the criminal justice system and reduce its strength and credibility creating a gap between what justice a community needs and what justice a court or

law prescribes *Shooting to Kill* Simon Bronitt, Miriam Gani, Saskia Hufnagel, 2012-11-05 The present book brings together perspectives from different disciplinary fields to examine the significant legal moral and political issues which arise in relation to the use of lethal force in both domestic and international law These issues have particular salience in the counter terrorism context following 9 11 which brought with it the spectre of shooting down hijacked airplanes and the use of force in Operation Kratos that led to the tragic shooting of Jean Charles de Menezes Concerns about the use of excessive force however are not confined to the terrorist situation The essays in this collection examine how the state sanctions the use of lethal force in varied ways through the doctrines of public and private self defence and the development of legislation and case law that excuses or justifies the use of lethal force in the course of executing an arrest preventing crime or disorder or protecting private property An important theme is how the domestic and international legal orders intersect and continually influence one another While legal approaches to the use of lethal force share common features the context within which force is deployed varies greatly Key issues explored in this volume are the extent to which domestic and international law authorise pre emptive use of force and how necessity and reasonableness are legally constructed in this context **The Challenge of Inter-legality** Jan Klabbers, Gianluigi Palombella, 2019-05-30 The first book length treatment to describe and explain how legal orders can be interwoven and what to do about it The volume discusses inter legality in different legal fields situates it within political and legal theory and provides a normative assessment

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