



THE NEW PHILOSOPHY OF CRIMINAL LAW

Edited by

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Cyndi Banks



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The Routledge Handbook of Collective Responsibility Saba Bazargan-Forward, Deborah Tollefsen, 2020-04-19 The Routledge Handbook of Collective Responsibility comprehensively addresses questions about who is responsible and how blame or praise should be attributed when human agents act together Such questions include Do individuals share responsibility for the outcome or are individuals responsible only for their contribution to the act Are individuals responsible for actions done by their group even when they don't contribute to the outcome Can a corporation or institution be held morally responsible apart from the responsibility of its members The Handbook's 35 chapters all appearing here for the first time and written by an international team of experts are organized into four parts Part I Foundations of Collective Responsibility Part II Theoretical Issues in Collective Responsibility Part III Domains of Collective Responsibility Part IV Applied Issues in Collective Responsibility Each part begins with a short introduction that provides an overview of issues and debates within that area and a brief summary of its chapters In addition a comprehensive index allows readers to better navigate the entirety of the volume's contents The result is the first major work in the field that serves as an instructional aid for those in advanced undergraduate courses and graduate seminars as well as a reference for scholars interested in learning more about collective responsibility

The Bounds of Defense Bradley Jay Strawser, 2023 Liberal conceptions of the moral justification for war have become dominant since the publication of Michael Walzer's *Just Unjust Wars* in 1977 This dominance is seen across all contemporary manifestations of just war theory from international relations and diplomatic discourse from the minds and proclamations of military commanders and governmental leaders to the everyday political assertions and philosophical rationalization of most individuals Similarly rights based accounts of the moral justification of individual defensive killing have been dominant since at least Judith J Thomson's work on the issue in the early Seventies Over the past two decades however these already rich fields of research just war theory and the ethics of defensive harm have each experienced significant and sustained resurgence

International Criminal Law—A Counter-Hegemonic Project? Florian Jeßberger, Leonie Steinl, Kalika Mehta, 2022-11-25 This book enquires into the counter hegemonic capacity of international criminal justice It highlights perspectives and themes that have thus far often been neglected in the scholarship on critical approaches to international criminal justice Can international criminal justice be viewed as a counter hegemonic project And if so under what conditions In response to these questions scholars and practitioners from the Global South and North reflect inter alia on the engagement with international criminal justice in the context of Ukraine Palestine and minorities in South Asia while also highlighting the hegemonic tendencies built into the institutional structure of the International Criminal Court on the axes of gender and language Florian Jeßberger is Professor of Criminal Law and Director of the Franz von Liszt Institute for International Criminal Justice Humboldt Universität zu Berlin Germany Leonie Steinl is a Senior Lecturer in Criminal Law at Humboldt Universität zu Berlin Germany Kalika Mehta is an Associate Researcher at the

Franz von Liszt Institute for International Criminal Justice Humboldt University Berlin Germany *The Routledge Handbook of the Philosophy and Science of Punishment* Farah Focquaert, Elizabeth Shaw, Bruce N. Waller, 2020-10-14

Philosophers legal scholars criminologists psychiatrists and psychologists have long asked important questions about punishment What is its purpose What theories help us better understand its nature Is punishment just Are there effective alternatives to punishment How can empirical data from the sciences help us better understand punishment What are the relationships between punishment and our biology psychology and social environment How is punishment understood and administered differently in different societies The Routledge Handbook of the Philosophy and Science of Punishment is the first major reference work to address these and other important questions in detail offering 31 chapters from an international and interdisciplinary team of experts in a single comprehensive volume It covers the major theoretical approaches to punishment and its alternatives emerging research from biology psychology and social neuroscience and important special issues like the side effects of punishment and solitary confinement racism and stigmatization the risk and protective factors for antisocial behavior and victims rights and needs The Handbook is conveniently organized into four sections I Theories of Punishment and Contemporary Perspectives II Philosophical Perspectives on Punishment III Sciences Prevention and Punishment IV Alternatives to Current Punishment Practices A volume introduction and a comprehensive index help make The Routledge Handbook of the Philosophy and Science of Punishment essential reading for upper undergraduate and postgraduate students in disciplines such as philosophy law criminology psychology and forensic psychiatry and highly relevant to a variety of other disciplines such as political and social sciences behavioral and neurosciences and global ethics It is also an ideal resource for anyone interested in current theories research and programs dealing with the problem of punishment

Moral Accountability and International Criminal Law Kirsten Fisher, 2013-03 In the past couple of decades an autonomous international system of law has aggressively developed to deal with individual criminal responsibility for the most heinous of crimes However the development and application of the international criminal system is mired in criticism and concern While international criminal law is playing an increasingly important role in global politics and issues of global security normative theory has not kept pace with the advancements in this area of law This book examines international criminal law ICL from a normative perspective setting out how individuals ought to be held accountable to the world for their contribution to atrocity In addition to addressing the normative basis for ICL the book provides criteria for determining the kinds of actions that should be addressed through international criminal law It asks and answers how individual responsibility can be determined in the context of collectively perpetrated political crimes and whether an international criminal justice system can claim universality in a culturally plural world The book scrutinizes the function of ICL and finally considers how the goals and purpose of international law can be best institutionally supported

Solving the Internet Jurisdiction Puzzle Dan Jerker B. Svantesson, 2017 Internet jurisdiction has emerged as one of the greatest and most

urgent challenges online affecting areas as diverse as e commerce data privacy law enforcement content take downs cloud computing e health cyber security intellectual property freedom of speech and cyberwar In this innovative book Professor Svantesson presents a vision for a new approach to Internet jurisdiction based on an extensive period of research dedicated to the topic The book demonstrates that our current paradigm remains attached to territorial thinking that is out of sync with our modern world especially but not only online Having made the claim that our adherence to the territoriality principle is based more on habit rather than on any clear and universally accepted legal principles Professor Svantesson advances a new jurisprudential framework for how we approach jurisdiction a framework that unites private and public international law He also proposes several other reform initiatives aimed at equipping us to solve the Internet jurisdiction puzzle In addition the book provides a history of Internet jurisdiction and challenges our traditional categorisation of different types of jurisdiction It places Internet jurisdiction in a broader context and outlines methods for how to properly understand and work with rules of Internet jurisdiction While Solving the Internet Jurisdiction Puzzle paints a clear picture of the concerns involved and the problems that needs to be overcome this book is distinctly aimed at finding practical solutions anchored in a solid theoretical framework Professor Svantesson argues that many of the Internet jurisdiction problems we face are due to a sleepwalking like acceptance of orthodox thinking Solving the Internet Jurisdiction Puzzle acts as a wake up call to this issue

The Oxford Handbook of Sentencing and Corrections Joan Petersilia, Kevin R. Reitz, 2015 This handbook surveys American sentencing and corrections from global and historical views from theoretical and policy perspectives and with attention to a number of problem specific issues

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

Advances in Experimental Philosophy of Causation Pascale Willemsen, Alex Wiegmann, 2022-06-16 What is the connection between causation and responsibility Is there a best way to theorize philosophically about causation Which factors determine and influence what we judge to be the cause of something Bringing together interdisciplinary research from experimental philosophy traditional philosophy and psychology

this collection showcases the most recent developments and approaches to questions about causation Chapters discuss the diverse theoretical ramifications of empirical findings in experimental philosophy of causation providing a comprehensive survey of key issues such as the perception and learning of causal relations omission normative considerations mechanism voluntariness and legal theories of causation With novel contributions from both experts and rising stars *Advances in Experimental Philosophy of Causation* demonstrates the value of empirical work and opens new domains of inquiry at the cutting edge of the field

Research on Crime and Justice , **Mitigation and Aggravation at Sentencing** Julian V. Roberts,2011-08-25 This innovative volume explores a fundamental issue in the field of sentencing the factors which make a sentence more or less severe All sentencing systems allow courts discretion to consider mitigating and aggravating factors and many legislatures have placed a number of such factors on a statutory footing Yet many questions remain regarding the theory and practice of mitigation and aggravation Drawing on legal and sociological perspectives and examining mitigation and aggravation in various jurisdictions the essays provide practical illustrations of specific factors as well as theoretical justifications After the foreword by Andrew von Hirsch a number of contributors address broad conceptual issues raised at sentencing These contributions are followed by several empirical chapters including an exploration of personal mitigation in English courts The authors are leading scholars from a range of common law jurisdictions including England and Wales the United States Canada Australia New Zealand and South Africa

Rejecting Retributivism Gregg D. Caruso,2021-04-29 Within the criminal justice system one of the most prominent justifications for legal punishment is retributivism The retributive justification of legal punishment maintains that wrongdoers are morally responsible for their actions and deserve to be punished in proportion to their wrongdoing This book argues against retributivism and develops a viable alternative that is both ethically defensible and practical Introducing six distinct reasons for rejecting retributivism Gregg D Caruso contends that it is unclear that agents possess the kind of free will and moral responsibility needed to justify this view of punishment While a number of alternatives to retributivism exist including consequentialist deterrence educational and communicative theories they have ethical problems of their own Moving beyond existing theories Caruso presents a new non retributive approach called the public health quarantine model In stark contrast to retributivism the public health quarantine model provides a more human holistic and effective approach to dealing with criminal behavior

Criminology for the Police Craig Paterson,Ed Pollock,2022-05-02 This book offers an applied approach to criminology suitable for prospective police officers It covers the fundamentals of criminological knowledge theory and research and their relevance to policing The book is split into two parts the first introducing the basics of criminology and the second connecting criminological research to police practice It focuses on the principles of evidence based practice and encourages students to think critically about the issues covered Core content includes the following A history of policing in England and Wales through a criminological lens An overview of the literature on police culture bias and discretion A review of the challenges of applying

criminological insights to policing and the impact of the College of Policing code of ethics on police practice An exploration of the challenges of contemporary policing including complex crime transnational investigation digital and organised crime A critical overview of evidence and public sources of evidence An examination of the contested definitions and perspectives on Evidence Based Policing An introduction to criminological research including quantitative qualitative and mixed methods A review of problem solving in policing including SARA and Atlas models This book is essential reading for all students studying degrees in Professional Policing as well as students of criminology engaged in criminal justice knowledge and practice

National Security Intelligence and Ethics Seumas Miller,Mitt Regan,Patrick F. Walsh,2021-11-07 This volume examines the ethical issues that arise as a result of national security intelligence collection and analysis Powerful new technologies enable the collection communication and analysis of national security data on an unprecedented scale Data collection now plays a central role in intelligence practice yet this development raises a host of ethical and national security problems such as privacy autonomy threats to national security and democracy by foreign states and accountability for liberal democracies This volume provides a comprehensive set of in depth ethical analyses of these problems by combining contributions from both ethics scholars and intelligence practitioners It provides the reader with a practical understanding of relevant operations the issues that they raise and analysis of how responses to these issues can be informed by a commitment to liberal democratic values This combination of perspectives is crucial in providing an informed appreciation of ethical challenges that is also grounded in the realities of the practice of intelligence This book will be of great interest to all students of intelligence studies ethics security studies foreign policy and international relations The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Comparative, International, and Global Justice Cyndi Banks,James Baker,2015-09-23 Comparative International and Global Justice Perspectives from Criminology and Criminal Justice presents and critically assesses a wide range of topics relevant to criminology criminal justice and global justice The text is divided into three parts comparative criminal justice international criminology and transnational and global criminology Within each field are located specific topics which the authors regard as contemporary and highly relevant and that will assist students in gaining a fuller appreciation of global justice issues Authors Cyndi Banks and James Baker address these complex global issues using a scholarly but accessible approach often using detailed case studies The discussion of each topic is a comprehensive contextualized account that explains the social context in which law and crime exist and engages with questions of explanation or interpretation The authors challenge students to gain knowledge of international and comparative criminal justice issues and think about them in a critical manner It has become difficult to ignore the global and international dimensions of criminal justice and criminology and this text aims to enhance criminal justice education by focusing on some of the issues engaging criminology worldwide and to prepare students for a future where fields of study

like transnational crime are unexceptional

A Theory of Legal Punishment Matthew Altman, 2021-05-05 This book argues for a mixed theory of legal punishment that treats both crime reduction and retribution as important aims of the state. A central question in the philosophy of law is why the state's punishment of its own citizens is justified. Traditionally two theories of punishment have dominated the field: consequentialism and retributivism. According to consequentialism, punishment is justified when it maximizes positive outcomes. According to retributivism, criminals should be punished because they deserve it. This book recognizes the strength of both positions. According to the two-tiered model, the institution of punishment and statutory penalties as set by the legislature are justified based on their costs and benefits in terms of deterrence and rehabilitation. The law exists to preserve the public order. Criminal courts, by contrast, determine who is punished and how much based on what offenders deserve. The courts express the community's collective sense of resentment at being wronged. This book supports the two-tiered model by showing that it accords with our moral intuitions commonly held compatibilist theories of freedom and assumptions about how the extent of our knowledge affects our obligations. It engages classic and contemporary work in the philosophy of law and explains the theory's advantages over competing approaches from retributivists and other mixed theorists. The book also defends consequentialism against a longstanding objection that the social sciences give us little guidance regarding which policies to adopt. Drawing on recent criminological research, the two-tiered model can help us to address some of our most pressing social issues, including the death penalty, drug policy, and mass incarceration. This book will be of interest to philosophers, legal scholars, policymakers, and social scientists, especially criminologists, economists, and political scientists.

Criminal Justice Ethics Cyndi Banks, 2018-12-31 *Criminal Justice Ethics* examines the criminal justice system through an ethical lens by identifying ethical issues in practice and theory, exploring ethical dilemmas, and offering suggestions for resolving ethical issues and dilemmas faced by criminal justice professionals. Bestselling author Cyndi Banks draws readers into a unique discussion of ethical issues by first exploring moral dilemmas faced by professionals in the criminal justice system and then examining the major theoretical foundations of ethics. This distinct and unique organization allows readers to understand real-life ethical issues before grappling with philosophical approaches to the resolution of these issues.

Public Reason and Bioethics Hon-Lam Li, Michael Campbell, 2022-01-01 This book explores and elaborates three theories of public reason drawn from Rawlsian political liberalism, natural law theory, and Confucianism. Drawing together academics from these separate approaches, the volume explores how the three theories critique each other as well as how each one brings its theoretical arsenal to bear on the urgent contemporary debate of medical assistance in dying. The volume is structured in two parts: an exploration of the three traditions followed by an in-depth overview of the conceptual and historical background. In Part I, the three comprehensive opening chapters are supplemented by six dynamic chapters in dialogue with each other, each author responding to the other two traditions and subsequently reflecting on the possible deficiencies of their own theories. The

chapters in Part II cover a broad range of subjects from an overview of the history of bioethics to the nature of autonomy and its status as a moral and political value In its entirety the volume provides a vibrant and exemplary collaborative resource to scholars interested in the role of public reason and its relevance in bioethical debate **Prosecutors and Democracy**

Máximo Langer,David Alan Sklansky,2017-10-26 The first sustained scholarly examination of the relationship between prosecutors and democracy from a cross national cross disciplinary perspective Written by a team of internationally distinguished contributors this is an ideal resource for legal scholars and reformers political philosophers and social scientists

Hate Speech and Human Rights in Eastern Europe Viera Pejchal,2020-04-03 Hate Speech and Human Rights Democracies need to understand these terms to properly adapt their legal frameworks Regulation of hate speech exposes underlining and sometimes invisible societal values such as security and public order equality and non discrimination human dignity and other democratic vital interests The spread of hatred and hate speech has intensified in many corners of the world over the last decade and its regulation presents a conundrum for many democracies This book presents a three prong theory describing three different but complementary models of hate speech regulation which allows stakeholders to better address this phenomenon It examines international and national legal frameworks and related case law as well as pertinent scholarly literature review to highlight this development After a period of an absence of free speech during communism post communist democracies have sought to build a framework for the exercise of free speech while protecting public goods such as liberty equality and human dignity The three prong theory is applied to identify public goods and values underlining the regulation of hate speech in the Czech Republic and Slovakia two countries that share a political sociological and legal history as an example of the differing approaches to hate speech regulation in post communist societies due to divergent social values despite identical legal frameworks This book will be of great interest to scholars of human rights law lawyers judges government NGOs media and anyone who would like to understand values that underpin hate speech regulations which reflect values that society cherishes the most

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