



THE NEW PHILOSOPHY OF CRIMINAL LAW

Edited by

CHAD FLANDERS & ZACHARY HOSKINS

New Philosophy Criminal Law Ebook

Carl Constantin Lauterwein



New Philosophy Criminal Law Ebook:

Christianity and Criminal Law Mark Hill QC, Norman Doe, RH Helmholz, John Witte, Jr., 2020-05-28 This collection by leading legal scholars judges and practitioners together with theologians and church historians presents historical theological philosophical and legal perspectives on Christianity and criminal law Following a Preface by Lord Judge formerly Lord Chief Justice of England and Wales and an introductory chapter the book is divided into four thematic sections Part I addresses the historical contributions of Christianity to criminal law drawing on biblical sources early church fathers and canonists as far as the Enlightenment Part II titled Christianity and the principles of criminal law compares crime and sin examines concepts of mens rea and intention and considers the virtue of due process within criminal justice Part III looks at Christianity and criminal offences considering their Christian origins and continuing relevance for several basic crimes that every legal system prohibits Finally in Part IV the authors consider Christianity and the enforcement of criminal law looking at defences punishment and forgiveness The book will be an invaluable resource for students and academics working in the areas of Law and Religion Legal Philosophy and Theology

The Limits of Criminal Law Carl Constantin Lauterwein, 2016-03-03 This book compares the civil and common law approach to analyze the question What sorts of conduct may the state legitimately make criminal Through a comparative focus on an Australian and German context this book utilizes interviews with Australian criminal law experts and contrasts them with the German model based on Rechtsgutstheorie By comparing the largely descriptive criminology based Australian approach with the more sophisticated German legal theory model the author finds the Australian approach to be suffering from a normative flaw illustrated by the distinction of different approaches to the offences of incest bestiality and possession of illicit drugs Carl Constantin Lauterwein discovers that while there is strength in the common law approach of describing the possible reasons for criminalizing certain conduct the approach could be significantly improved by scrutinizing the legitimacy of those reasons

Criminal Law and Criminal Justice Amy Elkington, 2025-06-18 Criminal Law and Criminal Justice Morals and Policy goes beyond the traditional criminal law textbook and invites students to question why we criminalise certain behaviour and whether the decisions made by the courts can be justified according to legal principle morals and policy Providing an overview not only of the legal doctrine of criminal law but also of the underpinning theory behind the legal doctrine the book encourages critical thinking around the context behind and implementation of legal decisions It applies this to current issues such as respect for personal autonomy prevention of domestic abuse and discouraging gang activity whilst providing a clear overview of the law relating to actus reus mens rea property offences homicide non fatal offences sexual offences accessorial liability and defences Using hypothetical scenarios students will develop an understanding of why certain rules exist and then be able to critically analyse why certain behaviour is criminalised An in depth study of several key cases will show how the rules and theory play out in practice and students will examine how morals and policy have influenced these decisions

Featuring thinking points as well as further reading suggestions this textbook is suitable for all students of criminal law as well as for those studying jurisprudence

EBOOK: Anti-Social Behaviour Andrew Millie, 2008-12-16 What is anti social behaviour Can it be dealt with effectively Is the problem exaggerated From the Daily Mail's claim of Britain being named Yob Capital of Europe to the headline in The Times of Tearaway given ASBO at 10 the subject of anti social behaviour has been given a huge amount of political social media public policy and academic interest in recent years Using lively case studies and examples Andrew Millie introduces the concept of anti social behaviour ASB and examines its implications for society in the 21st century The chapters explore The origins of the term Different causes and types of ASB Theoretical frameworks for ASB and ASB control How the UK deals with ASB compared to other countries The rise of the ASBO Alternative enforcement options Methods of prevention The future for ASB Anti Social Behaviour is fascinating reading for all Criminology Sociology and Social Policy students

EBOOK: Death and Medical Power: An Ethical Analysis of Dutch Euthanasia Practice Henk ten Have, Jos Welie, 2005-05-16 How have Dutch debates on end of life care developed so differently from most other countries finally resulting in the legalization of euthanasia What are the relevant legal medical and ethical dimensions of euthanasia and physician assisted suicide What lessons can be learned from the Dutch experience with euthanasia In all modern countries a good death and relief of suffering are important issues of public debate The bioethical debate in the Netherlands is unique since it has been focusing on the issue of euthanasia for more than thirty years This book describes the debate explains its origins and analyses its development resulting in the legislation of euthanasia It also presents data on the medical practice of euthanasia with examples of cases Death and Medical Power details the evolution as well as the complexities of the legal responses to physician involvement in euthanasia The authors analyze the ethical debate concerning euthanasia discussing the pros and cons of medical termination of human life The book concludes with a section on the lessons to be learned from the Dutch experience This unique study will be of relevance to all clinicians and other professionals involved in end of life care to health policy makers and educators as well as anybody else interested in the ethics of euthanasia

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

Business Law, Google eBook Nickolas James,2012-02-02 Business Law 2e is the new edition of a textbook that has been positively launched into the higher education market The text presents business law principles in a clear and easy to understand style The objective of a business law subject is to ensure that students acquire enough knowledge of the law of business so they can recognise and solve simple legal problems organise their affairs in order to avoid more complex or serious legal problems and appreciate the connection of legal principles within a range of commercial environments As the majority of students are required to study business law as part of either a commerce or business degree this textbook follows a functional approach to the study of business law rather than doctrinal so the principles of business law are contextualised within a business environment Business students need to know more than what the law is they need to know where to find it how to read it how to use it and how it impacts on all facets of business Students who use this textbook will develop a greater awareness of the law and its broad application to business and commercial environments

Guilty Acts, Guilty Minds Stephen P. Garvey,2020-05-25 Guilty Acts Guilty Minds proposes an understanding of actus reus and mens rea the guilty act and guilty mind as limits on the authority of a democratic state to ascribe guilt Going beyond discussions of legal justice Stephen Garvey argues for actus reus and mens rea as necessary conditions among others for the legitimacy of state punishment

Philosophy for Public Health and Public Policy James Wilson,2021 This groundbreaking book argues that philosophy is not just useful but vital for thinking coherently about priorities in health policy and public policy

Act and Omission in Criminal Law Roni Rosenberg,2024-08-30 This book offers an innovative perspective on the critical distinction between acts and omissions in criminal law a distinction that runs like a defining thread through all types of criminal offenses While any act that positively causes a prohibited harm is sufficient for a conviction an omission that causes the very same harm warrants a conviction only when there is a legal duty to act This fundamental distinction between acts and omissions is not just relevant to criminal law but it is also deeply rooted in our moral thinking Thus it is commonly argued that the difference between acts and omissions is also applicable to the intuitive moral distinction between active euthanasia forbidden in most countries and passive euthanasia permitted in many countries under certain circumstances Hence the significance of this book is threefold First it offers a comprehensive coherent and systematic discussion of the

intersections between the philosophical moral and the legal criminal aspects of this fundamental topic Second it offers a novel rationale for the distinction between acts and omissions based on the principle of autonomy Finally it demonstrates the influences of the theoretical discussion on the most significant practical questions This book will be of interest to researchers academics and policy makers working in the areas of criminal law moral philosophy and bioethics **The Oxford Textbook on Criminology** Stephen Case, Steve Case, David Manlow, Philip Johnson, Kate Williams, Roger Smith, 2021 The Oxford Textbook on Criminology has been developed by a team of experts to equip you with the knowledge confidence skills and enthusiasm you need to achieve your full potential as a criminologist Back cover **The Ethical Legitimization of Criminal Law** Krzysztof Szczucki, 2022-05-09 When creating the norms of criminal law the legislator should strive for their compatibility with the principle of human dignity while taking into account the ethical legitimacy of criminal law This thesis is the axis around which The Ethical Legitimization of Criminal Law is constructed Szczucki shows that criminal law is like a suit to be a perfect fit it has to be tailor made That is why he argues for three points of reference to guide moral evaluation of criminal law first the coherence of the legal system second the will of the legislator and third the virtues of citizens Only by analyzing these concepts together in the context of legal culture can one answer the question of what makes good criminal law The book concludes that an ethical perspective in analyzing grounding and evaluating criminal law is inevitable Appealing to researchers scholars and professionals from across the criminal and legal spectrum this book explores fundamental questions about the nature of ethical perspective in legal analysis **Coercion** Michael R. Rhodes, 2000 In this book Rhodes provides a nonevaluative account of coercion He begins with a thorough discussion of the charge that coercion is an essentially contested concept He argues that effective communication of regulations pertaining to human conduct requires a basic level of clarity as to the kind of conduct being regulated Accordingly he argues that before we prescribe or proscribe conduct we should describe it In short he maintains that wherever possible description should precede prescription and proscription Rhodes begins his descriptive project by providing a fundamental account of human motivation Upon this foundation he supports his distinctions between threats offers threats and neutral proposals He argues that all coercion claims can be understood in light of these components He applies this analysis to three prominent accounts of coercion as advanced by F A Hayek Harry Frankfurt and Robert Nozick After comparing and contrasting these views Rhodes provides his own account Rhodes's account is based upon the identification of what he refers to as perceived threat avoidance behavior as a necessary condition for coercion As a descriptive or nonevaluative account Rhodes is able to identify coercion independent from normative judgments He argues that it is not the wrongfulness of some conduct that makes it coercion instead it is the coerciveness of some conduct that makes it wrong Unique to Rhodes's account coercion is not necessarily wrong As a descriptive account his view permits an independent analysis of the moral status of an act of coercion The book concludes with a discussion of the normatively significant variables of a coercion claim **EBOOK: A Sociology of Mental Health**

and Illness Anne Rogers, David Pilgrim, 2014-05-16 How do we understand mental health problems in their social context A former BMA Medical Book of the Year award winner this book provides a sociological analysis of major areas of mental health and illness The book considers contemporary and historical aspects of sociology social psychiatry policy and therapeutic law to help students develop an in depth and critical approach to this complex subject New developments for the fifth edition include Brand new chapter on prisons criminal justice and mental health Expanded coverage of stigma class and social networks Updated material on the Mental Capacity Act Mental Health Act and the Deprivation of Liberty A classic in its field this well established textbook offers a rich and well crafted overview of mental health and illness unrivalled by competitors and is essential reading for students and professionals studying a range of medical sociology and health related courses It is also highly suitable for trainee mental health workers in the fields of social work nursing clinical psychology and psychiatry Rogers and Pilgrim go from strength to strength This fifth edition of their classic text is not only a sociology but also a psychology a philosophy a history and a polity It combines rigorous scholarship with radical argument to produce incisive perspectives on the major contemporary questions concerning mental health and illness The authors admirably balance judicious presentation of the range of available understandings with clear articulation of their own positions on key issues This book is essential reading for everyone involved in mental health work Christopher Dowrick Professor of Primary Medical Care University of Liverpool UK Pilgrim and Rogers have for the last twenty years given us the key text in the sociology of mental health and illness Each edition has captured the multi layered and ever changing landscape of theory and practice around psychiatry and mental health providing an essential tool for teachers and researchers and much loved by students for the dexterity in combining scope and accessibility This latest volume with its focus on community mental health user movements criminal justice and the need for inter agency working alongside the more classical sociological critiques around social theories and social inequalities demonstrates more than ever that sociological perspectives are crucial in the understanding and explanation of mental and emotional healthcare and practice hence its audience extends across the related disciplines to everyone who is involved in this highly controversial and socially relevant arena Gillian Bendelow School of Law Politics and Sociology University of Sussex UK From the classic bedrock studies to contemporary sociological perspectives on the current controversy over which scientific organizations will define diagnosis Rogers and Pilgrim provide a comprehensive readable and elegant overview of how social factors shape the onset and response to mental health and mental illness Their sociological vision embraces historical professional and socio cultural context and processes as they shape the lives of those in the community and those who provide care the organizations mandated to deliver services and those that have ended up becoming unsuitable substitutes and the successful and unsuccessful efforts to improve the lives through science challenge and law Bernice Pescosolido Distinguished Professor of Sociology Indiana University USA

Philosophy of Law Mark Tebbit, 2017-01-20 This book provides an ideal starting point for students of philosophy and law

Setting it clearly against the historical background the author leads readers into the heart of the philosophical questions that dominate philosophy of law today and provides an overview of the contending theories that have sought to resolve these problems The book is structured in three parts around the key issues and themes in philosophy of law what is the law the major legal theories addressing the question of what we mean by law including natural law legal positivism and legal realism the reach of the law the various legal theories on the nature and extent of the law s authority with regard to obligation and civil disobedience rights liberty and privacy and criminal law responsibility and mens rea intention recklessness and murder legal defences insanity and philosophies of punishment Revisions include a more detailed analysis of natural law new chapters on common law and the development of positivism a reassessment of the Austin Hart dispute in the light of recent criticism of Hart a new chapter on the natural law positivist controversy over Nazi law and legality and new chapters on criminal law extending the analysis of the dispute over the viability of the defences of necessity and duress

Judgments of Love in Criminal Justice Farhad Malekian,2017-03-31 This volume is a new chapter in the future history of law Its general perspective could not be more original and its critical ethical edge on the state of international law could not be timelier It explores a compassionate philosophical approach to the genuine substance of law criminal procedure international criminal law and international criminal justice It divides law into three interrelated disciplines i e legality morality and love The norm love is derived from human reason for man s advancement and the securing of natural law It is more than a mere mandatory norm Its goal is to generate a normative and positive powerful result therefore avoiding any impurity that may exist in the application of other norms because of political or juridical pressures a one eyed justice The norm love also renders justice with the principles of legal accountability transparency and the high moral authentic values of humanity The notion of justice cannot be trusted in the absence of the norm love The volume indicates the conditions of its efficiency by proving the reasons for its existence in the context of fairness objectivity and concern for all individuals and entities The concept of the norm love should be the core academic corpus for lecturing law in all faculties of law It is simply the enlightenment of the 21st century A lawyer with requisite knowledge and skill is not a lawyer if he cannot understand that the law does not need a lawyer with ethical competence in its provisions for income purposes but one with knowledge of its essence for the advanced morality of justice and the sheer essence of love for justice

The US Criminal Justice System Sarah Koon-Magnin,Ryan J. Williams,2024-08-22 This wide ranging resource provides an authoritative overview of the criminal justice system in America including its history legal and philosophical foundations dimensions of racial and economic inequality and insights into daily life inside America s complex court and correctional systems Explore the origins and evolution of America s criminal justice system the moral values and legal doctrines that shaped the nation s laws and prisons and current problems controversies and reforms related to criminal justice Profiles of leading figures in the field of criminal justice and social activism related primary documents suggestions for further reading and a detailed chronology are also included

A Lincoln Rhyme

eBook Boxed Set Jeffery Deaver, 2010-12-07 A trio of novels from internationally bestselling suspense master and seven time Edgar Award nominee Jeffery Deaver featuring quadriplegic NYPD detective Lincoln Rhyme and his beautiful protégé Detective Amelia Sachs portrayed by Denzel Washington and Angelina Jolie in the film *The Bone Collector* *The Coffin Dancer* Lincoln Rhyme is on the hunt for an elusive murderer known only as the Coffin Dancer a brilliant hitman who changes his appearance even faster than he adds to his trail of victims Only one victim has ever lived long enough to offer a clue to the killer's identity an eerie tattoo on his arm of the Grim Reaper waltzing with a woman in front of a casket When the chameleonlike assassin targets three federal witnesses for death in forty eight hours Rhyme must use his protégé and partner Detective Amelia Sachs as his eyes ears and legs to track the cunning murderer through the subways parks and airports of New York City and stop him before he strikes again *The Empty Chair* Desperate to improve his condition Lincoln Rhyme travels to the University of North Carolina Medical Center for high risk experimental surgery When a local teen is murdered and two young women go missing in the sleepy Southern outpost of Tanner's Corner Rhyme and his partner Amelia Sachs are the town's best chance to find the girls alive The prime suspect is a strange teenaged truant known as the Insect Boy so nicknamed for his disturbing obsession with bugs and Rhyme agrees to find the boy while awaiting his operation But even Rhyme can't anticipate that Sachs will disagree with his crime analysis and that her vehemence will put her in the swampland harboring the very suspect whom Rhyme considers a ruthless killer *The Stone Monkey* Recruited to help the FBI and the Immigration and Naturalization Service Lincoln Rhyme and Amelia Sachs manage to track down a cargo ship headed for New York City carrying two dozen illegal Chinese immigrants as well as the notorious human smuggler and killer known as the Ghost But when the Ghost's capture goes disastrously wrong Lincoln and Amelia find themselves in a race to track him down before he can find and murder the two surviving families from the ship who have vanished into the labyrinth of New York City's Chinese community As Rhyme struggles to locate the families aided by a quirky policeman from mainland China Sachs finds herself forming a connection with one of the immigrants that may affect her relationship with her partner and lover

Foundational Texts in Modern Criminal Law Markus D Dubber, 2014-08-21 Foundational Texts in Modern Criminal Law presents essays in which scholars from various countries and legal systems engage critically with formative texts in criminal legal thought since Hobbes It examines the emergence of a transnational canon of criminal law by documenting its intellectual and disciplinary history and provides a snapshot of contemporary work on criminal law within that historical and comparative context Criminal law discourse has become and will continue to become more international and comparative and in this sense global the long standing parochialism of criminal law scholarship and doctrine is giving way to a broad exploration of the foundations of modern criminal law The present book advances this promising scholarly and doctrinal project by making available key texts including several not previously available in English translation from the common law and civil law traditions accompanied by contributions from leading representatives of both systems

Cybercrime and its victims Elena Martellozzo, Emma A Jane, 2017-06-26 The last twenty years have seen an explosion in the development of information technology to the point that people spend a major portion of waking life in online spaces While there are enormous benefits associated with this technology there are also risks that can affect the most vulnerable in our society but also the most confident Cybercrime and its victims explores the social construction of violence and victimisation in online spaces and brings together scholars from many areas of inquiry including criminology sociology and cultural media and gender studies The book is organised thematically into five parts Part one addresses some broad conceptual and theoretical issues Part two is concerned with issues relating to sexual violence abuse and exploitation as well as to sexual expression online Part three addresses issues related to race and culture Part four addresses concerns around cyberbullying and online suicide grouped together as social violence The final part argues that victims of cybercrime are in general neglected and not receiving the recognition and support they need and deserve It concludes that in the volatile and complex world of cyberspace continued awareness raising is essential for bringing attention to the plight of victims It also argues that there needs to be more support of all kinds for victims as well as an increase in the exposure and punishment of perpetrators Drawing on a range of pressing contemporary issues such as online grooming sexting cyber hate cyber bullying and online radicalization this book examines how cyberspace makes us more vulnerable to crime and violence how it gives rise to new forms of surveillance and social control and how cybercrime can be prevented

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