

OXFORD MONOGRAPHS ON CRIMINAL
LAW AND JUSTICE

HARM AND CULPABILITY



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Harms And Culpability

Christian Coons, Michael Weber



Harms And Culpability:

Crimes, Harms, and Wrongs A P Simester, Andreas von Hirsch, 2011-06-24 When should we make use of the criminal law Crimes Harms and Wrongs offers a philosophical analysis of the nature and ethical limits of criminalisation The authors explore the scope of harm based prohibitions proscriptions of offensive behaviour and paternalistic prohibitions aimed at preventing self harm developing guiding principles for these various grounds of state prohibition Both authors have written extensively in the field They have produced an integrated accessible philosophically sophisticated account that will be of great interest to legal academics philosophers and advanced students alike this elegant closely argued and convincing book is of great value and can be expected to be of lasting influence James Chalmers Crimes Harms and Wrongs is a welcome addition to this field and should clarify the reader s thinking on a breathtakingly broad range of issues This is an important book and its consideration of not only Anglo American theory and law but also German legal doctrines and writings on criminalisation should ensure that this debate reaches new heights in the future Findlay Stark the result of the authors many decades of thought and writing on this fundamental subject is an integrated accessible philosophically sophisticated discussion of this subject Justice Gilles Renaud A P Simester and Andreas von Hirsch present an informed and systematic account of the principles that in their view should structure decisions about what to criminalize and when Vincent Chiao an outstanding work original in many respects and meticulous in its arguments It represents the greatest advance on this subject since Feinberg s four volumes an outstanding contribution to the re invigorated criminalization debate Andrew Ashworth important original interesting and often ingenious Unlike some recent competitive books it has the virtue of making sound arguments And like everything else the authors have written it is a joy to read This is an absolutely wonderful book Douglas Husak

Reflections on Crime and Culpability Larry Alexander, Kimberly Kessler Ferzan, 2018-10-11 Through one coherent retributivist vision of the criminal law this book explores under examined problems within criminal law theory

Causation and Responsibility Michael S. Moore, 2010-07-15 The concept of causation is fundamental to ascribing moral and legal responsibility for events Yet the relationship between causation and responsibility remains unclear What precisely is the connection between the concept of causation used in attributing responsibility and the accounts of causal relations offered in the philosophy of science and metaphysics How much of what we call causal responsibility is in truth defined by non causal factors This book argues that much of the legal doctrine on these questions is confused and incoherent and offers the first comprehensive attempt since Hart and Honor to clarify the philosophical background to the legal and moral debates The book first sets out the place of causation in criminal and tort law and outlines the metaphysics presupposed by the legal doctrine It then analyses the best theoretical accounts of causation in the philosophy of science and metaphysics and using these accounts criticises many of the core legal concepts surrounding causation such as intervening causation foreseeability of harm and complicity It considers and rejects the radical proposals to eliminate the notion of

causation from law by using risk analysis to attribute responsibility. The result of the analysis is a powerful argument for revising our understanding of the role played by causation in the attribution of legal and moral responsibility.

Assessing the Harms of Crime Victoria A. Greenfield, Letizia Paoli, 2022-04-28. *Assessing the Harms of Crime* provides a firm analytical foundation for making normative decisions about criminal and related policy taking harm and its reduction as a conceptual starting point and supplying the means for systematic empirical analysis in a harm assessment framework. By exploring harm's place in legal history theory criminology and related fields and by considering the relevance of harm and its reduction for both criminal policy and the governance of security the book demonstrates the centrality of harm including its reduction to crime policy and governance. It also highlights a substantial gap in methods available to the policy community to take on harm and the challenges of developing them. Working to fill that gap the book presents the authors Harm Assessment Framework consisting of tools and a process to identify evaluate and rank harms and to carefully distinguish between harms that result directly from activities and those that are remote or driven at least partially by policy. The book also presents applications to complex crimes primarily involving coca and cocaine that show the framework's value with new actionable insight to harm and policy. On this basis the book argues that criminology would benefit from expanding its mission to include harm and target harm reduction and from positioning harm assessment as a core task. Lastly it posits that systematic empirical harm based policy analysis can contribute positively to decisions about criminal policy and the governance of security and to advancing justice.

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.

Law and Legal Theory Thom Brooks, 2013-11-07. What is the relation between law and democracy and how might it be improved? What values should inform the body of laws that govern us all? How should we determine crimes from non crimes? What justifies state punishment if anything? *Law and Legal Theory* brings together some of the most important essays in the area of the philosophy of law written by leading international scholars and offering significant contributions to how we understand law and legal theory to help shape future debates. Contributors include Christopher Bennett Samantha Besson Thom Brooks Brian Butler Sean Coyle Rowan Cruft Leonard Kahn Richard Lippke Andrew March Matt Matravers Adina Preda Maria Cristina Redondo Hanoch Sheinman and Leo Zaibert.

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.

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

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 Morality of Defensive Force Jonathan Quong, 2020-02-20 When is it morally permissible to engage in self defense or the defense of others Jonathan Quong defends a variety of novel ideas in this book about the morality of defensive force providing an original philosophical account of the central moral principles that should regulate its use We cannot understand the morality of defensive force he reasons until we ask and answer deeper questions about how the use of defensive force fits with a more general account of justice and moral rights In developing this stance Quong presents new views on liability proportionality and necessity He argues that self defense can sometimes be justified on the basis of an agent relative prerogative to give greater weight to one's own life and interests contrary to the dominant view in the literature Additionally Quong develops a novel conception of individual rights against harm Unlike some who believe that our rights against harm are fact relative he argues that our rights against being harmed by others must in certain respects be sensitive to the evidence that others can reasonably be expected to possess The book concludes with Quong's extended defense of the means principle a principle that prohibits harmfully using other persons bodies or other rightful property unless those persons are duty bound to permit this use or have otherwise waived their claims against such use

Weighing Lives in War Jens David Ohlin, Larry May, Claire Finkelstein, 2017-08-04 The chief means to limit and calculate the costs of war are the philosophical and legal concepts of proportionality and necessity Both categories are meant to restrain the most horrific potential of war The volume explores the moral and legal issues in the modern law of war in three major categories In so doing the contributions will look for new and innovative approaches to understanding the

process of weighing lives implicit in all theories of jus in bello who counts in war understanding proportionality and weighing lives in asymmetric conflicts These questions arise on multiple levels and require interdisciplinary consideration of both philosophical and legal themes

The Culpable Corporate Mind Elise Bant, 2023-04-20 This collection examines critically and with an eye to reform conceptions and conditions of corporate blameworthiness in law It draws on legal moral regulatory and psychological theory as well as historical and comparative perspectives These insights are applied across the spheres of civil criminal and international law The collection also has a deliberate focus on the nuts and bolts of the law the legal equitable and statutory principles and rules that operate to establish corporate states of mind on which responsibility as a matter of daily legal practice commonly depends The collection therefore engages strongly with scholarly debates The book also speaks clearly and cogently to the judges regulators legislators law reform commissioners barristers and practitioners who administer and through their respective roles incrementally influence the development of the law at the coalface of legal practice Cited by the High Court of Australia in the judgment for *Productivity Partners Pty Ltd v Australian Competition and Consumer Commission* 2024 HCA 27

Felony Murder Guyora Binder, 2012-05-09 The felony murder doctrine is one of the most widely criticized features of American criminal law Legal scholars almost unanimously condemn it as irrational concluding that it imposes punishment without fault and presumes guilt without proof Despite this the law persists in almost every U S jurisdiction *Felony Murder* is the first book on this controversial legal doctrine It shows that felony murder liability rests on a simple and powerful idea that the guilt incurred in attacking or endangering others depends on one's reasons for doing so Inflicting harm is wrong and doing so for a bad motive such as robbery rape or arson aggravates that wrong In presenting this idea Guyora Binder criticizes prevailing academic theories of criminal intent for trying to purge criminal law of moral judgment Ultimately Binder shows that felony murder law has been and should remain limited by its justifying aims

Correctional Ethics John Kleinig, 2017-07-05 *Correctional Ethics* gathers the most prominent contributions to this burgeoning field ranging from the philosophy of punishment through to ethical appraisals of incarceration the professional responsibilities of prison personnel and formative work in restorative justice In addition it provides an annotated research agenda to help shape the development of a comprehensive correctional ethic For those working in correctional ethics this collection provides an essential resource

Expanding Responsibility for the Just War Rosemary Kellison, 2019 This feminist critique of just war reasoning argues for an expansion of responsibility for harms inflicted on civilians in war

Oxford Studies in Agency and Responsibility Volume 6 David Shoemaker, 2019-09-26 *Oxford Studies in Agency and Responsibility* is a series of volumes presenting outstanding new work on a set of connected themes investigating such questions as What does it mean to be an agent What is the nature of moral responsibility Of criminal responsibility What is the relation between moral and criminal responsibility if any What is the relation between responsibility and the metaphysical issues of determinism and free will What do various psychological disorders tell us about agency and

responsibility How do moral agents develop How does this developmental story bear on questions about the nature of moral judgment and responsibility What do the results from neuroscience imply if anything for our questions about agency and responsibility OSAR thus straddles the areas of moral philosophy and philosophy of action but also draws from a diverse range of cross disciplinary sources including moral psychology psychology proper including experimental and developmental philosophy of psychology philosophy of law legal theory metaphysics neuroscience neuroethics political philosophy and more It is unified by its focus on who we are as deliberators and inter actors embodied practical agents negotiating sometimes unsuccessfully a world of moral and legal norms

Taking Law Seriously James Goudkamp, Mark Lunney, Leighton McDonald, 2022-01-27 This book celebrates the scholarship of Peter Cane The significance and scale of his contributions to the discipline of law over the last half century cannot be overstated In an era of increasing specialisation Cane stands out on account of the unusually broad scope of his interests which extend to both private and public law in equal measure This substantive breadth is combined with remarkable doctrinal historical comparative and theoretical depth This book is written by admirers of Cane's work and the essays probe a wide range of issues especially in administrative law and tort law Consistently with the international prominence that Cane's research has enjoyed the contributors are drawn from across the common law world The volume will be of value to anyone who is interested in Cane's towering contributions to legal scholarship and administrative law and tort law more generally

Women, Crime and Social Harm Maureen Cain, Adrian Howe, 2008-11-03 This book of eleven chapters and an Introduction is by and about women the harms and crimes to which they are subjected as a result of global social processes and their efforts to take control of their own futures The chapters explore the criminogenic and damaging consequences of the policies of the global financial institutions as well as the effects of growing economic polarisation both in pockets of the developed world and most markedly in the global south Reflecting on this evidence in the Introduction the editors necessarily challenge existing criminological theory by expanding and elaborating a conception of social harm that encompasses this range of problems and exposes where new solutions derived from criminological theory are necessary A second theme addresses human rights from the standpoint of indigenous women minority women and those seeking refuge Inadequate and individualised as the human rights instruments presently are for most of these women a politics of human rights emerges as central to the achieving of legal and political equality and protection from individual violence Women in the poorest countries however are sceptical as to the efficacy of rights claims in the face of the depredations of international and global capital and the social dislocation produced thereby Nonetheless this is a hopeful book emphasising the contribution which academic work can make provided the methodology is appropriately gendered and sufficiently sensitive in its guiding ideology and techniques to hear and learn from the all too often glocalised other But in the end there is no solution without politics and in both the opening and the closing sections of this book there are chapters which address this What continues to be special about women's political practice is the

connection between the groundedness of small groups and the fluidity and flexibility of regional and international networks the effective politics of the global age This book then is a new criminology for and by women a book which opens up a new criminological terrain for both women and men and a book which cannot easily be read without an emotional response

Punishing Hate Frederick M. Lawrence, 2009-07-01 Lawrence poses the question Should bias crimes be punished more harshly than similar crimes not motivated by bias He answers strongly in the affirmative as do many scholars and citizens but he is the first to provide a solid theoretical grounding for this intuitive agreement and a detailed model for a bias crimes statute based on the theory *Blamestorming, Blamemongers and Scapegoats* Gavin Dingwall, Tim Hillier, 2016-07-20 This is the first detailed criminological account of the role of blame in which the authors present a novel study of the legal process of blame attribution set in the context of criminalisation as a social and political process It will also be of wider interest to anyone wishing to discover the role of blame in modern society

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