

Philosophy Law Joel Feinberg

Offense to Others Problems at the Roots of Law Feinberg, Joel: The Moral Limits of the Criminal Law Harm to Self Harm to Others Harmless Wrongdoing Philosophy of Law In Harm's Way Freedom and Fulfillment Controllable Artificial Intelligence and the Future of Law The Moral Limits of the Criminal Law: Harm to others The Ethics of Legal Coercion Natural Law and Modern Moral Philosophy: Volume 18, Social Philosophy and Policy, Part 1 The Right Not to be Criminalized Philosophy of Law Retribution Legal Perspectives on State Power Philosophy of law. Edited by joel feinberg and hyman gross Civility and Its Discontents Brigham Young University Law Review Joel Feinberg Joel Feinberg Joel Feinberg Joel Feinberg Joel Feinberg Joel Feinberg Hugo Luz dos Santos Joel Feinberg J.D. Hodson Ellen Frankel Paul Dennis J. Baker Larry May Thom Brooks Chris Ashford Joel Feinberg Christine T. Sistare

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the second volume in the series the moral limits of the criminal law this book explicates the offense principle clarifies the concept of the offended mental state examines pornography and the constitution obscenity and obscene words and social policy

collects articles on what the author terms basic questions about the law particularly in regard to the relationship to morality this volume reflects the diverse nature of his own interests scholars in philosophy of law legal theory and ethical and moral theory

this is the third volume of joel feinberg s highly regarded the moral limits of the criminal law a four volume series in which feinberg skillfully addresses a complex question what kinds of conduct may the state make criminal without infringing on the moral autonomy of individual citizens in harm to self feinberg offers insightful commentary into various notions attached to self inflicted harm covering such topics as legal paternalism personal sovereignty and its boundaries voluntariness and assumptions of risk consent and its counterfeits coercive force incapacity and choice of death

this book focuses on the harm principle the common sense view that prevention of harm to persons other than the perpetrator is a legitimate purpose of criminal legislation

the final volume of feinberg s four volume work the moral limits of criminal law examines the philosophical basis for the criminalization of so called victimless crimes such as ticket scalping blackmail consented to exploitation of others commercial fortune telling and consensual sexual relations

this leading anthology contains essays and cases written by some of the most influential figures in legal philosophy representing the major theoretical positions in the field its primary

focus is to relate traditional themes of legal philosophy to the concerns of modern society in a way that invigorates the former and illuminates the latter this classic text is distinguished by its clarity and accessibility balance of topics balance of positions on controversial questions topical relevance imaginative use of cases and stories and the inclusion of only lightly edited or untouched legal classics this revision is distinguished by its inclusion of new material on law and economics international law distributive justice religion and freedom of expression feminist legal theory and critical race theory as well as a greater emphasis on concrete legal problems

this 1994 volume contains fifteen essays by leading philosophers exploring themes developed in the work of joel feinberg

dealing with a diverse set of problems in practical and theoretical ethics these fourteen essays three of them previously unpublished reconfirm joel feinberg s leading position in the field of legal philosophy with a clarity and humor that will be familiar to readers of his other works feinberg writes on topics including wrongful life suits in the law of torts or whether there is any sense in the remark that a person is so badly off that he would be better off not existing at all the morality of abortion educational options free expression civil disobedience and the duty of easy rescue in criminal law he continues with a three part defense of moral rights in the abstract a discussion of voluntary euthanasia and an inquiry into arguments of various kinds for not granting legal rights in enforcement of a person s acknowledged moral rights this collection concludes with two essays dealing with concepts used in appraising the whole of a person s life absurdity and self fulfillment and their interplay

this book broaches the newly crafted concept of algorithmic dictatorship that draws on a plethora of human biases that creep into the algorithm and feeds into an automated decision that comes to the expense of citizens lives freedoms health property fair lending and credit scoring this book sheds a keen light on the slew of reasons in view of which artificial intelligence should be both interpretable and controllable as opposed to merely explainable the reason for that is straightforward the skewed data baked into the bigoted algorithms

machine biases spawns harrowing effects with which criminal justice has been grappling for a long haul drawn out tallyingly and perhaps unsurprisingly law enforcement evinces biases that run along both gender and race lines no surprise springs from the fact that computer generated algorithms that propel predictive policing are often flagged as tools whereby racial discrimination abounds it should not therefore be pegged as flabbergasting that this sort of shady algorithmic governance is a byproduct of a grueling algorithmic dictatorship that is shaping up to crumble the foundations of rule of law upon which stands modern societies this is one of the key takeaways of this book disturbingly enough brain computer interfaces are poised to be converted into shady tools to collate gauge thoughts emotions sentiments and crime related information that would be otherwise inaccessible to the governments rogue nations or unscrupulous actors prying eyes much to our dismay an eerily dystopian world is unfolding before our very eyes this is the gist of transhumanism a byproduct of convolutional neural networks that revolve around deep learning genetic algorithms that will overhaul the current legal landscape beyond recognition this book charts the path ahead as to draw set in stone boundaries to prevent jurisdictions from careening into the chaos of genetic plutocracy that should be wished away

these four volumes address the question of the kinds of conduct may the state make criminal without infringing on the moral autonomy of individual citizens

are all of the commonly accepted aims of the use of law justifiable which kinds of behavior are justifiably prohibited which kinds justifiably required what uses of law are not defensible how can the legitimacy or the illegitimacy of various uses of law be explained or accounted for these are questions the answering of which involves one in many issues of moral principle for the answers require that one adopt positions even if only implicitly on further questions of what kinds of actions or policies are morally or ethically acceptable the present work aimed at questions of these kinds is thus a study in the ethical evaluation of major uses of legal coercion it is an attempt to provide a framework within which many questions about the proper uses of law may be fruitfully discussed the framework if successful can be used by anyone asking questions about the defensibility of particular or general uses of law whether from the perspective of someone considering whether to bring about some new legal provision from the perspective of someone concerned to evaluate an existing

provision or from that of someone concerned more abstractly with questions about the appropriate substance of an ideal legal system in addressing these and associated issues i shall be exploring the extent to which an ethics based on respect for persons and their autonomy can handle satisfactorily the problems arising here

the essays in this volume written by academic lawyers as well as legal and moral philosophers address some of the most intriguing questions raised by natural law theory and its implications for law morality and public policy some of the essays explore the implications that natural law theory has for jurisprudence asking what natural law suggests about the use of legal devices such as constitutions and precedents other essays examine the connections between natural law and natural rights

this book presents arguments and proposals for constraining criminalization with a focus on the legal limits of the criminal law the book approaches the issue by showing how the moral criteria for constraining unjust criminalization can and has been incorporated into constitutional human rights and thus provides a legal right not to be unfairly criminalized the book sets out the constitutional limits of the substantive criminal law as far as specific constitutional rights operate to protect specific freedoms for example free speech freedom of religion privacy etc the right not to be criminalized has proved to be a rather powerful justice constraint in the u s yet the general right not to be criminalized has not been fully embraced in either the u s or europe although it does exist this volume lays out the legal foundations of that right and the criteria for determining when the state might override it the book will be of interest to researchers in the areas of legal philosophy criminal law constitutional law and criminology

philosophy of law provides a rich overview of the diverse theoretical justifications for our legal rules systems and practices utilizes the work of both classical and contemporary philosophers to illuminate the relationship between law and morality introduces students to the philosophical underpinnings of international law and its increasing importance as we face globalization features concrete examples in the form of cases significant to the evolution of law contrasts anglo american law with foreign institutions and practices such as those

in china japan india ireland and canada incorporates diverse perspectives on the philosophy of law ranging from canonical material to feminist theory critical theory postmodernism and critical race theory

retribution is perhaps the most popular contemporary theory about punishment and has enjoyed enduring appeal as the oldest even most venerable penal theory with its strong ancient roots retribution is understood in many different ways but the standard view of retribution is that punishment is justified where it is deserved and an offender should be punished in proportion to his desert in this volume retributivism is examined from various critical perspectives including its diversity relation with desert the link between desert and proportionality retributivist emotions and the idea of mercy the theory of retribution has been the subject of a revival of interest in recent years and the essays selected for this volume are the leading works on retribution from the dominant international figures in the field

the issue of consent and criminal law commonly focuses on consent in sports sexual activity and medical treatment the notion of consent and the influence of state control in this context however are pervasive throughout the criminal justice process from the pre trial stage to rehabilitation this edited collection charts an important and original pathway to understanding these important issues pre during and post trial from a range of perspectives including doctrinal socio legal intersectional medico legal feminist critical legal and queer theoretical viewpoints the collection addresses the complex inter relationship between consent and state control in relation to private authorisation and public censure sexual behaviour the age of consent queering consent pro lgbti refugee cases rape by fraud male rape undercover policing prisons and consent compulsory treatment for sex offenders sex offenders with high functioning autism and the suitability of sex offender treatment programmes and the criminalisation of hiv transmission this multi disciplinary approach draws together a variety of experts from legal and medical academia and practice in order to confront the issues raised by these subjects which are likely to remain controversial and in need of reform for years to come

contributors from philosophy and political science discuss the observation that civility civic virtue tolerance and socio cultural unity have declined while exploring the nature of civil society the conflict between individual liberty and the common good and the role of law and government policy in weaving the threads of the social fabric from publisher description

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