

Philosophy Law Joel Feinberg

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

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feinberg is one of the leading philosophers of law of the last forty years this volume collects recent articles both published and unpublished on what he terms basic questions about the law particularly in regard to the relationship to morality accessibly and elegantly written this volume s audience will reflect the diverse nature of feinberg s own interests scholars in philosophy of law legal theory and ethical and moral theory

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

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

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

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

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

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

an extensive and substantial revision nineteen new readings fresh contributions new perspectives the most widely respected philosophy of law reader in print today joel feinberg s leading anthology now featuring new co author jules coleman presents legal cases and essays written by many of the best scholars in legal philosophy effectively invigorating traditional philosophy of law themes by relating them to the real concerns of modern society this best selling collection continues to grow in popularity feinberg and coleman include an exceptional selection of relevant topics a balance of substantive positions on controversial questions and lightly edited classics while this sixth edition largely follows the fifth in its organization moving from issues of law and liberty to justice responsibility and punishment there are many important enhancements nineteen of the book s 79 selections are new to this edition new selections include works by

brian bix jules coleman and arthur ripstein susan dimock ronald dworkin joel feinberg
leslie green mark kelman anthony t kronman david luban toni m massaro stephen perry
plato russ shafer landau and ernest j weinrib revised section introductions enrich
understanding of the readings unedited summary from book cover

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

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

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

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 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

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

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

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 buffalo criminal law review is a peer reviewed journal published by the buffalo criminal law center at the state university of new york at buffalo school of law the review pursues two interrelated objectives to integrate the study of criminal law by serving as an interdisciplinary and international forum for innovative scholarship on crime and punishment and to bridge the gap between criminal law scholarship and criminal justice policy by providing legislators judges and other criminal justice professionals with in depth analyses of topical issues in criminal law

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Introduction

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