

Joel Feinberg

# HARMILESS WRONG- DOING

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THE MORAL LIMITS  
OF THE  
CRIMINAL LAW

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# Harmless Wrongdoing

**Kasper Lippert-Rasmussen**



## **Harmless Wrongdoing:**

**Harmless Wrongdoing** Joel Feinberg, 1990-05-31 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, consensual exploitation of others, commercial fortune telling and consensual sexual relations. *Criminal*

*Misconduct in Office* Jeremy Horder, 2018-03-02 Should the criminal law be used to deter and punish corruption in politics from employing family members at public expense to improper spending on elections, lobbying and cronyism? How did so many MPs avoid facing charges after the 2009 government expenses scandal? In this book, Jeremy Horder tackles these questions and more. As well as offering the first treatment of the history, philosophy and politics of the application of the offence of misconduct in office to Members of Parliament in England and Wales, Horder explains how political corruption might be dealt with in future and how politicians could be held accountable for their actions so that they are deterred from betraying the public's trust. Use of the criminal law should not be the sole or even the main way to remedy all corruption in politics. Nevertheless, for too long the offence of misconduct in a public office has had an ambiguous status in the political realm. If we are to preserve the good health of government, it must be seen as a constitutional fundamental. A charge of misconduct provides a way in which corrupt conduct on the part of legislators can be punished with an appropriate label, holding them to account for the misuse of power by reference to the standards of ordinary people. When other civil law or regulatory means prove insufficient, it should be possible for ordinary members of a jury, and not for Parliamentarians or other officials, to decide whether, for example, the expenditure of public money on legislators' private income and benefits amounts to a criminal abuse of the public's trust. This book offers an authoritative and accessible account of a bottom-up jury standards-led approach as opposed to a top-down officials applying their own standards approach to the role of the criminal law in constitutional contexts.

**Introduction to Political Theory** Paul Graham, John Hoffman, 2015-02-20 *Introduction to Political Theory* is a text for the 21st century. It shows students why an understanding of theory is crucial to an understanding of issues and events in a rapidly shifting global political landscape. Bringing together classic and contemporary political concepts and ideologies into one book, this new text introduces the major approaches to political issues that have shaped the modern world and the ideas that form the currency of political debate. *Introduction to Political Theory* relates political ideas to political realities through effective use of examples and case studies, making theory lively, contentious and relevant. This updated third edition comes with significant revisions which reflect the latest questions facing political theory, such as the French burqa controversy, ethnic nationalism and the value of research from sociobiology. Accompanying these debates is a wealth of new and thought-provoking case studies for discussion, including consensual sadomasochism, affirmative action and same-sex marriage. A new chapter on difference has also been added to complement those on feminism and multiculturalism. The revised glossary, revamped website for further reading and new streamlined layout make *Introduction to Political Theory*

third edition the perfect accompaniment to undergraduate study     Philosophy and the Problems of Work Kory P. Schaff, 2002-05-30 *Philosophy and the Problems of Work* brings together for the first time important philosophical perspectives on the subjects of labor and work spanning analytical and Continental traditions This comprehensive collection engages contemporary debates in political theory and the philosophy of economics including the perspectives of classical and welfare liberals anarchists and feminists about the nature and meaning of work in modern technological society the issues of meaningful work and exploitation justice and equality the welfare state and democratic rights and whether market socialism is a competitive alternative to traditional capitalism An introduction by the editor charts the historical development of these issues in philosophical and political discussions and examines the central importance of the organization and structures of work for both individual self realization and human societies generally *Philosophy and the Problems of Work* brings together for the first time important philosophical perspectives on the subjects of labor and work spanning analytical and Continental traditions This comprehensive collection engages contemporary debates in political theory and the philosophy of economics including the perspectives of classical and welfare liberals anarchists and feminists about the nature and meaning of work in modern technological society the issues of meaningful work and exploitation justice and equality the welfare state and democratic rights and whether market socialism is a competitive alternative to traditional capitalism An introduction by the editor charts the historical development of these issues in philosophical and political discussions and examines the central importance of the organization and structures of work for both individual self realization and human societies generally

Wrongs and Crimes Victor Tadros, 2016-12-15 The Criminalization series arose from an interdisciplinary investigation into criminalization focussing on the principles that might guide decisions about what kinds of conduct should be criminalized and the forms that criminalization should take Developing a normative theory of criminalization the series tackles the key questions at the heart of the issue what principles and goals should guide legislators in deciding what to criminalize How should criminal wrongs be classified and differentiated How should law enforcement officials apply the law s specifications of offences The sixth volume in the series offers a philosophical investigation of the relationship between moral wrongdoing and criminalization Considering the justification of punishment the nature of harm the importance of autonomy inchoate wrongdoing the role of consent and the role of the state the book provides an account of the nature of moral wrongdoing the sources of wrong doing why wrong doing is the central target of the criminal law and the ways in which criminalization of non wrongful conduct might be permissible     *Philosophical Foundations of Tax Law* Monica Bhandari, 2017-02-23 Tax law changes at a startling rate not only does societal change bring with it demands for change in the tax system but changes in the political climate will force change as will many other competing pressures With this pace of change it is easy to focus on the practical and forget the core underpinnings of the tax system and their philosophical justifications Taking a pause to remind ourselves of those principles and how they can operate in the modern tax system is

crucial to ensuring that the tax system does not diverge too far from what it should be or could be. It is essential to understand the answers to some of the seemingly basic questions that surround tax before we can even begin to think about what a tax system should look like. This collection brings together major themes and difficult questions in the philosophical foundations of tax law. The chapters consider practical issues such as justification, enforcement, design, and mechanics, and provide a full and coherent analysis of the basis for tax law. *Philosophical Foundations of Tax Law* allows the reader to consider how tax systems should move forward in the modern world with a sound philosophical basis to provide the practical tax system that the state requires and citizens deserve. *The Right to Protection from Incitement to Hatred* Mona

Elbahtimy, 2021-10-28 Against the backdrop of the new globalized hate speech dynamics, the nature and scope of States' obligations pursuant to international human rights law on prohibiting incitement to hatred have taken on increased importance and have become a controversial issue within multilateral human rights diplomacy. Key questions being posed in the on-going debates over how best to respond to the new wave of hatred include whether the international legal norm against incitement to hatred as it currently stands is suitable to address the contemporary challenges of this phenomenon. Alternatively, does it need to be developed further? This book traces the journey of this norm in three analytical domains: its emergence, relevant supranational jurisprudence, and the recent standard setting attempts within the UN. The book argues that five internal features of the norm had a strong influence on its difficult path within international human rights law.

The Routledge Handbook of the Philosophy of Paternalism Kalle Grill, Jason Hanna, 2018-01-17 While paternalism has been a long-standing philosophical issue, it has recently received renewed attention among scholars and the general public. The Routledge Handbook of the Philosophy of Paternalism is an outstanding reference source to the key topics, problems, and debates in this exciting subject and is the first collection of its kind. Comprising twenty-seven chapters by a team of international contributors, the handbook is divided into five parts: What is Paternalism; Paternalism and Ethical Theory; Paternalism and Political Philosophy; Paternalism without Coercion; and Paternalism in Practice. Within these sections, central debates, issues, and questions are examined, including how should paternalism be defined or characterized? How is paternalism related to such moral notions as rights, well-being, and autonomy? When is paternalism morally objectionable? What are the legitimate limits of government benevolence? To what extent should medical practice be paternalistic? The Routledge Handbook of the Philosophy of Paternalism is essential reading for students and researchers in applied ethics and political philosophy. The handbook will also be very useful for those in related fields such as law, medicine, sociology, and political science. Oxford Studies in Philosophy of Law Volume 3 John Gardner, Leslie Green, Brian Leiter, 2018-09-13 Oxford Studies in Philosophy of Law is a forum for some of the best new philosophical work on law by both senior and junior scholars from around the world. The essays range widely over issues in general jurisprudence, the nature of law, adjudication, and legal reasoning; the philosophical foundations of specific areas of law, from criminal law to evidence to international law; the history

of legal philosophy and related philosophical topics that illuminate the problems of legal theory OSPL will be essential reading for philosophers academic lawyers political scientists and historians of law who wish to keep up with the latest developments in this flourishing field

**The Routledge Guidebook to Mill's On Liberty** Jonathan Riley,2015-06-26 John Stuart Mill's *On Liberty* is widely regarded as one of the most influential and stirring pieces of political philosophy ever written Ever relevant in our increasingly surveillance dominated culture the essay argues strongly in favour of the moral rights of individuality including rights of privacy and of freedom of expression The Routledge Guidebook to Mill's *On Liberty* introduces the major themes in Mill's great book and aids the reader in understanding this key work covering the context of Mill's work and the background to his writing each separate part of the text in relation to its goals meanings and impact the reception the book received when first seen by the world the relevance of Mill's work to modern philosophy With further reading included for each chapter this text is essential reading for all students of philosophy and political theory and all those wishing to get to grips with this classic work of political philosophy

**Criminal Theory and International Human Rights Law** Steven Malby,2019-09-11 The development of an international human rights jurisprudence on criminalization is in its relative infancy Nonetheless systematic examination of international decisions on acts engaging the criminal law reveals an emerging human rights approach to the acceptability or not of criminalization This book provides an in depth characterization of the reasoning and principles that underpin those decisions The work builds upon and adds value to existing literature by bringing together two fields of study international human rights law and criminal theory that usually receive separate treatment It provides an in depth analysis of human rights criminalization jurisprudence and presents a systematic identification of underlying reasoning and concepts that influence international human rights decisions on criminalization The work thus advances both fields independently as well as providing an example of inter sub disciplinary analysis The book will be a valuable resource for academics and students working in the areas of International Human Rights Law Criminal Law and Moral Philosophy

**Consequentialism and Environmental Ethics** Avram Hiller,Ramona Ilea,Leonard Kahn,2013-12-04 This volume works to connect issues in environmental ethics with the best work in contemporary normative theory Environmental issues challenge contemporary ethical theorists to account for topics that traditional ethical theories do not address to any significant extent This book articulates and evaluates consequentialist responses to that challenge Contributors provide a thorough and well rounded analysis of the benefits and limitations of the consequentialist perspective in addressing environmental issues In particular the contributors use consequentialist theory to address central questions in environmental ethics such as questions about what kinds of things have value about decision making in light of the long term intergenerational nature of environmental issues and about the role that a state's being natural should play in ethical deliberation

**Criminalization** Antony Duff,Lindsay Farmer,Sandra E. Marshall,Massimo Renzo,Victor Tadros,2014 The Criminalization series arose from an interdisciplinary investigation into criminalization focusing on the principles that might

guide decisions about what kinds of conduct should be criminalized and the forms that criminalization should take

Developing a normative theory of criminalization the series tackles the key questions at the heart of the issue what principles and goals should guide legislators in deciding what to criminalize How should criminal wrongs be classified and differentiated How should law enforcement officials apply the law s specifications of offences The fourth book in the series examines the political morality of the criminal law exploring general principles and theories of criminalization Chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy republicanism and contractarianism or reflect upon on the success of important theories of criminalization by viewing them in a novel light Ideas that are fundamental to any complete theory of the criminal law liberty harm and the effect on victims are investigated in depth Sociological investigation of the criminal law grounds a critical investigation into the principles of criminalization both as a legislative matter and with respect to criminalization practices in contemporary and historical contexts The volume broadens our conceptions of the theory of criminalization and clarifies the role of the series in the development of this theory It is essential reading for all interested in legal political and social theories of criminalization      *Wrongs, Harms, and Compensation* Adam Slavny, 2023-08-04

Non instrumentalist private law theory has been dominated by an interpretivist methodology that seeks to understand the concepts doctrines and structures of the law in principled terms This has resulted in the neglect of purely normative analysis and a failure to engage systematically with the methodologies of moral and political philosophy *Wrongs Harms and Compensation* Paying for our Mistakes departs from this approach arguing instead that the justification of tort law is dependent on our underlying moral corrective duties In this book Adam Slavny develops a pluralistic account of these duties which encompasses both wrongful and non wrongful conduct complicating the view that torts should be regarded as a coherent set of wrongs He also places the practice of enforcing corrective duties in a broader context arguing that it should not be isolated or immune to critiques based on distributive justice and that our duties are in fact consistent with institutional arrangements other than tort law including various types of compensation schemes What emerges is neither a wholesale defence of or attack on tort law but an insistence that its normative foundations are much more complex diverse and malleable than a focus on current legal practices would suggest      *The Routledge Handbook of the Ethics of Discrimination* Kasper Lippert-Rasmussen, 2017-08-23

While it has many connections to other topics in normative and applied ethics discrimination is a central subject in philosophy in its own right It plays a significant role in relation to many real life complaints about unjust treatment or unjust inequalities and it raises a number of questions in political and moral philosophy and in legal theory Some of these questions include what distinguishes the concept of discrimination from the concept of differential treatment What distinguishes direct from indirect discrimination Is discrimination always morally wrong What makes discrimination wrong How should we eliminate the effects of discrimination By covering a wide range of topics and by doing so in a way that does not assume prior acquaintance this

handbook enables the reader to get to grips with the omnipresent issue The Routledge Handbook of the Ethics of Discrimination is an outstanding reference source to this exciting subject and the first collection of its kind Comprising over thirty chapters by a team of international contributors the handbook is divided into six main parts conceptual issues the wrongness of discrimination groups of discriminatees sites of discrimination causes and means history of discrimination Essential reading for students and researchers in applied ethics and political philosophy the handbook will also be very useful for those in related fields such as law sociology and politics

*What is Wrong with Human Trafficking?* Rita Haverkamp, Ester Herlin-Karnell, Claes Lernestedt, 2019-01-24 The overarching objective of this volume is to discuss and critique the legal regulation of human trafficking in national and transnational context Specifically discussion is needed not only with regard to the historical and philosophical points of departure for any criminalisation of trafficking but also regarding the societal and social framework the empirical dimension such as existing statistics in the area and the need for more data The book combines descriptive and normative analyses of the crime of trafficking in human beings from a cross legal perspective Notwithstanding the enhanced interest for human trafficking in politics the public and the media a critical perspective such as the one pursued herewith has so far been largely absent Against this background this approach allows for theoretical findings to be addressed by pointing out and elaborating different interdisciplinary conflicts and inconsistencies in the regulation of human trafficking The book discusses the phenomenon of human trafficking critically from various angles giving it shape and showing how it comes to life in the legal regulation

**Mill's Progressive Principles** David O. Brink, 2013-04-18 David O Brink offers a reconstruction and assessment of John Stuart Mill's contributions to the utilitarian and liberal traditions Brink defends interpretations of key elements in Mill's moral and political thought and shows how a perfectionist reading of his conception of happiness has a significant impact on other aspects of his philosophy

[Ethics and the Future of Spying](#) Jai Galliot, Warren Reed, 2016-01-08 This volume examines the ethical issues generated by recent developments in intelligence collection and offers a comprehensive analysis of the key legal moral and social questions thereby raised Intelligence officers whether gatherers analysts or some combination thereof are operating in a sea of social political scientific and technological change This book examines the new challenges faced by the intelligence community as a result of these changes It looks not only at how governments employ spies as a tool of state and how the ultimate outcomes are judged by their societies but also at the mind set of the spy In so doing this volume casts a rare light on an often ignored dimension of spying the essential role of truth and how it is defined in an intelligence context This book offers some insights into the workings of the intelligence community and aims to provide the first comprehensive and unifying analysis of the relevant moral legal and social questions with a view toward developing policy that may influence real world decision making The contributors analyse the ethics of spying across a broad canvas historical philosophical moral and cultural with chapters covering interrogation and torture intelligence's relation to war remote killing cyber surveillance



responsibility and governance In the wake of the phenomena of WikiLeaks and the Edward Snowden revelations the intelligence community has entered an unprecedented period of broad public scrutiny and scepticism making this volume a timely contribution This book will be of much interest to students of ethics intelligence studies security studies foreign policy and IR in general      **The Moral Limits of the Criminal Law** Joel Feinberg, 1988 The 4th and final volume in the series defines the philosophical basis for criminalizing so called victimless crimes such as pornography and consensual sexual activity      **Drugs and Rights** Douglas N. Husak, 1992-07-31 This book was the first serious work to address the question whether adults have the right to use drugs for recreational purposes

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## **Table of Contents Harmless Wrongdoing**

1. Understanding the eBook Harmless Wrongdoing
  - The Rise of Digital Reading Harmless Wrongdoing
  - Advantages of eBooks Over Traditional Books
2. Identifying Harmless Wrongdoing
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Harmless Wrongdoing
  - User-Friendly Interface
4. Exploring eBook Recommendations from Harmless Wrongdoing
  - Personalized Recommendations

- Harmless Wrongdoing User Reviews and Ratings
- Harmless Wrongdoing and Bestseller Lists
- 5. Accessing Harmless Wrongdoing Free and Paid eBooks
  - Harmless Wrongdoing Public Domain eBooks
  - Harmless Wrongdoing eBook Subscription Services
  - Harmless Wrongdoing Budget-Friendly Options
- 6. Navigating Harmless Wrongdoing eBook Formats
  - ePub, PDF, MOBI, and More
  - Harmless Wrongdoing Compatibility with Devices
  - Harmless Wrongdoing Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Harmless Wrongdoing
  - Highlighting and Note-Taking Harmless Wrongdoing
  - Interactive Elements Harmless Wrongdoing
- 8. Staying Engaged with Harmless Wrongdoing
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Harmless Wrongdoing
- 9. Balancing eBooks and Physical Books Harmless Wrongdoing
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Harmless Wrongdoing
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Harmless Wrongdoing
  - Setting Reading Goals Harmless Wrongdoing
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Harmless Wrongdoing
  - Fact-Checking eBook Content of Harmless Wrongdoing

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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