Record Nr. UNINA9910457789603321 Autore Simester A. P. Titolo Crimes, harms, and wrongs: on the principles of criminalisation / A.P. Simester and Andreas von Hirsch Oxford; Portland, Oregon,: Hart Publishing, 2011 Pubbl/distr/stampa **ISBN** 1-84731-777-4 1-4725-6096-5 1-322-21362-3 1-84731-657-3 Edizione [1st ed.] Descrizione fisica 1 online resource (258 p.) Studies in Penal Theory and Penal Ethics Collana Disciplina 345.001 Soggetti Criminal law - Philosophy Criminal law - Moral and ethical aspects Electronic books. Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Description based upon print version of record. Note generali Nota di bibliografia Includes bibliographical references (pages [vii]-viii) and index Nota di contenuto Part I: Criminalisation and Wrongdoing -- 1. The Nature of Criminalisation -- 2. Wrongfulness and Reasons -- Part II: Harm -- 3. Crossing the Harm Threshold -- 4. Remote Harms: the Need for an Extended Harm Principle -- 5. On the Imputation of Remote Harms --Part III: Offence -- 6. Rethinking the Offence Principle -- 7. The Distinctiveness of the Offence Principle -- 8. Mediating Principles for Offensive Conduct -- Part IV: Paternalism -- 9. Reflections on Paternalistic Prohibitions -- 10. Some Varieties of Indirect Paternalism -- Part V: Drawing Back from Criminal Law -- 11. Mediating Considerations and Constraints -- 12. Two-step Criminalisation Sommario/riassunto "When should we make use of the criminal law? Suppose that a responsible legislature seeks to enact a morally justifiable range of criminal prohibitions. What criteria should it apply when deciding whether to proscribe conduct? Crimes, Harms, and Wrongs is a philosophical analysis of the nature, significance, and ethical limits of

criminalisation. The authors explore the scope and moral boundaries of harm-based prohibitions, proscriptions of offensive behaviour, and 'paternalistic' prohibitions aimed at preventing self-harm. Their aim is

to develop guiding principles for these various grounds of state prohibition, including an analysis of the constraints and mediating factors that weigh for and against criminalisation. Both authors have written extensively in the field. In Crimes, Harms, and Wrongs they have reworked a number of well-known essays and added several important new essays to produce an integrated, accessible, philosophically-sophisticated account that will be of great interest to legal academics, philosophers, and advanced students alike"--Provided by publisher

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