

1. Record Nr.	UNINA9910819681103321
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Titolo	The right not to be criminalized : demarcating criminal law's authority / / Dennis J. Baker
Pubbl/distr/stampa	London : , : Routledge, , 2016
ISBN	1-317-01776-5 1-317-01777-3 1-315-55348-1 1-283-09044-9 9786613090447 1-4094-2766-8
Descrizione fisica	1 online resource (312 p.)
Collana	Applied legal philosophy
Disciplina	345.001
Soggetti	Criminal law Law and ethics Criminal liability Criminal justice, Administration of - Moral and ethical aspects
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	First published 2011 by Ashgate Publishing.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Unprincipled criminalization -- The problem : unprincipled criminalization -- The right not to be criminalized -- The retributive foundations of individualized criminalization -- Principled criminalization -- The structure of this book -- Taking harm seriously as a fairness constraint -- Harm and wrongdoing -- Feinberg's account of objectively wrongful harm -- Wronging non-human animals -- Non-objective and objective conceptions of harm -- Constitutionalizing the harm principle -- Wrongful harm as a normative justification for penal detention -- Distinguishing criminal harm from private law harm : culpability and collective enforcement -- The moral dimensions of constitutional rights -- Harm as a constitutional requirement -- Can courts determine objective accounts of harm? -- Drawing the line -- The limits of remote harm and endangerment criminalization -- Criminal responsibility for the acts of another -- Empirical evidence of remote harmfulness -- Fairly imputing aggregate harm to individuals

-- Endangerment as a justification for criminalizing gun possession --
Conclusion -- The harm principle vs. Kantian criteria for ensuring fair
criminalization -- Kantian criteria for ensuring fair criminalization --
Kant's second formulation of the categorical imperative -- Dan-Cohen
and Ripstein's criticisms of the harm principle -- Harm and wrongdoing
to non-humans -- Ripstein's sovereignty principle -- The moral limits
of consent as a defense to criminal harm doing -- Objectivity and
consent -- Harm and consent : stubborn counterexamples --
Objectivity and the limits of consent in R.V. Konzani -- Objectivity and
wanton use of humans -- Other normative considerations --
Criminalizing harmless wrongs -- The hollowness of Feinberg's offense
principle -- Feinberg's mediating maxims and critical morality -- The
vacuity of moral realism as an explanation of criminalization's
normativity -- Conventionally contingent harms -- The normative
badness of offense doing -- The wrongness of conventionally
contingent bad acts -- Conclusion.

Sommario/riassunto

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.
