

Criminal law and the defence of the moral values of society

- - THE FUNCTION OF THE CRIMINAL LAW



Description: -

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3.2. Civil, Criminal, and Moral Wrongs

On the other hand, if punishment is justified not for what it helps to bring about but rather as an intrinsically appropriate because deserved response to violations of trust, then we need an explanation of why such violations deserve punishment, perhaps as opposed to some other form of response. Thus on both accounts, punishment aims to encourage offenders to reform themselves. In any system of criminal law this is an attempt.

Functions of Criminal Law

If responsibility is answerability, and we are answerable for crimes, the conditions of criminal responsibility and the conditions of criminal liability are one and the same.

Theories of Criminal Law (Stanford Encyclopedia of Philosophy)

Call this the punitive view. One type of defence proceeds from within our theory of ideals. Compare Virgil's view, in the Aeneid, that the role of a ruler is to keep the peace by humbling the proud and sparing the meek: But thou, O Roman, learn with sovereign sway To rule the nations.

14 Different Types of Legal Defenses in Criminal Law

They use them infrequently, as a last resort, a tool for difficult defendants who simply will not admit guilt. One defense lawyer opined that innocent defendants are more likely to use classic guilty pleas than Alford or nolo contendere pleas. But admitting wrongdoing to oneself and to others is not easy.

5.1 Criminal Defenses

To say that a person consents to some treatment does not by itself provide us with a reason to treat her that way. Both the lawmakers and the laws they dictated were considered to be divinely inspired.

Theories of Criminal Law (Stanford Encyclopedia of Philosophy)

Of course, not all impositions of intended burdens count as punishment.

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Offenders dislike having to admit their guilt, and this dislike makes committing a crime marginally more unpleasant. One might say that all criminal law theory is part of non-ideal theory—that we have reason to have criminal law precisely because people will otherwise act wrongly.

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