

rethinking sentencing

a contribution to the debate



Rethinking Sentencing

Leo Zaibert



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Rethinking Punishment in the Era of Mass Incarceration Chris Surprenant, 2017-07-06 This book offers a philosophical examination of incarceration as a form of punishment A diverse group of contributors engages with research in criminology economics law and sociology to help contextualize the philosophical issues

Rethinking Punishment Karol Lucken, 2017-02-10 There are visible signs that the get tough era of punishment is finally winding down A get smart agenda has emerged that aims to reduce costs and crime by reducing the incarceration of non violent drug offenders expanding use of community based corrections revising sentencing structures and supporting offender re entry into the community This change in policy affords an opportunity to re examine and challenge certain other conventions in the study and practice of punishment Each chapter of Rethinking Punishment examines a convention and posits arguments that challenge that convention and expand the conversation These arguments are based on the prior literature existing and original data and historical documents These conventions and arguments for rethinking punishment are framed accordingly

Justifying Penal Policy Defining the Attributes of Punishment Measuring the Scope and Severity of Punishment Evaluating Effectiveness in Punishment Finally the author provides specific recommendations for research and policy based on these original arguments Drawing on underlying philosophical empirical and political issues and offering a critical discussion of the relationship between research policy and practice this book makes compelling and instructive reading for students taking courses in criminal justice corrections philosophy of punishment the sociology of punishment and law and justice

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punishment the sociology of punishment and law and justice **The Lived Sentence** Maggie Hall,2017-03-29 This book examines the lives of the sentenced to argue that sentencing should be re conceived to consider the human perspective It combines a range of modern criminological and legal theories together with interviews with prisoners in New South Wales to examine their lives during and beyond completing the terms of imprisonment for a more continuous and coherent perspective on the process of sentencing This book makes a strong argument for the practical advantages of listening to the voices of the sentenced and it is therefore a useful tool for the correctional community engaged in providing services and programmes to reduce recidivism A methodological and well researched text this book will be of particular interest to scholars of criminal justice and the penal system as well as policy makers and practitioners **Rethinking Society's Approach: Poverty, Race, and Systemic Change** Pasquale De Marco,2025-07-20 Rethinking Society s Approach Poverty Race and Systemic Change is a groundbreaking work that challenges conventional wisdom and offers fresh perspectives on some of society s most pressing issues With meticulous research and compelling arguments the book delves into the complexities of poverty race and the underclass urging readers to rethink their understanding of these phenomena and their impact on individuals and communities Through a comprehensive examination of poverty s evolution the book highlights the changing face of inequality in a globalized world It explores the widening income gap the impact of technological advancements and the changing nature of work shedding light on the challenges faced by those left behind in the economic recovery The book also confronts the enduring legacy of racial discrimination in America exposing its insidious effects on opportunity education wealth accumulation and criminal justice It delves into the history of racist policies and practices their lasting impact on communities of color and the urgent need for transformative change to dismantle systemic racism Furthermore the book explores the complexities of the underclass a marginalized segment of society often trapped in a cycle of poverty and despair It examines the factors that contribute to concentrated poverty social isolation and crime while also highlighting the resilience and potential of individuals and communities struggling against these challenges Rethinking Society s Approach also takes a critical look at welfare policy examining its historical roots controversial reforms and complex relationship with poverty reduction It analyzes the impact of welfare programs on individuals and families highlighting both their successes and limitations The book calls for a balanced approach to welfare reform one that promotes self sufficiency while also providing a safety net for those in need With a focus on education as a key to breaking the cycle of poverty the book explores the importance of early childhood programs K 12 education reform and college affordability It emphasizes the need for innovative approaches to education that address the unique challenges faced by disadvantaged students ensuring that all children have the opportunity to succeed If you like this book write a review **Rethinking Punishment** Leo Zaibert,2018-04-19 Rejecting traditional alternatives Leo Zaibert offers an original and refreshing approach to the age old problem of the justification of punishment **Handbook on Sentencing Policies and Practices in the 21st Century**

Cassia Spohn, Pauline Brennan, 2019-06-14 *Sentencing Policies and Practices in the 21st Century* focuses on the evolution and consequences of sentencing policies and practices with sentencing broadly defined to include plea bargaining, judicial and juror decision making and alternatives to incarceration including participation in problem solving courts. This collection of essays and reports of original research explores how sentencing policies and practices both in the United States and internationally have evolved, explores important issues raised by guideline and non guideline sentencing and provides an overview of recent research on plea bargaining in the United States, Australia and the United Kingdom. Other topics include the role of criminal history in sentencing, the past and future of capital punishment, strategies for reducing mass incarceration, problem solving courts and restorative justice practices. Each chapter summarizes what is known, identifies the gaps in the research and discusses the theoretical, empirical and policy implications of the research findings. The volume is grounded in current knowledge about the specific topics but also presents new material that reflects the thinking of the leading minds in the field and that outlines a research agenda for the future. This is Volume 4 of the American Society of Criminology's Division on Corrections and Sentencing handbook series. Previous volumes focused on risk assessment, disparities in punishment and the consequences of punishment decisions. The handbooks provide a comprehensive overview of these topics for scholars, students, practitioners and policymakers.

Federal Probation, 1999 Sentencing: A Social Process

Cyrus Tata, 2019-12-28 This book asks how we should make sense of sentencing when despite huge efforts world wide to analyse, critique and reform it, it remains an enigma. *Sentencing: A Social Process* reveals how both research and policy thinking about sentencing are confined by a paradigm that presumes autonomous individualism, projecting an artificial image of sentencing practices and policy potential. By conceiving of sentencing instead as a social process, the book advances new policy and research agendas. *Sentencing: A Social Process* proposes innovative solutions to classic conundrums including rules versus discretion, aggravating versus mitigating factors, individualisation versus consistency, punishment versus rehabilitation, efficient technologies versus the quality of justice and ways of reducing imprisonment.

Criminal Sentencing in Bangladesh Muhammad Mahbubur Rahman, 2017-03-20 In *Criminal Sentencing in Bangladesh* Muhammad Mahbubur Rahman critically examines the sentencing policies of Bangladesh and demonstrates that the country's sentencing policies are not only yet to be developed in a coherent manner and shaped with an appropriate and contextual balance but also remain part of the problem rather than part of the solution. The author forcefully argues that the conception of sentencing policies cannot and should not always be confined exclusively to institutional understandings. The typical realities of post colonial societies call for rethinking the traditional judiciary centred understanding of what is meant by criminal sentences. This book thus raises the question for theoretical sentencing scholarship whether the prevailing judiciary centred understanding of sentencing should be rethought.

Beyond Punishment? Zachary Hoskins, 2019 In *Beyond Punishment* Zachary Hoskins offers a philosophical examination of the collateral legal consequences of conviction. Considering how

pervasive collateral restrictions have become and the dramatic effects such restrictions have on offenders lives Hoskins examines whether these extended measures of punishment are ever morally justified *Confronting Penal Excess* David Hayes, 2019-11-14 This monograph considers the correlation between the relative success of retributive penal policies in English speaking liberal democracies since the 1970s and the practical evidence of increasingly excessive reliance on the penal State in those jurisdictions It sets out three key arguments First that increasingly excessive conditions in England and Wales over the last three decades represent a failure of retributive theory Second that the penal minimalist cause cannot do without retributive proportionality at least in comparison to the limiting principles espoused by rehabilitation restorative justice and penal abolitionism Third that another retributivism is therefore necessary if we are to confront penal excess The monograph offers a sketch of this new approach late retributivism as both a theory of punishment and of minimalist political action within a democratic society Centrally criminal punishment is approached as both a political act and a policy choice Consequently penal theorists must take account of contemporary political contexts in designing and advocating for their theories Although this inquiry focuses primarily on England and Wales its models of retributivism and of academic contribution to democratic penal policy making are relevant to other jurisdictions too *Crime and Justice, Volume 46*

Michael Tonry, 2017-02-22 Justice Futures Reinventing American Criminal Justice is the forty sixth volume in the Crime and Justice series Contributors include Francis Cullen and Daniel Mears on community corrections Peter Reuter and Jonathan Caulkins on drug abuse policy Harold Pollack on drug treatment David Hemenway on guns and violence Edward Mulvey on mental health and crime Edward Rhine Joan Petersilia and Kevin Reitz on parole policies Daniel Nagin and Cynthia Lum on policing Craig Haney on prisons and incarceration Ronald Wright on prosecution and Michael Tonry on sentencing policies

Punishment for the Greater Good Adam J. Kolber, 2024 Punishment for the Greater Good examines the justification of punishment in the here and now recognizing that we are uncertain about matters of both fact and value With over ten million people incarcerated around the world we don't have time to wait for the perfect moral theory Kolber shows how to do the best we can with what we already know **Federal Prison Population** United States. Congress. House. Committee on the Judiciary. Subcommittee on Intellectual Property and Judicial Administration, 1994

Criminal Law Without Punishment Valerij Zisman, 2023-09-05 How can criminal punishment be morally justified Zisman addresses this classical question in legal philosophy He provides two maybe surprising answers to the question First as for a methodological claim it argues that this question cannot be answered by philosophers and legal scholars alone Rather we need to take into account research from social psychology economy anthropology and so on in order to properly analyze the arguments in defense of criminal punishment Second the book argues that when such research is properly accounted for none of the current attempts to justify criminal punishment succeed But that does not imply that the state should do nothing about criminal wrongdoing Rather the arguments that were supposed to justify criminal punishment actually speak in favor of an alternative approach to

criminal law restitution to the victim and restorative justice That is to say the state should coerce offenders to provide restitution for the harm inflicted on victims and whenever possible restorative approaches should be taken to address criminal wrongdoing

The Palgrave Handbook on the Philosophy of Punishment Matthew C. Altman, 2023-03-23 This Handbook provides a comprehensive survey of major topics in the philosophy of punishment from many of the field's leading scholars Key features Presents a history of punishment theory from ancient times to the present Evaluates the main proposed justifications of punishment including retributivism general and specific deterrence theories mixed theories expressivism societal defense theory fair play theory rights forfeiture theory and the public health quarantine model Discusses sentencing proportionality policing prosecution and the role punishment plays in the context of the state Examines advances in neuroscience and debates about whether free will skepticism undermines the justifiability of punishment Considers forgiveness restorative justice and calls to abolish punishment Addresses pressing social issues such as mass incarceration juvenile justice punitive torture the death penalty and cruel and unusual punishment With its unmatched breadth and depth this book is essential reading for scholars who want to keep abreast of the field and for advanced students wishing to explore the frontiers of the subject

Remorse and Criminal Justice Steven Tudor, Richard Weisman, Michael Proeve, Kate Rossmanith, 2021-11-28 This multi disciplinary collection brings together original contributions to present the best of current thinking about the nature and place of remorse in the context of criminal justice Despite the widespread and long standing nature of interest in offender remorse the topic has until recently been peripheral in academic studies The authors are scholars from North America the United Kingdom Europe South Africa and Australia from diverse academic disciplines They reflect on the role of remorse in law for better or for worse on how expressions of remorse are affected by the legal contexts in which they arise and on the impact of these expressions on the individual the court and the community The work is divided into four parts Part I Judging Remorse addresses issues concerning the task of assessing remorse in the courtroom usually prior to determining sentence Part II Remorse Beyond the Courtroom explores the place and significance of remorse in various post court settings Part III Remorse War and Social Trauma addresses remorse in the context of political violence and social trauma in the former Yugoslavia and South Africa Finally Part IV Reflections seeks to underscore the multi disciplinary and inter disciplinary nature of the collection as a whole through personal and disciplinary reflections on remorse The work provides a showcase for how diverse academic disciplines can be brought together through a focus on a common topic As such the collection will become a standard reference work for further research across a range of disciplines and promote inter disciplinary dialogue

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