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Studies in
Criminology

Sentencing as a Human Process

John Hogarth

Sentencing As A Human Process

Ralph Henham



Sentencing As A Human Process:

Sentencing as a Human Process John Hogarth, 1971 For social scientists and practitioners

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

Sentencing as a human process John Hogarth, 1971

Criminal Sentencing as Practical Wisdom Graeme Brown, 2017-06-01 How do judges sentence In particular how important is judicial discretion in sentencing Sentencing guidelines are often said to promote consistency but is consistency in sentencing achievable or even desirable Whilst the passing of a sentence is arguably the most public stage of the criminal justice process there have been few attempts to examine judicial perceptions of and attitudes towards the sentencing process Through interviews with Scottish judges and by presenting a comprehensive review and analysis of recent scholarship on sentencing including a comparative study of UK Irish and Commonwealth sentencing jurisprudence this book explores these issues to present a systematic theory of sentencing Through an integration of the concept of equity as particularised justice the Aristotelian concept of phronesis or practical wisdom the concept of value pluralism and the focus of appellate courts throughout the Commonwealth on sentencing by way of instinctive synthesis it is argued that judicial sentencing methodology is best viewed in terms of a phronetic synthesis of the relevant facts and circumstances of the particular case The author concludes that sentencing is best conceptualised as a form of case orientated concrete and intuitive decision making one that seeks individualisation through judicial recognition of the profoundly contextualised nature of the process

Sentencing in International Criminal Law Silvia D'Ascoli, 2011-04-01 This book deals with sentencing in international criminal law focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia ICTY and Rwanda ICTR In contrast to sentencing in domestic jurisdictions and in spite of its growing importance sentencing law is a part of international criminal law that is still under construction and is unregulated in many aspects International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles Moreover international judges receive very little guidance in sentencing matters this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways One purpose of this book is to investigate and evaluate the process of international sentencing especially as

interpreted by the ICTY and the ICTR and to suggest a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice The book discusses the law and jurisprudence of the ad hoc Tribunals and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice thus offering quantitative support for the doctrinal analysis This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice The book will thus be of great interest to practitioners academics and students of the subject

Sentencing Ralph Henham, 2013-10-01 Sentencing is the process through which the legitimacy of punishment is declared and justified However it is increasingly portrayed as a social activity which should be more responsive to the pluralistic needs and values of individuals and communities in contemporary society It will therefore have to adapt to an array of different perceptions of what justice is and how it should be delivered as well as different sensitivities and emotional responses to sentencing processes and outcomes At a time when fundamental questions are being asked about the relevance of existing forms of punishment in contemporary society Sentencing argues for a profound normative understanding of the relationship between sentencing and its perception by citizens vital if we are to fully comprehend the nature and significance of punishment and the particular challenges it faces as a force for social cohesion Henham explores this theme by focusing on key areas of debate within the field the treatment of gender and race in sentencing the future role of sentencing in criminal justice governance the development of new criteria for evaluating sentencing within a more socially inclusive framework Henham suggests that a greater focus on the relationship between penal ideology and the impact of sentencing in the wider community is essential for effective future policy making in this area Sentencing will be useful for both undergraduate and postgraduate students of law criminology criminal justice and sociology as well as for academics and criminal justice policymakers

Sentencing and Society Cyrus Tata, Neil Hutton, 2017-03-02 Combining the latest work of leading sentencing and punishment scholars from twelve different countries this major new international volume answers key questions in the study of sentencing and society It presents not only a rigorous examination of the latest legal and empirical research from around the world but also reveals the workings of sentencing within society and as a social practice Traditionally work in the field of sentencing has been dominated by legal and philosophical approaches Distinctively this volume provides a more sociological approach to sentencing so allowing previously unanswered questions to be addressed and new questions to be opened This extensive collection is drawn from around one third of the papers presented at the First International Conference on Sentencing and Society Almost without exception the chapters have been revised cross referenced and updated The overall themes and findings of the international volume are set out by the opening Introduction and the closing Reflections chapters Research findings on particular penal policy questions are balanced with an analysis of fundamental conceptual issues making this international volume essential reading for sentencing and punishment scholars criminal justice policy makers and graduate students

Sentencing &

Corrections ,1999 **Sentencing in the Federal Courts** Douglas C. McDonald,Kenneth E. Carlson,1994-11 Examines racial ethnic disparities imposed on federal offenders before after implementation of sentencing guidelines authorized by the Sentencing Reform Act of 1984 the mandatory minimum imprisonment provisions of the Anti Drug Abuse Act of 1986 Patterns in sentences for whites blacks Hispanics were analyzed by controlling for explanatory variables that may be correlated with race or ethnicity 75 charts tables graphs *Sentencing & Corrections, Issues For The 21ST Century, Reconsidering Indeterminate And Structured Sentencing, Research In Brief, No. 2, September 1999* ,1999 **Informal Reasoning and Education** James F. Voss,David N. Perkins,Judith W. Segal,2012-11-12 Based on extensive reasoning acquisition research this volume provides theoretical and empirical considerations of the reasoning that occurs during the course of everyday personal and professional activities Of particular interest is the text s focus on the question of how such reasoning takes place during school activities and how students acquire reasoning skills **Applications of Heuristics and Biases to Social Issues** Linda Heath,R. Scott Tindale,John Edwards,Emil J. Posavac,Fred B. Bryant,Eaaron Henderson-King,Yolanda Suarez-Balcazar,Judith Myers,2013-06-29 This volume presents the latest research on applying heuristics and biases to the areas of health law education and organizations Authors adopt a cross disciplinary approach to study various theories **Decisions to Imprison** Rasmus H. Wandall,2016-05-13 Rasmus Wandall uses quantitative and qualitative methods from studies carried out in Denmark to address the formal and informal norms and ideologies that are used to generate decisions to imprison Focusing on the operations of the courtroom participants his work investigates how court decision making is organized to allow the sentencing procedure to be open to more than its formal legal framework while at the same time keeping the sentencing within the boundaries of law and legal validity The author uses the theory of law s operational closure developed by Niklas Luhmann The theory provides an advantageous point of departure to capture the close and subtle interactions between law s need for validity and for contextual openness in every legal operation including court decision making **Document Retrieval Index** ,1972 *The Third Branch* ,1974 A bulletin of the federal courts Psychology and Law Andreas Kapardis,2003 This book is the authoritative work for students and professionals in psychology and law *Examining Local Legal Culture* Thomas W. Church,1982 *Crime and Punishment in Indonesia* Tim Lindsey,Helen Pausacker,2020-12-14 Indonesia s criminal law system faces major challenges Despite the country s transition to democracy both the Criminal Code and the Criminal Procedure Code are badly out of date the former only superficially changed since colonial times and the latter remaining as it was under Soeharto s authoritarian New Order regime Law enforcement officers and judges are widely seen as corrupt or incompetent and new laws including new Islamic laws passed at the regional level often contradict the Criminal Code and national statutes including human rights laws This book based on extensive original research by leading scholars in the field provides an overall assessment of the state of criminal law law enforcement and penal policy in Indonesia considers in depth a wide range of specific areas of criminal law and discusses

recent efforts at reform and their prospects for success
Military Law Review ,2000

Fiftieth Anniversary of the Uniform Code of Military Justice ,2000

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