

SENTENCING AND SOCIETY

CYRUS TATA
AND NEIL HUTTON



Sentencing And Society International Perspectives

Julian V. Roberts



Sentencing And Society International Perspectives:

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 and Society* Cyrus Tata, Neil Hutton, 2003

Punishment and Process in International Criminal Trials Ralph Henham, 2017-03-02 International sentencing has become significant given the numerous events on the world stage which have focused attention on the justifications and adequacy of punishment for heinous crimes such as genocide and crimes against humanity In addition to providing a detailed evaluation of the philosophical and theoretical difficulties raised by this rapidly developing area of international criminal justice this book provides an integrated socio legal analysis of the law and process of international sentencing It considers the rationale and development of international sentencing structures and processes the nature and scope of legal and procedural constraints on decision making as well as access to justice and rights issues The book discusses sentencing within the context of international criminal law and examines internationalized trial processes and alternative mechanisms for resolution In seeking to comprehend the punishment of international crimes through the comparative contextual analysis of trial processes it challenges our present understanding of how and why particular sentencing outcomes are produced and the perceived legitimacy of international trial justice

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

Law and Social Change Sharyn L Roach Anleu, 2009-10-29 This is a timely new edition of Sharyn L Roach Anleu's invaluable introduction to the sociology of law and its role as a social institution and social process Discussing current theory and key empirical research from a diverse range of perspectives Law and Social Change gives relevant examples from various cultures and societies to provide a sociological view which goes beyond more jurisprudential approaches to law and society The book provides coverage of major classic and contemporary social theories of law is informed by empirical research drawn from several countries societies includes up to date and relevant examples This thoroughly updated edition engages with modern scholarship and recent research on globalization whilst also looking at related issues such as the internationalization of law and human rights It explores recent reforms at local and national levels including issues of migration and refugees the regulation of anti social behaviour and specialist or problem solving courts and also provides a clear accessible introduction to research methods used in the socio legal field Direct and wide ranging this text will be essential reading for students and researchers on social science and law courses and in particular those taking sociology legal theory criminology and criminal justice studies

Changing Attitudes to Punishment Julian Roberts, Mike Hough, 2013-01-11 Throughout the western world public opinion has played an important role in shaping criminal justice policy yet opinion polls demonstrate that the public actually know little about crime and justice This book consisting of chapters from leading authorities in the field is concerned to address this problem and draws upon research in a number of different countries to address the issues arising from this state of affairs

Imaginary Penalties Pat Carlen, 2013-01-11 This book is concerned to explore the idea of imaginary penalties and to understand why the management of criminal justice and criminal justice systems has so often reached crisis point It will be essential reading for anybody seeking to understand some of the root causes of increasing prison populations social harms such as recidivism and domestic violence and the increasingly important role of criminal justice within systems of governance

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

Fear of Crime Helmut Kury, 2008 **Sentencing in the Age of Information** Katja Franko Aas, 2005 Applying media and communication studies to sentencing and penal culture Franko Aas offers a lucid and innovative account of how punishment is adjusting to a new cultural climate **The Virtual Prison** Julian V. Roberts, 2004 Analyses the effectiveness and implications of community custody for offenders and society as a whole **The Routledge Handbook of European Criminology** Sophie Body-Gendrot, Mike Hough, Klara Kerecsi, René Lévy, Sonja Snacken, 2013-08-15 This new book brings together some of the leading criminologists across Europe to showcase the best of European criminology This Handbook aims to reflect the range and depth of current work in Europe and to counterbalance the impact of the sometimes insular and ethnocentric Anglo American criminological tradition The end product is a collection of twenty eight chapters illustrating a truly comparative and interdisciplinary European criminology The editors have assembled a cast of leading voices to reflect on differences and commonalities elaborate on theoretically grounded comparisons and reflect on emerging themes in criminology in Europe After the editors introduction the book is organised in three parts five chapters offering historical theoretical and policy oriented overviews of European issues in crime and crime control seven chapters looking at different dimensions of crime in Europe including crime trends state crime gender and crime and urban safety fifteen chapters examining the variety of institutional responses exploring issues such as policing juvenile justice punishment green crime and the role of the victim This book gives some indication of the richness and scope of the emerging comparative European criminology and will be required reading for anyone who wants to understand trends in crime and its control across Europe It will also be a valuable teaching resource especially at postgraduate level as well as an important reference point for researchers and scholars of criminology across Europe *Alternatives to Prison* Anthony Bottoms, Sue Rex, Gwen Robinson, 2013-01-11 As the UK and many other western societies face up to the consequences of a rapidly increasing prison population so the search for alternative approaches to punishment and dealing with offenders has become an increasingly urgent priority for government policy and society as a whole This book reports the results of the research programme commissioned by the Coulsfield Inquiry into Alternatives to Prison which was funded by the Esm e Fairbairn Rethinking Crime and Punishment initiative It is written by leading authorities in the field and provides a comprehensive authoritative and wide ranging review of the range of issues associated with the use of noncustodial sanctions examining experiences in Scotland and Northern Ireland as well as England and Wales Mitigation and Aggravation at Sentencing Julian V. Roberts, 2011-08-25 This innovative volume explores a fundamental issue in the field of sentencing the factors which make a sentence more or less severe All sentencing systems allow courts discretion to consider mitigating and aggravating factors and many legislatures have placed a number of such factors on a statutory footing Yet many questions remain regarding the

theory and practice of mitigation and aggravation Drawing on legal and sociological perspectives and examining mitigation and aggravation in various jurisdictions the essays provide practical illustrations of specific factors as well as theoretical justifications After the foreword by Andrew von Hirsch a number of contributors address broad conceptual issues raised at sentencing These contributions are followed by several empirical chapters including an exploration of personal mitigation in English courts The authors are leading scholars from a range of common law jurisdictions including England and Wales the United States Canada Australia New Zealand and South Africa

Crime Policy in America Shahid M. Shahidullah,2015-11-21 The second edition of Crime Policy in America describes the process of policy making and the substantive nature of policy directions in crime and justice in America particularly from the beginning of the 1970s This book examines the nature of presidential policy making in crime and justice from Nixon to Obama congressional policy making since the birth of the Bill of Rights and judicial policy making since the promulgation of the Judicial Act of 1789 The perspective of this book is deeply historical sociological and legalistic Historically the book has explored the evolution of different policy strategies at different periods of American history sociologically it scrutinized the impact of the get tough policy paradigm on crime and justice and from a legal perspective it has examined the conflict and the consensus of Congress and the federal judiciary on different issues of crime and justice from drug crimes to sex crimes to counterterrorism The second edition of the book has particularly illuminated the changing directions of US crime policy from the dominance of the get tough approach in the 1980s and 1990s to a more balanced approach to crime control and prevention in the beginning of the 21st century

Contemporary Challenges to Criminal Justice Paul Behrens,2023-12-28 This study provides a critical examination of seminal issues within the main areas of criminal justice its theoretical framework domestic and comparative criminal justice transnational and international criminal law Exploring some of the most interesting challenges arising in these fields it examines the impact of public morality on sentencing policy murder and the mandatory life sentence genocide and the notion of magnitude and incitement to terrorism Taking an approach that is fully integrated in contemporary criminal justice scholarship it offers a diverse and expert perspective With a comprehensive introduction and conclusion drawing the various strands together it offers a rigorous coherent overview of the key issues in play in contemporary international criminal justice This diversity and expertise ensures its appeal to a large audience of students scholars and practitioners of criminal justice around the world

Children and Young People in Custody Blyth, Maggie,Robert Newman,Wright, Chris,2009 Over the last decade the reformed youth justice system has seen increases in the numbers of children and young people in custody a sharp rise in indeterminate sentences and the continuing deaths of young prisoners This report brings together contributions from leading experts to critically examine current policy and practice

INTERDISCIPLINARY GENDERED TALKS: PROCEEDINGS BOOK ,2024-01-01 This volume is the result of the International Conference Interdisciplinary Gendered Talks organized in March 2023 in the framework of the activities

undertaken by the Gender Equality Plan of the University of Bucharest <https://gep.unibuc.ro> in collaboration with the UB Institute of Research ICUB where a Gender Studies Platform has been initiated <https://icub.unibuc.ro> the gender studies platform The aim of the conference was to offer an academic space for presenting engaging thought provocative and cutting edge interdisciplinary research in Gender Studies More than 30 participants researchers academics students from inside and outside Romania attended the hybrid event and presented a wide range of gender sensitive interdisciplinary research outcomes and or future plans

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

Transforming International Criminal Justice Mark Findlay,Ralph Henham,2005-06-01 This book sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities through collaboration of currently competing paradigms It reflects a transformation of thinking about the comparative analysis of the trial process and seeks to advance the boundaries of international criminal justice through wider access and inclusivity in an environment of rights protection Collaborative justice is advanced as providing the future context of international criminal trials The book s radical dimension is its argument for the harmonization of restorative and retributive justice within the international criminal trial The focus is initially on the trial process a key symbol of developing international styles of justice It examines theoretical models and political applications of criminal justice through detailed empirical analysis in order to explore the underlying relationship of theory and empirical study applying the outcome in theory testing and policy evaluation in several different jurisdictions The book injects a significant comparative dimension into the study of international criminal justice This is achieved through searching the

traditional foundations of internationalism in justice by employing an original methodology to enable a multi dimensional exploration of contexts local regional and global so recognising the importance of difference within an agenda suggesting synthesis The book argues for a concept of international trial within a rights paradigm understood against different procedural traditions and practices and provides a detailed description of trials and trial decision making in various jurisdictions Transforming International Criminal Justice also sets out to develop effective research strategies as part of its interrogation of specific trial narratives and meanings in contemporary legal cultures Key themes are those of internationalisation fair trial and the exercise of discretion in justice resolutions sentencing in particular and the lay professional relationship and its dynamics Finally the book provides a searching critique of the relevance of existing criminology and legal sociology in relation to international criminal justice and speculates on trial transformation and the merger of retributive and restorative international criminal justice comparative analysis of the criminal trial process internationally argues for harmonization of retributive and restorative justice within the international criminal trial sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities

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Table of Contents Sentencing And Society International Perspectives

1. Understanding the eBook Sentencing And Society International Perspectives
 - The Rise of Digital Reading Sentencing And Society International Perspectives
 - Advantages of eBooks Over Traditional Books
2. Identifying Sentencing And Society International Perspectives
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Sentencing And Society International Perspectives
 - User-Friendly Interface
4. Exploring eBook Recommendations from Sentencing And Society International Perspectives
 - Personalized Recommendations
 - Sentencing And Society International Perspectives User Reviews and Ratings
 - Sentencing And Society International Perspectives and Bestseller Lists

5. Accessing Sentencing And Society International Perspectives Free and Paid eBooks
 - Sentencing And Society International Perspectives Public Domain eBooks
 - Sentencing And Society International Perspectives eBook Subscription Services
 - Sentencing And Society International Perspectives Budget-Friendly Options
6. Navigating Sentencing And Society International Perspectives eBook Formats
 - ePub, PDF, MOBI, and More
 - Sentencing And Society International Perspectives Compatibility with Devices
 - Sentencing And Society International Perspectives Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Sentencing And Society International Perspectives
 - Highlighting and Note-Taking Sentencing And Society International Perspectives
 - Interactive Elements Sentencing And Society International Perspectives
8. Staying Engaged with Sentencing And Society International Perspectives
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Sentencing And Society International Perspectives
9. Balancing eBooks and Physical Books Sentencing And Society International Perspectives
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Sentencing And Society International Perspectives
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Sentencing And Society International Perspectives
 - Setting Reading Goals Sentencing And Society International Perspectives
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Sentencing And Society International Perspectives
 - Fact-Checking eBook Content of Sentencing And Society International Perspectives
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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