

Punishment & Sentencing: A Rational Approach

MARKO ELAČIĆ



Punishment And Sentencing A Rational Approach

**Shlomo Giora Shoham, Ori Beck, Martin
Kett**



Punishment And Sentencing A Rational Approach:

Punishment & Sentencing Mirko Bagaric, 2001-07-01 First published in 2001 Routledge is an imprint of Taylor Francis an informa company
Punishment and Sentencing Mirko Bagaric, 2025-02-03 First published in 2001 Punishment and Sentencing provides a way of introducing principle into sentencing This is done by bridging the gap between the philosophical justification for punishment and sentencing law and practice In terms of the interests it deals with sentencing is the most important area of law Ironically it is also arguably the least coherent Nearly three decades ago sentencing was described as a wasteland in the law Unfortunately little has changed in that time Sentencing decisions are often made in accordance with the idiosyncratic sentiments of sentencers rather than on the basis of binding rules and principles Part A of the book provides an overview of current sentencing law and practice Part B critically examines the main contemporary theories of punishment Part C discusses the implications that this has for the sentencing process It is a useful text for students of criminology law and philosophy courses as well as a valuable resource for criminal law practitioners

Punishment & Sentencing Mirko Bagaric, 2001-07 Sentencing is the most important area of law yet ironically it is also arguably the least coherent This book suggests a way of introducing principle into sentencing by bridging the gap between the philosophical justification for punishment and sentencing law and practice
Popular Punishment Jesper Ryberg, Julian V. Roberts, 2014-05-15 Should public opinion determine or even influence sentencing policy and practice Should the punishment of criminal offenders reflect what the public regards as appropriate These deceptively simple questions conceal complex theoretical and methodological challenges to the administration of punishment In the West politicians have often answered these questions in the affirmative penal reforms have been justified with direct reference to the attitudes of the public This is why the contention that politicians should bridge the gap between the public and criminal justice practice has widespread resonance Criminal law scholars for their part have often been more reluctant to accept public input in penal practice and some have even held that the idea of consulting public opinion constitutes a populist approach to punishment The purpose of this book is to examine the moral significance of public opinion for penal theory and practice For the first time in a single volume the editors Jesper Ryberg and Julian V Roberts have assembled a number of respected criminologists philosophers and legal theorists to address the various aspects of why and how public opinion should be reflected in the way the criminal justice system deals with criminals The chapters address the myriad complexities surrounding this issue by first weighing the justifications for incorporating public views into punishment practices and then considering the various ways this might be achieved through juries prosecutors restorative justice programs and other means
The Ethics of Proportionate Punishment Jesper Ryberg, 2007-11-10 The philosophical discussion of state punishment is well on in years In contrast with a large number of ethical problems which are concerned with right and wrong in relation to a narrowly specified area of human life and practice and which have at least since the early 70 s been regarded as a legitimate part of

philosophical thinking constituting the area of applied ethics reflections on punishment can be traced much further back in the history of western philosophy This is not surprising That the stately mandated infliction of death suffering or deprivation on citizens should be met with hesitation from which ethical reflections may depart seems obvious Such a practice certainly calls for some persuasive justification It is therefore natural that reflective minds have for a long time devoted attention to punishment and that the question of how a penal system can be justified has constituted the central question in philosophical discussion Though it would certainly be an exaggeration to claim that the justification question is the only aspect of punishment with which philosophers have been concerned there has in most periods been a clear tendency to regard this as the cardinal issue Comparatively much less attention has been devoted to the more precise questions of how and how much criminals should be punished for their respective wrong doings This may of course be due to several reasons

AI Approaches to the Complexity of Legal Systems - Models and Ethical Challenges for Legal Systems, Legal

Language and Legal Ontologies, Argumentation and Software Agents Monica Palmirani,Ugo Pagallo,Pompeu Casanovas,Giovanni Sartor,2012-11-28 The inspiring idea of this workshop series Artificial Intelligence Approaches to the Complexity of Legal Systems AICOL is to develop models of legal knowledge concerning organization structure and content in order to promote mutual understanding and communication between different systems and cultures Complexity and complex systems describe recent developments in AI and law legal theory argumentation the Semantic Web and multi agent systems Multisystem and multilingual ontologies provide an important opportunity to integrate different trends of research in AI and law including comparative legal studies Complexity theory graph theory game theory and any other contributions from the mathematical disciplines can help both to formalize the dynamics of legal systems and to capture relations among norms Cognitive science can help the modeling of legal ontology by taking into account not only the formal features of law but also social behaviour psychology and cultural factors This book is thus meant to support scholars in different areas of science in sharing knowledge and methodological approaches This volume collects the contributions to the workshop s third edition which took place as part of the 25th IVR congress of Philosophy of Law and Social Philosophy held in Frankfurt Germany in August 2011 This volume comprises six main parts devoted to the each of the six topics addressed in the workshop namely models for the legal system ethics and the regulation of ICT legal knowledge management legal information for open access software agent systems in the legal domain as well as legal language and legal ontology

International Handbook of Penology and Criminal Justice Shlomo Giora Shoham,Ori Beck,Martin Kett,2007-10-08 At the outset of the twenty first century more than 9 million people are held in custody in over 200 countries around the world from the essay Prisons and Jails by Ron KingThe first comparative study of this increasingly integral social subject International Handbook of Penology and Criminal Justice provides a comprehensive and balanced review Civilising Criminal Justice David J. Cornwell,John R. Blad,Martin Wright,2013 Probably the best collection there is Civilizing Criminal

Justice is an inescapable resource for anyone interested in restorative justice truly international and packed with experience while combining history theory developments and practical advice This volume of specially commissioned contributions by widely respected commentators on crime and punishment from various countries is a break through in bringing together some of the best arguments for long overdue penal reform An increasingly urgent need to change outmoded criminal processes even in advanced democracies demands an end to those penal excesses driven by political expediency and damaging notions of retribution deterrence and punishment for its own sake Civilising criminal justice will make it fairer more consistent understandable and considerate towards victims of crime currently largely excluded from participation Principles of reparative and restorative justice have become increasingly influential in the quest to provide justice which tackles harm compensates victims repairs relationships resolves debilitating conflicts and calls offenders to account And in any case what real justification is there for subjecting more and more people to the expensive but hollow experience of prison especially at a time of economic stringency Civil justice in its various forms can be swifter cheaper and more effective in court or through mediated processes focusing on the harmful consequences of offences rather than inflicting punishment that may satisfy a baying media but come home to haunt the community This brave and generous book 600 pages illustrates the many different ways in which criminal justice can be civilised and how lessons can be learned from practical experience across the world and shared expertise It is a volume that every politician should read every criminal justice professional should possess and that every student of criminology and penology will find invaluable David Cornwell John Blad and Martin Wright are three of the leading international experts on this topic with many publications to their names individually Contributors Serge Gutwirth and Paul De Hert Belgium Federico Reggio Italy Bas van Stokkom The Netherlands Lode Walgrave Belgium Susan Easton and Christine Piper UK Louis Blom Cooper QC UK Tapio Lappi Sepp I Finland Thomas Trenczek Germany Jean Pierre Bonaf Schmitt France Per Andersen Norway Claire Spivakovsky Australia Ann Skelton Republic of South Africa Borb la Fellegi Hungary Judge Fred McElrea New Zealand and the editors John Braithwaite is a Distinguished Professor at the Australian National University author of ground breaking works on restorative justice and recipient of various awards

The Realm of Criminal Law R A Duff, 2018-06-27 We are said to face a crisis of over criminalization our criminal law has become chaotic unprincipled and over expansive This book proposes a normative theory of criminal law and of criminalization that shows how criminal law could be ordered principled and restrained The theory is based on an account of criminal law as a distinctive legal practice that functions to declare and define a set of public wrongs and to call to formal public account those who commit such wrongs an account of the role that such practice can play in a democratic republic of free and equal citizens and an account of the central features of such a political community and of the way in which it constitutes its public realm its civil order Criminal law plays an important but limited role in such a political community in protecting but also partly constituting its civil order On the basis of this account we can see how such a

political community will decide what kinds of conduct should be criminalized not by applying one or more of the substantive master principles that theorists have offered but by considering which kinds of conduct fall within its public realm as distinct from the private realms that are not the polity's business and which kinds of wrong within that realm require this distinctive kind of response rather than one of the other kinds of available response The outcome of such a deliberative process will probably be a more limited and a more rational and principled criminal law

Complicity in International Criminal Law

Marina Aksenova, 2016-12-15 This book tackles one of the most contentious aspects of international criminal law the modes of liability At the heart of the discussion is the quest for balance between the accused's individual contribution and the collective nature of mass offending The principle of legality demands that there exists a well defined link between the crime and the person charged with it This is so even in the context of international offending which often implies several degrees of separation between the direct perpetrator and the person who authorises the atrocity The challenge is to construct that link without jeopardising the interests of justice This monograph provides the first comprehensive treatment of complicity within the discipline and beyond Extensive analysis of the pertinent statutes and jurisprudence reveals gaps in interpreting accessorial liability Simultaneously the study of complicity becomes a test for the general methods and purposes of international criminal law The book exposes problems with the sources of law and demonstrates the absence of clearly defined sentencing and policy rationales which are crucial tools in structuring judicial discretion Awarded The Paul Guggenheim Prize in International Law 2017

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