

# rethinking sentencing

a contribution to the debate



# Rethinking Sentencing

**David Hayes**



## **Rethinking Sentencing:**

**Rethinking Sentencing** Peter Humphrey Sedgwick, 2004 This report considers the efficacy and integrity of the current criminal justice system and the principles of restorative justice responsible sentencing rehabilitation and atonement from the Christian perspective

Rethinking Punishment in the Era of Mass Incarceration Chris Surprenant, 2017-07-06 One of the most important problems faced by the United States is addressing its broken criminal justice system This collection of essays offers a thorough examination of incarceration as a form of punishment In addition to focusing on the philosophical aspects related to punishment the volume s diverse group of contributors provides additional background in criminology economics law and sociology to help contextualize the philosophical issues The first group of essays addresses whether or not our current institutions connected with punishment and incarceration are justified in a liberal society The next set of chapters explores the negative effects of incarceration as a form of punishment including its impact on children and families The volume then describes how we arrived at our current situation in the United States focusing on questions related to how we view prisons and prisoners policing for profit and the motivations of prosecutors in trying to secure convictions Finally **Rethinking Punishment in the Era of Mass Incarceration** examines specific policy alternatives that might offer solutions to our current approach to punishment and incarceration

**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convention and expand the conversation These arguments are based on the prior literature existing and original data and historical documents These conventions and arguments for rethinking punishment are framed accordingly Justifying Penal Policy Defining the Attributes of Punishment Measuring the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

Rethinking Sentencing , 2004 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 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** 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 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 Towards effective sentencing Great Britain: Parliament: House of Commons: Home Affairs Committee,2007-06-11 This publication contains oral evidence given in relation to the Committee's inquiry into sentencing policy by Lord Woolf the former Lord Chief Justice of England and Wales

It also includes written evidence submitted by a range of organisations including the Home Office HM Chief Inspector of Prisons the Crown Prosecution Service Criminal Bar Association the Howard League for Penal Reform JUSTICE the Parole Board the Police Federation the Prison Governors Association the Prison Reform Trust and the Youth Justice Board for England and Wales Rethinking Corporate Crime James Gobert, Maurice Punch, 2003-03 Critiques the application of the current criminal law system to corporate wrongdoing and assesses the potential for legal control of corporate criminality

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

American Exceptionalism in Crime and Punishment Kevin R. Reitz, 2018 Introduction American exceptionalism perspectives American exceptionalism in crime punishment and disadvantage race federalization and politicization in the perspective of local autonomy Nicola Lacey and David Soskice The concept of American exceptionalism and the case of capital punishment David Garland Penal optimism understanding American mass imprisonment from a Canadian perspective Cheryl Marie Webster and Anthony N Doob The complications of penal federalism American exceptionalism or fifty different countries Franklin E Zimring American exceptionalism in crime American exceptionalism in comparative perspective explaining trends and variation in the use of incarceration Tapio Lappi Seppä How exceptional is the history of violence and criminal justice in the United States variation across time and space as the keys to understanding homicide and punitiveness Randolph Roth Making the state pay violence and the politicization of crime in comparative perspective Lisa L Miller Comparing serious violent crime in the United States and England and Wales why it matters and how it can be done Zelia Gallo Nicola Lacey and David Soskice American exceptionalism in community supervision a comparative analysis of probation

in the United States Scotland and Sweden Edward E Rhine and Faye S Taxman American exceptionalism in parole release and supervision a European perspective Dirk van Zyl Smit and Alessandro Corda Collateral sanctions and American exceptionalism a comparative perspective Nora V Demleitner Index      **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 Future of Crime and Punishment* William R. Kelly,2019-05-20 Today we know that crime is often not just a matter of making bad decisions Rather there are a variety of factors that are implicated in much criminal offending some fairly obvious like poverty mental illness and drug abuse and others less so such as neurocognitive problems Today we have the tools for effective criminal behavioral change but this cannot be an excuse for criminal offending In *The Future of Crime and Punishment* William R Kelly identifies the need to educate the public on how these tools can be used to most effectively and cost efficiently reduce crime recidivism victimization and cost The justice system of the future needs to be much more collaborative utilizing the expertise of a variety of disciplines such as psychology psychiatry addiction and neuroscience Judges and prosecutors are lawyers not clinicians and as we transition the justice system to a focus on behavioral change the decision making will need to reflect the input of clinical experts The path forward is one characterized largely by change from traditional criminal prosecution and punishment to venues that balance accountability compliance and risk management with behavioral change interventions that address the primary underlying causes for recidivism There are many moving parts to this effort and it is a complex proposition It requires substantial changes to law procedure decision making roles and responsibilities expertise and funding Moreover it requires a radical shift in how we think about crime and punishment Our thinking needs to reflect a perspective that crime is harmful but that much criminal behavior is changeable

*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

**Crime and Justice, Volume 45** Michael Tonry, 2017-02-22 Sentencing Policies and Practices in Western Countries Comparative and Cross national Perspectives is the forty fifth addition to the Crime and Justice series Contributors include Thomas Weigend on criminal sentencing in Germany since 2000 Julian V Roberts and Andrew Ashworth on the evolution of sentencing policy and practice in England and Wales from 2003 to 2015 Jacqueline Hodgson and Laurie Soubise on understanding the sentencing process in France Anthony N Doob and Cheryl Marie Webster on Canadian sentencing policy in the twenty first century Arie Freiberg on Australian sentencing policies and practices Krzysztof Krajewski on sentencing in Poland Alessandro Corda on Italian policies Michael Tonry on American sentencing and Tapio Lappi Seppälä on penal policy and sentencing in the Nordic countries

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

*Beyond Punishment?* Zachary Hoskins, 2019-03-25 People convicted of crimes are subject to a criminal sentence but they also face a host of other restrictive legal measures Some are denied access to jobs housing welfare the vote or other goods Some may be deported

may be subjected to continued detention or may have their criminal records made publicly accessible. These measures are often more burdensome than the formal sentence itself. In *Beyond Punishment*, Zachary Hoskins offers a philosophical examination of these burdensome legal measures called collateral legal consequences. Drawing on resources in moral, legal, and political philosophy, Hoskins analyzes the various kinds of collateral consequences imposed in different legal systems and the important moral challenges they raise. Can collateral legal consequences ever be justified as forms of criminal punishment or as civil measures? Hoskins contends that, considered as forms of punishment, such restrictions should be constrained by considerations of proportionality and offender reform. He also argues that they may, in a limited range of cases, be permissible as risk-reductive civil measures. Whether considered as criminal punishment or civil measures, however, collateral legal consequences are justifiable in a far narrower range of cases than we find in current legal practice. Considering just how pervasive collateral legal consequences have become and their dramatic effects on offenders' lives, *Beyond Punishment* sheds valuable light on whether these restrictive measures 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.

**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.



## Reviewing **Rethinking Sentencing**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Rethinking Sentencing**," an enthralling opus penned by a highly acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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## Rethinking Sentencing Introduction

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