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Nigel Walker

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Sentencing In A Rational Society

Nigel Walker



Sentencing In A Rational Society:

Sentencing In Rational Socet Nigel Walker,1971-05-06 **Sentencing in a Rational Society** Nigel Walker,1971

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 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 Policy and Social Justice* Ralph Henham,2018-02-22 *Sentencing Policy and Social Justice* argues that the promotion of social justice should become a key objective of sentencing policy advancing the argument that the legitimacy of sentencing ultimately depends upon the strength of the relationship

between social morality and penal ideology It sheds light on how shared moral values can influence sentencing policy at a time when relationships of community appear increasingly fragmented arguing that sentencing will be better placed to make a positive contribution to social justice if it becomes more sensitive to the commonly accepted moral boundaries that underpin adherence to the rule of law The need to reflect public opinion in sentencing has received significant attention more recently with renewed interest in jury sentencing stakeholder sentencing and the involvement of community views when regulating policy The author however advocates a different approach combining a new theoretical focus with practical suggestions for reform and arguing that the contribution sentencing can make to social justice necessitates a fundamental change in the way shared values about the advantages of punishment are reflected in penal ideology and sentencing policy Using examples from international comparative and domestic contexts to advance the moral and ethical case for challenging the existing theories of sentencing the book develops the author's previous theoretical ideas and outlines how these changes could be given practical shape within the context of sentencing in England and Wales It assesses the consequences for penal governance due to increased state regulation of discretionary sentencing power and examines the prospects for achieving the kind of moral transformation regarded as necessary to reverse such a move To illustrate these issues each chapter focuses on a particularly problematic area for contemporary sentencing policy namely the sentencing of women the sentencing of irregular migrants sentencing for offences of serious public disorder and sentencing for financial crime

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

Fundamentals of Sentencing Theory Andrew Ashworth, Martin Wasik, 1998 The Oxford Monographs On Criminal Law And Justice series aims to cover all aspects of criminal law and procedure including criminal evidence the scope of the series is wide encompassing both practical and theoretical works Series Editor Professor Andrew Ashworth Vinerian Professor of English Law All Souls College Oxford This volume is a thematic collection of essays on sentencing theory by leading writers The essays fall into three groups Part I considers the underlying justifications for the imposition of punishment by the State and examines the relationship between victims offenders and the State Part II addresses a number of areas of sentencing policy that have given rise to particular difficulty such as the sentencing of drug offenders the rationale for discounting sentences for multiple offenders the existence of special sentencing for young offenders and cases where the injury done to the victim is of a different magnitude from what might have been expected Part III raises various questions about the unequal impact on offenders of different sentencing measures and examines the extent to which sentences should be adjusted to take account of these different impacts and of broader social inequalities This volume is dedicated to Professor Andrew von Hirsch whose continuing work on sentencing theory provided the stimulus for the collection

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

Reform of the Federal Criminal Laws United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Criminal Laws and Procedures, 1971 *Gambling in America* United States. Commission on the Review of the National Policy Toward Gambling, 1976

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