

PUNISHMENT
AND
RESTITUTION

A Restitutionary Approach
to Crime and the Criminal

Charles F. Abel and Frank H. Marsh

Punishment And Restitution A Restitutionary Approach To Crime And The Criminal

Dale A. Nance



Punishment And Restitution A Restitutionary Approach To Crime And The Criminal:

Punishment and Restitution Charles F. Abel, 1984 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 **Unjust Enrichment** James Edelman, Elise Bant, 2016-08-25 Unjust enrichment is one of the least understood of the major branches of private law This book builds on the 2006 work by the same authors which examined the developing law of unjust enrichment in Australia The refinement of the authors thinking responding to novel issues and circumstances that have arisen in the maturing case law has required many chapters of the book to be completely rewritten The scope of the book is also much broader It concerns the principles of the law of unjust enrichment in Australia New Zealand England and Canada Major decisions of the highest courts of these jurisdictions in the last decade provide a fertile basis for examining the underlying principles and foundations of this subject The book uses the leading cases particularly in England and Australia to distil and explain the fundamental principles of this branch of private law The cases discussed are current as of 1 May 2016 although the most recent could only be included in footnotes **The Right to Be Punished** Gabriel Hallevy, 2012-10-12 Does an offender have the right to be punished The right to be punished may sound like an oxymoron but it is not necessarily so With the emergence of modern criminal law the offender gained the right to be punished by rational criminal law rather than being lynched by an angry mob The present day offender may have the right to be punished by doctrinal sentencing rather than being subjected to verdicts based on vague unclear and uncertain principles In modern criminal law the imposition of criminal liability follows accurate and strict rules whereas there are no similar rules for the imposition of punishment The process of sentencing is vague and obscure as are the considerations used for the imposition of punishments The objective of the present book is to propose a comprehensive general and legally sophisticated theory of modern doctrinal sentencing The challenges of such a legal theory are plenty and complex In addition to increasing clarity and certainty modern doctrinal sentencing must deal with modern types of delinquency e g organized crime recidivism corporate offenders high tech

offenses etc and modern principles of criminal law Modern doctrinal sentencing must serve to ensure optimal sentencing

A System of Rights Rex Martin,1993 The justification of political authority is one of the long standing issues of political philosophy and one which persistently defies satisfactory solution This book sets out to provide an original justification by establishing a background framework for dealing with this problem The model political system that emerges is one in which certain kinds of political rights are emphasized Rex Martin then discusses what the implications of such a system might be for democratic institutions political allegiance punishment and ultimately for the nature of political authority itself

Restoring Justice Daniel W. Van Ness,Karen Heetderks Strong,2010-06-25 Restoring Justice An Introduction to Restorative Justice offers a clear and convincing explanation of restorative justice a movement within criminal justice with growing worldwide influence It explores the broad appeal of this new vision and offers a brief history of its development The book presents a theoretical foundation for the principles and values of restorative justice and develops its four cornerpost ideas of encounter amends inclusion and reintegration After exploring how restorative justice ideas and values may be integrated into policy and practice it presents a series of key issues commonly raised about restorative justice summarizing various perspectives on each Van Ness and Strong are renowned scholars in the field of restorative justice Appendices include a case study to help illustrate the concepts of the text and internet resources on topics in restorative justice

Punishment And Culture María José Falcón y Tella,Fernando Falcón y Tella,2006 This volume critically explores the basis and the goal of punishment from the standpoint of the right to punish The work reviews the main doctrines that have dealt with the theme of punishment from Antiquity to the present not limiting itself to the legal philosophical sphere but also analyzing the contributions from other social sciences It then explores how these are reflected in the sphere of Positive Law

Reparations and Victim Support in the International Criminal Court Conor McCarthy,2012-04-12 Explores the ICC s regime of victim redress including both its reparations regime and the work of the ICC Trust Fund **Fair Labelling and the Dilemma of Prosecuting Gender-Based Crimes at the International Criminal Tribunals** Hilmi M. Zawati,Hilmi Zawati,2015-11 This scholarly legal work focuses on the dilemma of prosecuting gender based crimes under the statutes of the international criminal tribunals with reference to the principle of fair labelling In this book Hilmi M Zawati explains how the abstractness and lack of accurate description of gender based crimes in the statutory laws of the international criminal tribunals and courts infringe the principle of fair labelling lead to inconsistent verdicts and punishments and cause inadequate prosecution of these crimes This inquiry deals with gender based crimes as a case study and with fair labelling as a legal principle and a theoretical framework Critical and timely this study contributes to existing scholarship in many different ways It is the first legal analysis to focus on the dilemma of prosecuting and punishing wartime gender based crimes in the statutory laws of the international criminal tribunals and the ICC in the context of fair labelling Moreover it emphasizes that applying fair labelling to wartime gender based crimes would enable the tribunals and the ICC to deliver fair

judgments eliminate inconsistent prosecution overcome shortcomings in addressing gender based crimes within their jurisprudence while breaking the cycle of impunity for these crimes Consisting of two parts this work begins by outlining the central focus and theoretical legal framework of the study It concentrates on fair labelling as an imperative legal principle and a legal framework examines its intellectual development scope and justification and illustrates its applicability to gender based crimes The second part addresses the dilemma of prosecuting gender based crimes in the international criminal tribunals

The Burdens of Proof Dale A. Nance, 2016-03-11 Adjudicative tribunals in both criminal and non criminal cases rely on the concept of the burden of proof to resolve uncertainty about facts Perhaps surprisingly this concept remains clouded and deeply controversial Written by an internationally renowned scholar this book explores contemporary thinking on the evidential requirements that are critical for all practical decision making including adjudication Although the idea that evidence must favor one side over the other to a specified degree such as beyond reasonable doubt is familiar less well understood is an idea associated with the work of John Maynard Keynes namely that there are requirements on the total amount of evidence considered to decide the case The author expertly explores this distinct Keynesian concept and its implications Hypothetical examples and litigated cases are included to assist understanding of the ideas developed Implications include an expanded conception of the burden of producing evidence and how it should be administered

Punishment And Restitution A Restitutionary Approach To Crime And The Criminal: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the engaging narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This touching tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens' "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and gripping novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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