



# Mitigation And Aggravation At Sentencing Cambridge Studies In Law And Society

**Ralph Henham**



## **Mitigation And Aggravation At Sentencing Cambridge Studies In Law And Society:**

**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

**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

**Sentencing and Punishment** Susan Easton, Christine Piper, 2022-12-01 Examining the theory behind the headlines and engaging with current debates this new edition provides thoughtful impartial and unbiased coverage of sentencing and punishment in the UK Collectively Susan

Easton and Christine Piper are highly experienced teachers and researchers in this field making them perfectly placed to deliver this lively account of a highly dynamic subject area. The book takes a thorough and systematic approach to sentencing and punishment examining key topics from legal philosophical and practical perspectives. Offering in depth and detailed coverage while remaining clear and succinct the authors deliver a balanced approach to the subject. Chapter summaries, discussion questions and case studies help students to engage with the subject, apply their knowledge and reflect upon debates. Fully reworked and restructured this fifth edition has been updated to include developments such as the Sentencing Act 2020 and changes following the 2019 general election. This is the essential guide for anyone studying sentencing and punishment as part of a law or criminology course.

### **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.

**Mitigation and Aggravation at Sentencing** Julian V. Roberts, 2014-05-14. Explicit guidance for sentencing decisions and an explicit rationale to guide them has been a notable feature of sentence reform efforts over recent decades. In England and Wales, a system of sentencing guidelines is in place based on statutory standards and guidelines provided by the Sentencing Council. Meanwhile, an extensive literature on sentencing theory has developed, for example, based on notions of desert and proportionate sanctions or on notions of limiting retributivism. See von Hirsch and Ashworth 2005, FWD 003 chs 9 and appendix 2.

**Disabling Criminal Justice** Marie Tidball, 2024-02-22. This book considers the governance of defendants and offenders with autism in the UK courts. Drawing on a rigorously researched case study of adult defendants with autism, the book brings together legal and policy literature, criminological and criminal justice theory with disability studies to provide insight into the dividing practices that affect the governance of disabled defendants' conduct. Using interviews with elites and practitioners and court observation of 8 adult defendants with autism, the book investigates why the status of defendants with

autism as disabled under the Equality Act 2010 has been overlooked in criminal justice policy and criminal court decision making

The Death Penalty Roger Hood, Carolyn Hoyle, 2008 The 4th edition edition of this classic study has been thoroughly revised to provide up to date information on the scope and practice of capital punishment and the movement backed by international organizations and human rights treaties to abolish the death penalty worldwide As in previous editions it draws on Roger Hood s experience as consultant to the United Nations for the Secretary General s five yearly surveys of capital punishment as well as the latest information from non governmental organizations and the academic literature Not only have more countries such as the Phillipines abolished capital punishment but amongst those that retain the death penalty fewer have been carrying out executions Legal challenges to the mandatory imposition of capital punishment have been successful as has the movement to abolish the death penalty for those who commit a capital crime when under the age of 18 Of particular interest is the situation in China where all death sentences are to be reviewed by the People s Supreme Court Support for capital punishment is waning in the USA where concern is mounting as evidence of conviction of the innocent grows and where there have been renewed challenges to the constitutionality of the death penalty Despite the many advances towards world wide abolition this book reveals many human rights abuses where the death penalty still exists These include the wide range of crimes still subject to capital punishment in some countries the lack of protection from police abuse unfair trials lack of access to qualified defence counsel terrible conditions and excessive periods of time spent on death row and public and painful forms of execution Roger Hood and Carolyn Hoyle engage with the latest debates on the realities of capital punishment especially the claim that the death penalty is a uniquely effective deterrent to murder and other serious crimes This edition brings up to date the discussion of whether capital punishment can ever be administered equitably without discrimination or error and for the first time considers the alternatives to capital punishment especially the problems associated with a mandatory sentence to life imprisonment without the possibility of parole This edition also considers the role and influence of victims families and victim interest movements

Perspectives on Determinate Sentencing W. Donald Pointer, 1982 *New Society*, 1968 *The Writers Directory*, 2013 *Sentencing and Criminal Justice* Andrew Ashworth, 2015-08-20 The leading textbook on sentencing and the only one to integrate theory and empirical research with legislation guidelines and case law

**Current Law Index**, 2003 *The Writers Directory* 2008 Michelle Kazensky, 2007-06 Features bibliographical biographical and contact information for living authors worldwide who have at least one English publication Entries include name pseudonyms addresses citizenship birth date specialization career information and a bibliography

**People of Today**, 2002 *The Framework of Judicial Sentencing* Austin Lovegrove, 2006-11-23 Austin Lovegrove examines the thinking of judges as they sentence multiple offenders and identifies the strategies judges have developed to help them apply sentencing law in individual cases based on their responses when asked to think aloud while undertaking sentencing problems Giving increased specificity to legal analyses of the sentencing

process Dr Lovegrove enables the appropriateness of the judicial approach to be evaluated and offers a basis for rule based and numerical guidelines by making what is currently a largely intuitive process more deliberative

**Responding to the Culpable State** Leo Zaibert, Julian V Roberts, Jesper Ryberg, 2025-02-06 This volume explores ethical aspects relating to claims for mitigation arising from culpable state action or inaction It answers the important and controversial question to what extent should the state mitigate sentencing for defendants who have been victims of state misconduct The volume explores the normative justifications for mitigation and answers many intriguing questions For example in terms of the procedural challenges should the offender have to prove a causal link between state wrongdoing or neglect and the offending Can a court take judicial notice of state induced social adversity and apply this consideration to all affected offenders Other questions relate to the implications for courts and sentencing commissions which issue guidance to courts regarding mitigation at sentencing To what extent is the offender less culpable as a result of state misconduct and what are the limits of any resulting sentence reductions Do sentence reductions for state misconduct undermine proportionality or deprecate the seriousness of the impact on the victim of crime Should this factor be included in any sentencing guidelines or possibly even as a statutory mitigating factor Each contribution explores a distinct cross jurisdictional claim for mitigation on the basis of State negligence or misconduct towards the offender The chapters all address the appropriate response of courts at sentencing

**Reform and Punishment** Sue Rex, Michael Tonry, 2012-12-06 In this book a group of leading authorities in the field address the key issues surrounding the future of sentencing in Britain in the light particularly of the highly influential Halliday Report These proposals for reform amount to the single most ambitious and comprehensive set of proposals for reconstituting the sentencing system of a common law country and include proposals to replace existing sentencing statutes the establishment of a sentencing commission and sentencing guidelines and the creation of a sentence review function in the judiciary As well as addressing the major issues of the Halliday Report the chapters in this book go beyond this to explore the broader set of policy problems and implications which are raised drawing upon experiences of reform in other jurisdictions and contexts particularly that of the USA This book will be essential reading for anybody with an interest in the future of sentencing or the future direction of the criminal justice system as a whole

**Exploring Sentencing Practice in England and Wales** J. Roberts, 2015-02-27 This volume explores the theory and practice of sentencing in England and Wales exploring issues such as the role of previous convictions offender remorse and sentencing female offenders as well as drawing upon a new and unique source of data from the Crown courts

**Trials and Punishments** Antony Duff, 1986 This book discusses whether a system of criminal punishment can be justified within our legal system

*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.

## Embracing the Song of Expression: An Psychological Symphony within **Mitigation And Aggravation At Sentencing Cambridge Studies In Law And Society**

In some sort of taken by screens and the ceaseless chatter of fast conversation, the melodic beauty and emotional symphony produced by the written term often fade into the background, eclipsed by the constant sound and distractions that permeate our lives. However, located within the pages of **Mitigation And Aggravation At Sentencing Cambridge Studies In Law And Society** a stunning literary treasure filled with raw emotions, lies an immersive symphony waiting to be embraced. Constructed by an elegant musician of language, that interesting masterpiece conducts viewers on a mental journey, well unraveling the concealed melodies and profound affect resonating within each carefully crafted phrase. Within the depths of the moving analysis, we can explore the book is main harmonies, analyze their enthralling writing fashion, and submit ourselves to the profound resonance that echoes in the depths of readers souls.

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