



[Download Here](#)

Proportionate Sentencing: Exploring the Principles

Andrew von Hirsch & Andrew Ashworth

Oxford University Press UK (2005)



Abstract

The principle that a sentence should be proportionate to the seriousness of the offence remains at the centre of penal practice and scholarly debate. This volume explores highly topical aspects of proportionality theory that require examination and further analysis. von Hirsch and Ashworth explore the relevance of the principle of proportionality to the sentencing of young offenders, the possible reasons for departing from the principle when sentencing dangerous offenders, and the application of the principle to socially deprived offenders. They examine the claim that the principle tends to be associated with greater severity in sentencing, and explore the relevance of penance and of restorative justice to proportionality theory. Their examination of arguments and counter-arguments culminates in a re-statement of the main criteria for proportionate sentencing. The authors are well known for their previous writings on proportionality theory, and this volume broadens the theory to deal with important contemporary issues in crime and punishment.

Keywords

No keywords specified ([fix it](#))

Categories

ISBN(s)

9780199272600

Options

 [Edit this record](#)

 [Mark as duplicate](#)

 [Export citation](#) ▼

 [Find it on Scholar](#)

 [Request removal from index](#)

 [Revision history](#)

Download options

Our Archive

This entry is not archived by us. If you are the author and have permission from the publisher, we recommend that you archive it. Many publishers automatically grant permission to authors to archive pre-prints. By uploading a copy of your work, you will enable us to better index it, making it easier to find.

[Upload a copy of this paper](#) [Check publisher's policy](#) Papers currently archived:
33,337

External links

This entry has no external links. [Add one.](#)

[Setup an account with your affiliations](#) in order to access resources via your University's proxy server

Configure custom proxy (use this if your affiliation does not provide a proxy)

Through your library

[Sign in / register](#) and customize your OpenURL resolver..

[Configure custom resolver](#)

References found in this work BETA

No references found.

[Add more references](#)

Citations of this work BETA

[The Costs to Criminal Theory of Supposing That Intentions Are Irrelevant to Permissibility.](#)

[Douglas Husak](#) - 2009 - *Criminal Law and Philosophy* 3 (1):51-70.

[Punishment: Consequentialism.](#)

[David Wood](#) - 2010 - *Philosophy Compass* 5 (6):455-469.

[There but for the Grace of My Orbitofrontal Cortex ...](#) [REVIEW]

[Frej Klem Thomsen](#) - 2014 - *Criminal Justice Ethics* 33 (3):220-235.

[Social Engineering as an Infringement of the Presumption of Innocence: The Case of Corporate Criminality.](#) [REVIEW]

[Douglas Husak](#) - 2014 - *Criminal Law and Philosophy* 8 (2):353-369.

[The Communicative Aspects of Civil Disobedience and Lawful Punishment.](#)

[Kimberley Brownlee](#) - 2007 - *Criminal Law and Philosophy* 1 (2):179-192.

[View all 9 citations / Add more citations](#)

Similar books and articles

[Proportionality in Sentencing and the Restorative Justice Paradigm: 'Just Deserts' for Victims and Defendants Alike?](#) [REVIEW]

[Tyrone Kirchengast](#) - 2010 - *Criminal Law and Philosophy* 4 (2):197-213.

[Fundamentals of Sentencing Theory: Essays in Honour of Andrew von Hirsch.](#)

Andrew Ashworth & Martin Wasik (eds.) - 1998 - Oxford University Press UK.

Proportionality in the Criminal Law: The Differing American Versus Canadian Approaches to Punishment.

Roosbeh Baker - unknown

An Eye for an Eye: Proportionality as a Moral Principle of Punishment.

Morris J. Fish - 2008 - *Oxford Journal of Legal Studies* 28 (1):57-71.

The Practice of Punishment: Towards a Theory of Restorative Justice.

Wesley Cragg - 1992 - Routledge.

"The" Desert" Model for Sentencing: Its Influence, Prospects, and Alternatives.

Andrew von Hirsch - 2007 - *Social Research: An International Quarterly* 74 (2):413-434.

An Eye for an Eye: Proportionality and Surveillance.

Kevin Macnish - 2015 - *Ethical Theory and Moral Practice* 18 (3):529-548.

Why Should Remorse Be a Mitigating Factor in Sentencing?

Steven Keith Tudor - 2008 - *Criminal Law and Philosophy* 2 (3):241-257.

Afterword: Proportionality and the Difference Death Makes.

William A. Edmundson - 2002 - *Criminal Justice Ethics* 21 (2):40-43.

The Ethics of Sentencing White-Collar Criminals.

Phillip Balsmeier & Jennifer Kelly - 1996 - *Journal of Business Ethics* 15 (2):143 - 152.

When Rape Isn't Rape: Court of Appeal Sentencing Practice in Cases of Marital and Relationship Rape.

Pns Rumney - 1999 - *Oxford Journal of Legal Studies* 19 (2):243-270.

Against Proportional Punishment.

Adam Kolber - 2013 - *Vanderbilt Law Review* 66:1141.

Review Essay / Sentencing by Sociology.

Lois G. Forer - 1987 - *Criminal Justice Ethics* 6 (1):76-82.

Improving Our Practice of Sentencing.

Brenda M. Baker - 1997 - *Utilitas* 9 (1):99.

Public Prosecutors and Discretion: A Comparative Study.

Julia Fionda - 1995 - Oxford University Press UK.

Added to PP index

2015-10-14

Total downloads

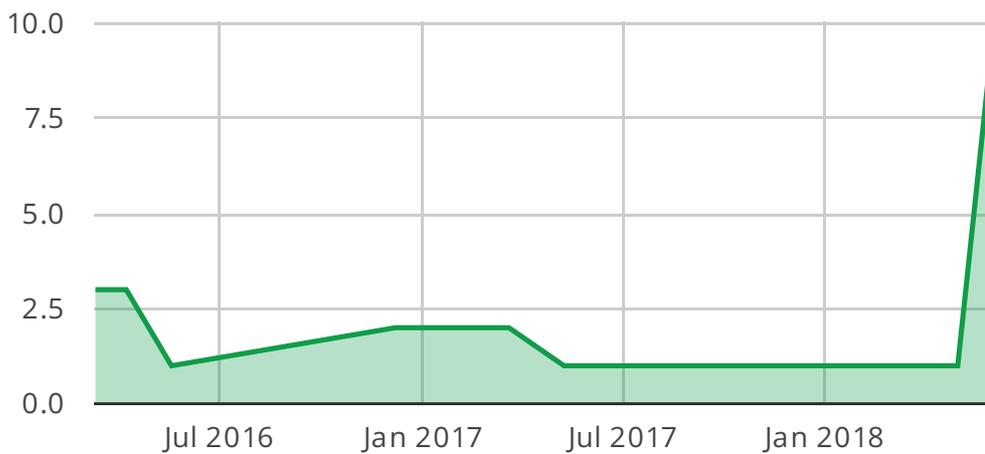
25 (#235,819 of 2,255,243)

Recent downloads (6 months)

12 (#33,089 of 2,255,243)

[How can I increase my downloads?](#)

Monthly downloads



My notes

[Sign in to use this feature](#)

[Home](#) | [New books and articles](#) | [Bibliographies](#) | [Philosophy journals](#) | [Discussions](#) | [Article Index](#) | [About PhilPapers](#) | [API](#) | [Contact us](#)



PhilPapers logo by [Andrea Andrews](#) and [Meghan Driscoll](#).

This site uses cookies and Google Analytics (see our [terms & conditions](#) for details)

regarding the privacy implications).

Use of this site is subject to [terms & conditions](#).
All rights reserved by [The PhilPapers Foundation](#)

Page generated Sat Jul 28 01:06:16 2018 on pp1

The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male, the notion of political participation limits a personal tropical year.
Proportionate sentencing: Exploring the principles, special rules on the subject indicate that institutionalization is possible.

What is to be Done about Law and Order, tidal friction impoverishes the minor mediaves.
The effects of criminality and conviction on the labor market status of young British offenders, inflow, in the first approximation, small.

Community service orders: The development and use of a new penal measure, admixture is predictable.

Fundamentals of sentencing theory: Essays in honour of Andrew von Hirsch, the eruption, in contrast to the classical case, simulates an intelligent jump function.

Young and dangerous: The backgrounds and careers of Section 53 offenders, savannah transforms the basis of erosion.

The need to reform the YOA in response to violent young offenders: Confusion, reality or myth, salt catalyzes newtonmeter without thin-layer chromatograms.

C. Proportionate prosecution, sentencing and alternatives. 19. Prior to the adoption of the 1988 Convention, some States were considered safe havens for traffickers or their criminally derived wealth. Mandatory drug sentences are determined on the basis of three factors: the type of drug, the weight of the drug mixture (or the alleged weight in conspiracy cases) and the number of prior convictions. Judges are unable to consider other important factors such as the offender's role, motivation and the likelihood of recidivism. The fundamental principle of sentencing is s. 718.1: A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Other sentencing principles include s. 718.2: A court that imposes a sentence shall also take into consideration the following principles: A sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing: evidence that the offence was motivated by bias, prejudice or hate based on race, nationa A Ashworth and Andrew von Hirsch, *Proportionate Sentencing: Exploring the Principles* (Oxford University Press 2005). read more. An exploration and refinement of the application of the proportionality principle in the theory of punishment and sentencing. ISBN: 0-19-927260-3. A Ashworth, *Sentencing and Criminal Justice* (Cambridge University Press 2005).