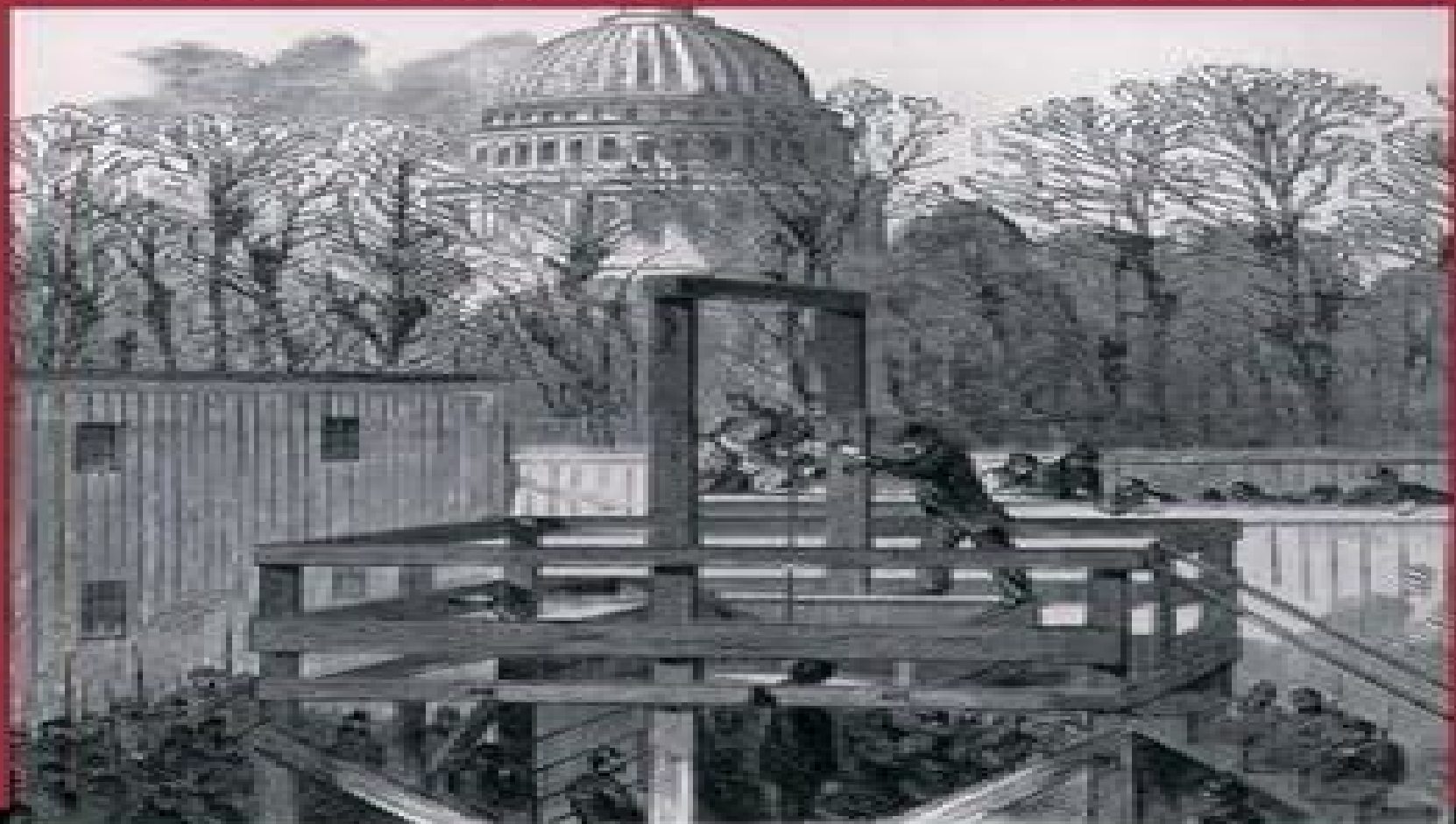


# HARSH JUSTICE

*Criminal Punishment and the  
Widening Divide between America and Europe*



JAMES Q. WHITMAN

# Harsh Justice Criminal Punishment And The Widening Divide Between America And Europe

**Mary Maguire, Dan Okada**



## **Harsh Justice Criminal Punishment And The Widening Divide Between America And Europe:**

Harsh Justice James Q. Whitman, 2005-04-14 Criminal justice in America is harsh and degrading when compared to other countries in the West By contrast France and Germany are systematically mild Whitman suggests that the difference results from America's non hierarchical social system and distrust of state power

**European and US Constitutionalism** Georg Nolte, 2005-09-29 European constitutionalism is not merely an intra European phenomenon but it can also be compared to other major forms of constitutionalism Over the past decade or so issues have emerged which seem to indicate that European constitutional theory and practice is becoming aware that it has developed certain rules and possesses certain characteristics which distinguish it from US constitutionalism and vice versa This book explores whether such differences can be found in the five areas of freedom of speech human dignity duty to protect adjudication and democracy and international influences The authors of this book are constitutional scholars from Europe and the United States as well as from other constitutional states such as Canada Israel Japan Peru and South Africa

**The Impact of European Human Rights Bodies on Penal Policies** Gaëtan Cliquennois, 2025-06-27 A new framework for penal and prison policies in Europe has been progressively established by the European Court of Human Rights ECtHR the Council of Europe CoE and the European Union EU to protect the human rights of detainees in Europe European countries have reacted in very diverse ways to this influence This book looks at the evolving content of case law and European Standards and their effects through a range of national reactions processes and policies in different European countries

*Corrections* Mary K. Stohr, Anthony Walsh, 2019-12-10 Written by two academic scholars and former practitioners *Corrections From Research to Policy to Practice* Second Edition offers students a 21st century look into the treatment and rehabilitative themes that drive modern day corrections Authors Mary K Stohr and Anthony Walsh expertly weave together research policy and practice to give readers a foundational understanding of the field of corrections Readers will gain a comprehensive and practical understanding of corrections as well as exposure to often overlooked topics including correctional programming and treatment special problem solving courts and comparative corrections

International Organizations and Internal Conditionality R. Fawn, 2013-11-12 This book explores how norms based international organizations namely the Council of Europe and the OSCE are still able to win in world politics Fawn uses the concept of internal conditionality to explain how these organizations have been able to respond to members with a lack of material incentives or instruments of coercion

*A Companion to American Legal History* Sally E. Hadden, Alfred L. Brophy, 2013-02-22 *A Companion to American Legal History* presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century Presents up to date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas

*Emotions, Crime and Justice* Susanne

Karstedt, Ian Loader, Heather Strang, 2011-04-01 The return of emotions to debates about crime and criminal justice has been a striking development of recent decades across many jurisdictions This has been registered in the return of shame to justice procedures a heightened focus on victims and their emotional needs fear of crime as a major preoccupation of citizens and politicians and highly emotionalised public discourses on crime and justice But how can we best make sense of these developments Do we need to create emotionally intelligent justice systems or are we messing recklessly with the rational foundations of liberal criminal justice This volume brings together leading criminologists and sociologists from across the world in a much needed conversation about how to re calibrate reason and emotion in crime and justice today The contributions range from the micro analysis of emotions in violent encounters to the paradoxes and tensions that arise from the emotionalisation of criminal justice in the public sphere They explore the emotional labour of workers in police and penal institutions the justice experiences of victims and offenders and the role of vengeance forgiveness and regret in the aftermath of violence and conflict resolution The result is a set of original essays which offer a fresh and timely perspective on problems of crime and justice in contemporary liberal democracies **Justice, Crime, and Ethics** Michael C. Braswell, Belinda R. McCarthy, Bernard J. McCarthy, 2010-12-29 The contributions in this book examine ethical dilemmas pertaining to the administration of criminal justice and professional activities in the field Comprehensive coverage is achieved through focus on law enforcement legal practice sentencing corrections research crime control policy and philosophical issues The seventh edition includes three new chapters focusing on deception in police interrogation using ethical dilemmas in training police and terrorism and justice Essays are enhanced with case studies and exercises designed to stimulate critical and creative thinking regarding ethical issues in crime and justice Discussion questions and lists of key concepts focus readers and help them to understand ethics in the context of the criminal justice system **Criminological Theory** J. Robert Lilly, Francis T. Cullen, Richard A. Ball, 2011 Offering a rich introduction to how scholars analyze crime this Fifth Edition of the authors clear accessible text moves readers beyond often mistaken common sense knowledge of crime to a deeper understanding of the importance of theory in shaping crime control policies This thoroughly revised edition covers traditional and contemporary theory within a larger sociological and historical context and now includes new sources that assess the empirical status of the major theories as well as updated coverage of crime control policies and their connection to criminological theory A Handbook of Comparative Social Policy, Second Edition Patricia Kennett, 2013-01-01 This extensively revised edition of A Handbook of Comparative Social Policy provides up to date and valuable insights on key concepts and issues such as globalization crime diversity housing child poverty gender inequality and social policy regimes To write about these topics editor Patricia Kennett has gathered an excellent team of researchers who deal with both the developing and the advanced industrial world Students of comparative social policy would benefit from engaging with this illuminating Handbook Daniel B land Johnson Shoyama Graduate School of Public Policy Canada The current context of social

policy is one in which many of the old certainties of the past have been eroded. The predominantly inward looking domestic preoccupation of social policy has made way for a more integrated international and outward approach to analysis which looks beyond the boundaries of the state. It is in this context that this Handbook brings together the work of key commentators in the field of comparative analysis in order to provide comprehensive coverage of contemporary debates and issues in cross national social policy research. Organized around five themes, this thoroughly revised and updated second edition explores the contextual, conceptual, analytical and processual aspects of undertaking comparative social research. The contributions highlight specific areas of comparative social policy including child poverty and well being, patterns of housing provision and housing inequalities and social protection in East Asia as well as crime and criminology in a global context. The authors of the Handbook explore continuing and emerging themes as well as issues which are of particular relevance to understanding the contemporary social world. International in scope, this authoritative Handbook presents original, cutting edge research from leading specialists and will become an indispensable source of reference for anyone interested in comparative and international social research. It will also prove a valuable study aid for undergraduate and postgraduate students from a range of disciplines including social policy, sociology, politics, urban studies and public policy.

**Critical Issues in Crime and Justice** Mary Maguire, Dan Okada, 2014-11-11. A comprehensive, provocative overview of the origins and present state of issues and perspectives in criminal justice and criminology from leading scholars in the field. In this important book of essays, leading scholars explore the gamut of topics in criminal justice and criminology, examining both historical and contemporary material to illustrate the past and present of each topic covered. Drawing on a wide range of sources, Mary Maguire and Dan Okada illustrate the breadth of research, policy and practice implications in key areas of the field such as crime theory, law enforcement, jurisprudence, corrections and criminal justice organization and management. The coverage of concepts, insights, voices and perspectives is geared toward students with a background in criminal justice or criminology courses to challenge them to synthesize what they have learned, to question standard interpretations and to begin to create new directions and visions for their future careers as professionals in the field.

*Justice and Penal Reform* Stephen Farrall, Barry Goldson, Ian Loader, Anita Dockley, 2016-02-05. In the aftermath of the financial crisis of 2008, Western societies entered a climate of austerity which has limited the penal expansion experienced in the US, UK and elsewhere over recent decades. These altered conditions have led to introspection and new thinking on punishment even among those on the political right who were previously champions of the punitive turn. This volume brings together a group of international leading scholars with a shared interest in using this opportunity to encourage new avenues of reform in the penal sphere. Justice is a famously contested concept and this book takes a deliberately capacious approach to the question of how justice can be mobilised to inform new reform agendas. Some of the contributors revisit an antique question in penal theory and reconsider the question of what fair or just punishment should look like today. Others seek to make gender central to

understanding of crime and punishment or actively reflect on the part that related concepts such as human rights legitimacy and trust can and should play in thinking about the creation of more just crime control arrangements Faced with the expansive penal developments of recent decades much research and commentary about crime control has been gloom laden and dystopian By contrast this volume seeks to contribute to a more constructive sensibility in the social analysis of penalty one that is worldly hopeful and actively engaged in thinking about how to create more just penal arrangements Justice and Penal Reform is a key resource for academics and as a supplementary text for students undertaking courses on punishment penology prisons criminal justice and public policy This book approaches penal reform from an international perspective and offers a fresh and diverse approach within an established field

***Corrections: The Essentials*** Mary K. Stohr,Anthony Walsh,2014-12-10 *Corrections The Essentials* is a comprehensive yet compact version of corrections by two esteemed authors who are experts in the field The text addresses the most important topics in corrections in a shorter and more cost effective format The Second Edition continues to cover the history development and future of corrections as well as provides new coverage of Ethics and the Death Penalty The book s brevity makes it an excellent core textbook that can easily be supplemented with additional reading materials

***Retribution*** Thom Brooks,2019-10-30 *Retribution* is perhaps the most popular contemporary theory about punishment and has enjoyed enduring appeal as the oldest even most venerable penal theory with its strong ancient roots *Retribution* is understood in many different ways but the standard view of retribution is that punishment is justified where it is deserved and an offender should be punished in proportion to his desert In this volume retributivism is examined from various critical perspectives including its diversity relation with desert the link between desert and proportionality retributivist emotions and the idea of mercy The theory of retribution has been the subject of a revival of interest in recent years and the essays selected for this volume are the leading works on retribution from the dominant international figures in the field

***Reaffirming Rehabilitation*** Francis T. Cullen,Karen E. Gilbert,2012-11-13 *Reaffirming Rehabilitation* 2nd Edition brings fresh insights to one of the core works of criminal justice literature This groundbreaking work analyzes the rehabilitative ideal within the American correctional system and discusses its relationship to and conflict with political ideologies Many researchers and policymakers rejected the value of rehabilitation after Robert Martinson s proclamation that nothing works Cullen and Gilbert s book helped stem the tide of negativism that engulfed the U S correctional system in the years that followed the popularization of the nothing works doctrine Now Cullen traces the social impact on U S corrections policy This new edition is appropriate as a textbook in corrections courses and as recommended reading in related courses It also serves as a resource for researchers and policymakers working in the field of corrections

***Predictive Sentencing*** Jan W de Keijser,Julian V Roberts,Jesper Ryberg,2019-05-16 *Predictive Sentencing* addresses the role of risk assessment in contemporary sentencing practices Predictive sentencing has become so deeply ingrained in Western criminal justice decision making that despite early ethical

discussions about selective incapacitation it currently attracts little critique Nor has it been subjected to a thorough normative and empirical scrutiny This is problematic since much current policy and practice concerning risk predictions is inconsistent with mainstream theories of punishment Moreover predictive sentencing exacerbates discrimination and disparity in sentencing Although structured risk assessments may have replaced gut feelings and have now been systematically implemented in Western justice systems the fundamental issues and questions that surround the use of risk assessment instruments at sentencing remain unresolved This volume critically evaluates these issues and will be of great interest to scholars of criminal justice and criminology

**Crime and Justice, Volume 51** Michael Tonry, Sandra Bucerius, 2023-01-04 Volume 51 is a thematic volume on Prisons and Prisoners Since 1979 the Crime and Justice series has presented a review of the latest international research providing expertise to enhance the work of sociologists psychologists criminal lawyers justice scholars and political scientists The series explores a full range of issues concerning crime its causes and its cures In both the review and the occasional thematic volumes Crime and Justice offers an interdisciplinary approach to address core issues in criminology Volume 51 of Crime and Justice is the first to reprise a predecessor Prisons Volume 26 1999 edited by series editor Michael Tonry and the late Joan Petersilia In Prisons and Prisoners editors Michael Tonry and Sandra Bucerius revisit the subject for several reasons In 1999 most scholarly research concerned developments in Britain and the United States and was published in English Much of that was sociological focused on inmate subcultures or psychological focused on how prisoners coped with and adapted to prison life Some principally by economists and statisticians sought to measure the crime preventive effects of imprisonment generally and the deterrent effects of punishments of greater and lesser severity In 2022 serious scholarly research on prisoners prisons and the effects of imprisonment has been published and is underway in many countries That greater cosmopolitanism is reflected in the pages of this volume Several essays concern developments in places other than Britain and the United States Several are primarily comparative and cover developments in many countries Those primarily concerned with American research draw on work done elsewhere The subjects of prison research have also changed Work on inmate subcultures and coping and adaptation has largely fallen by the wayside Little is being done on imprisonment's crime preventive effects largely because they are at best modest and often perverse An essay in Volume 50 of Crime and Justice examining the 116 studies then published on the effects of imprisonment on subsequent offending concluded that serving a prison term makes ex prisoners on average more not less likely to reoffend In 1999 little research had been done on the effects of imprisonment on prisoners families children or communities or even except for recidivism on ex prisoners later lives family life employment housing physical and mental health or achievement of a conventional law abiding life The first comprehensive survey of what was then known was published in the earlier Crime and Justice Prisons volume An enormous literature has since emerged as essays in this volume demonstrate Comparatively little work had been done by 1999 on the distinctive prison experiences of women and members

of non White minority groups That too has changed as several of the essays make clear What is not clear is the future of imprisonment Through more contemporary and global lenses the essays featured in this volume not only reframe where we are in 2022 but offer informed insights into where we might be heading

**Justice before the Law** Michael Huemer, 2021-09-06 America's legal system harbors serious widespread injustices Many defendants are sent to prison for nonviolent offenses including many victimless crimes Convicts often serve draconian sentences in crowded prisons rife with abuse Almost all defendants are convicted without trial because prosecutors threaten defendants with drastically higher sentences if they request a trial Most Americans are terrified of encountering any kind of legal trouble knowing that both civil and criminal courts are extremely slow unreliable and expensive to use This book explores the largest injustices in the legal system and what can be done about them Besides proposing institutional reforms the author argues that prosecutors judges lawyers and jury members ought to place justice before the law for example by refusing to enforce unjust laws or impose unjust sentences Issues addressed include The philosophical basis for judgments about rights and justice The problems of overcriminalization and mass incarceration Abuse of power by police and prosecutors The injustice of plea bargaining The appropriateness of jury nullification The authority of the law or the lack thereof Justice Before the Law is essential reading for everyone interested in legal ethics the rule of law and criminal justice It is also ideal for students of legal philosophy

*The Death Penalty* Roger Hood CBE QC (Hon) DCL FBA, Carolyn Hoyle, 2008-03-27 The 4th edition of this authoritative study of the death penalty now written jointly with Carolyn Hoyle brings up to date developments in the movement to abolish the death penalty worldwide It draws on Roger Hood's experience as consultant to the United Nations for the UN Secretary General's five yearly surveys of capital punishment and on the latest information from non governmental organizations and the academic literature Not only have many more countries abolished capital punishment but even amongst those that retain it the majority have been carrying out fewer executions Legal challenges to the mandatory capital punishment have been successful as has the pressure to abolish the death penalty for those who commit a capital crime when under the age of 18 This edition has more to say about the prospects that China will restrict and control the number of executions on the road to abolition Yet despite such advances this book reveals many human rights abuses where the death penalty still exists In some countries a wide range of crimes are still subject to capital punishment and the authorities too often fail to meet the safeguards embodied in international human rights treaties to safeguard those facing the death penalty There is evidence of police abuse unfair trials lack of access to competent defence counsel excessive periods of time spent on in horrible conditions on death row and public painful forms of execution The authors engage with the latest debates on the realities of capital punishment especially its justification as a uniquely effective deterrent whether it can ever be administered equitably without discrimination or error and what influence relatives of victims should have in sentencing and on the public debate For the first time it also discussing the problem of devising an alternative to capital



punishment especially life imprisonment without the possibility of parole

**The Police Power** Markus Dirk

Dubner, 2005-01-12 Mention the phrase Homeland Security and heated debates emerge about state uses and abuses of legal authority This timely book is a comprehensive treatise on the constitutional and legal history behind the power of the modern state to police its citizens Dubner explores the roots of the power to police the most expansive and least limitable of governmental powers by focusing on its most obvious and problematic manifestation criminal law He argues that the defining characteristics of this power including the inability to accurately define it reflect its origins in the discretionary and virtually limitless patriarchal power of the householder over his household The paradox of patriarchal police power as the most troubling yet least scrutinized of governmental powers can begin to be resolved by subjecting this branch of government to the critical analysis it merits Dubner shows us that the question must become how can the police power and criminal law together serve the goals of social equity that define and give direction to contemporary democratic societies This book goes to the heart of this neglected but crucial topic

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