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How can a system of criminal punishment be justified? In particular

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can it be justified if the moral demand that we respect each other as autonomous moral agents is taken seriously? Traditional attempts to justify punishment as a deterrent or as retribution fail, but Duff suggests that punishment can be understood as a communicative attempt to bring a wrong-doer to repent her crime. This account is supported by discussions of moral blame, of penance, of the nature of the law's demands, and of the proper meaning and purpose of the criminal process of trial and verdict: it deals both with the ideals that should inform a system of criminal law and the extent to which those ideals are actualised in existing institutions and practices. The conclusion is pessimistic: punishment cannot be justified within our legal system; and this gap between the ideal and the actual presents us with serious moral dilemmas.

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We are said to face a crisis of over-criminalization: our criminal law has become chaotic, unprincipled, and over-expansive. This book proposes a normative theory of criminal law, and of criminalization, that shows how criminal law could be ordered, principled, and restrained. The theory is based on an account of criminal law as a distinctive legal practice that functions to declare and define a set of public wrongs, and to call to formal public account those who commit such wrongs; an account of the role that such practice can play in a democratic republic of free and equal citizens; and an account of the central features of such a political community, and of the way in which it constitutes its public realm-its civil order. Criminal law plays an important, but limited, role in such a political community in protecting, but also partly constituting, its civil order. On the basis of this account, we can see how such a political

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community will decide what kinds of conduct should be criminalized - not by applying one or more of the substantive master principles that theorists have offered, but by considering which kinds of conduct fall within its public realm (as distinct from the private realms that are not the polity's business), and which kinds of wrong within that realm require this distinctive kind of response (rather than one of the other kinds of available response). The outcome of such a deliberative process will probably be a more limited, and a more rational and principled, criminal law.

Almost everything we think about crime and punishment is wrong. I am going to show you why. And what we can do about it. Chris Daw QC has been practising criminal law for over 25 years, navigating Britain's fractured justice system from within. He has

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looked into the eyes of murderers, acted for notorious criminals, and listened to the tangled tales woven by fraudsters, money launderers and drug barons. Yet his work takes place at the heart of a system at breaking point - one which is failing perpetrators, victims and society - and now he is convinced that something must change. For most of us the criminal law only matters when we are victims of crime or are called for jury service. But what if everything we have been told about crime and punishment is wrong? What if the whole criminal justice system is a catastrophic waste of money, churning out lifelong criminals, dragging children into court from as young as ten, and fighting a war on drugs that can never be won? Drawing on his own fascinating case histories and global reporting, including the 2019 London Bridge attacks, Alabama's prison system and one of Britain's most dramatic mass shootings, Daw presents a radical

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new set of solutions for crime and punishment. By turns shocking, moving and pragmatic, Justice on Trial offers rare inside access to a system in crisis and a roadmap to a future beyond the binary of 'good' and 'evil'.

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

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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.

International criminal justice is challenged to better reflect legitimate victim interest. This book provides a framework for achieving synthesis between restorative and retributive dimensions within international criminal trials in order to achieve the peace-

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making aspirations of the International Criminal Court.

This book discusses the under-researched relationship between sentencing and the legitimacy of punishment. It argues that there is an increasing gap between what is perceived as legitimate punishment and the sentencing decisions of the criminal courts. Drawing on a wide variety of empirical research evidence, the book explores how sentencing could be developed within a more socially-inclusive framework for the delivery of trial justice. In the international context, such developments are directly relevant to the future role of the International Criminal Court, especially its ability to deliver more coherent and inclusive trial outcomes that contribute to social reconstruction. Similarly, in the national context, these issues have a vital role to play in helping to re-position trial justice

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as a credible cornerstone of criminal justice governance where social diversity persists. In so doing the book should help policy-makers in appreciating the likely implications for criminal trials of 'mainstreaming' restorative forms of justice. Sentencing and the Legitimacy of Trial Justice firmly ties the issue of legitimacy to the relevant context for delivering 'justice'. It suggests a need to develop the tools and methods for achieving this and offers some novel solutions to this complex problem. This book will be a valuable resource for graduate students, academics, practitioners and policy makers in the field of criminal justice as well as scholars interested in socio-legal and cross-disciplinary approaches to the analysis of criminal process and sentencing and the development of theory and comparative methodology in this area.

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A history of the attempts to introduce international criminal courts and new international criminal laws after World War I to repress aggressive war, war crimes, terrorism, and genocide.

The criminal trial is under attack. Traditional principles have been challenged or eroded; in England and Wales the right to trial by jury has been restricted and rules concerning bad character evidence, double jeopardy and the right to silence have been substantially altered to "rebalance" the system in favour of victims. In the pursuit of security, particularly from terrorism, the right to a fair trial has been denied to some altogether. In fact trials have for a long time been an infrequent occurrence, most criminal convictions being the consequence of a guilty plea. Moreover, while this very public struggle over the future of the criminal trial is conducted, there is

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also a less publicly observed controversy about the significance of trials in modern society. Trials are under normative attack, their value being doubted by those who seek different kinds of process - conciliatory or restorative - to address the needs of victims and move away from the imposition of state power through trials and punishments. This book seeks to develop a normative theory of the criminal trial as a way of defending the importance of trials in our criminal justice system. The trial, it is suggested, calls defendants to answer a charge and, if they are criminally responsible, to account for their conduct. The trial is seen as a communicative process through which the defendant can challenge claims of wrongdoing made against him, including the norms in the light of which those claims are made. The book develops this communicative theory by first making a careful study of the history of trials, before moving

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on to outline the theory, which is then developed through chapters looking at the practices and principles of trials, alternative regulatory models, the roles of participants, the relationship between investigation and trial and trials as public fora.

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