



The Right to Be Punished: Modern Doctrinal Sentencing

Gabriel Hallevy

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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.

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