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978-0-521-03256-8 - The Framework of Judicial Sentencing: A Study in Legal Decision Making

Austin Lovegrove

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Austin Lovegrove examines the sentencing of offenders appearing on multiple offences, and how judges, having fixed a prison sentence for each offence, determine an overall sentence for each offender. Analyzing judges' verbal protocols for sentencing problems and sentences for fictitious cases, he is able to offer, first, a model of judicial sentencing in the form of a decision strategy comprising working rules deduced from the given responses of judges as they attempted to apply sentencing law, and, second, a numerical guideline in the form of an algebraic model quantifying the application of the working rules. On the basis of this empirical data, Dr. Lovegrove furthers understanding of the nature and place of intuition in sentencing and of how the cumulation of sentence can be integrated into a system of proportionality related to the seriousness of single offences.

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A STUDY IN LEGAL DECISION MAKING

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University of Melbourne



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This is one of the great lessons of science. It is often necessary to resort to the abstract – to formal mathematical manipulations – to make sense of the world. Ordinary experience alone can be an unreliable guide.

Paul Davies. (Davies, 1983:16)

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