

To Punish or To Rehabilitate: Sentencing Goals as Mediators between Values, Axioms and Punitiveness towards Offenders

GRACE DZING MAN LAU

The Chinese University of Hong Kong

GRAHAM A. TYSON

Charles Sturt University

MICHAEL HARRIS BOND

The Polytechnic University of Hong Kong

The present study explored the structure of sentencing goals in Hong Kong, relating the endorsement of these sentencing goals to punitiveness, values, and social axioms. Two dimensions of sentencing goals, Punishment and Rehabilitation, were identified. Both dimensions significantly explained punitiveness towards offenders. The psychological basis of sentencing goals was traced by testing a model that relates the two dimensions of sentencing goals and of their consequent punitiveness to values and social axioms. Results indicated that the two sentencing goals were associated with certain dimensions of values and axioms, enabling us to establish a model with sentencing goals as mediators between values, axioms and punitiveness. This model extended current research on sentencing goals and can be applied in the legal context to evaluate the court's penal practice.

Keywords: sentencing goals, values, social axioms, punitiveness, criminology

懲罰或更新：以量刑目的作中介聯繫價值觀念、社會公理與量刑輕重

劉靜文

香港中文大學

Graham A. Tyson

Charles Sturt University

彭邁克

香港理工大學

摘要

本研究探討香港量刑目的之結構；包括量刑目的與量刑輕重，價值觀念及社會公理之關聯。研究指出量刑目的有兩方面：懲罰及更新。這兩方面都顯著地解釋對違法者之量刑輕重。本研究透過測試一個把兩種量刑目的及其產生的量刑輕重與價值觀念及社會公理相聯繫的模型，找出量刑目的之心理因素。研究指出兩個量刑目的與部份價值觀念及社會公理有密切的關係。這可用以建立一個以量刑目的作中介聯繫價值觀念及社會公理與量刑輕重的模型。本模型擴展現有量刑目的之研究，並可用於法律層面上，以作分析法庭上之判決。

關鍵字：量刑目的、價值觀念、社會公理、量刑輕重、犯罪學、刑事學