



The European Group on Sentencing & Penal Decision-Making

Admitting Guilt: Pleading, Presenting, Performing European Seminar

Thursday 22nd – Friday 23rd June 2023

**Centre for Law, Crime & Justice, Law School
University of Strathclyde
Glasgow, Scotland.**

Call for Participation

This European seminar brings together academic researchers, as well as practitioners, policy officials and others to learn from each other and to debate the role of admissions of guilt in judicial sentencing and across broader penal decision-making.

Across the world, all regimes claim legitimacy by stating the presumption of innocence is central to the freedom of their citizens. The decision as to whether to deny or admit responsibility for an alleged offence is, it is widely said, freely made by the individual.

On the other hand, all countries appear, in reality, to rely heavily upon admissions of guilt. This reliance is typically thought to be inevitable, and/or necessary to ensure the smooth running of the justice system.

So it is that many see a tension the values of due process and efficiency. This apparent tension has been the basis of prevailing debates and scholarship: where should the balance lie between due process and efficiency?

Yet, in more recent years scholarship has emerged which not only questions this simple due process-efficiency binary, but raises different questions. These are informed by an understanding that choice as to whether to deny or admit guilt is more subtle and nuanced than simply being either 'free' or 'forced'. This includes the influence of (perceived) justice system considerations, for example, process factors (e.g. offers of out of court settlement, bail, remand/pre-trial detention); the role of anticipated outcomes both at sentencing and the implementation of sentences (e.g. community-based sentences, prison sentences, prospects for parole). But it also includes wider considerations about the context of the reality of defendants' lives (family, work, addictions, peer relationships).

Furthermore, research has begun thinking about how the (seemingly) humane work of rehabilitation (and its promise) may influence decisions as to how and in what ways the person may accept responsibility for the alleged offences. How are defendants required to 'show' that they conform to certain expectations? How should acceptance of responsibility be 'appropriately performed' to decision-makers?

This seminar tackles key normative and empirical questions about the place and role of admissions of guilt in and by sentencing and penal decision-making. *For example:*

- What are the dynamics of admissions of guilt in sentencing and penal decision-making? How, and in what ways, can and should this be studied?
- What is and ought to be the role of the perceived attitude of the defendant to the charges against her in sentencing and penal decision-making?
- What challenges are faced by sentencing and penal decision-making in ascertaining the person's genuine and sincere attitude

to the alleged offending? Likewise, what challenges are faced by defendants (and their advisers) in presenting and performing the appropriate attitude?

- How, and in what ways, do inequalities impact decisions to admit or deny guilt? And likewise how do those processes impact inequalities?
- How are 'cultural differences' among defendants (and alleged victims) interpreted by professionals?
- What are the differences and similarities of different practices across Europe? Despite formal differences, do European sentencing and penal decision-making approaches to admissions of guilt share common functional characteristics? Do different (e.g. inquisitorial and adversarial) approaches tend, in practice, to generate some broadly similar phenomena?
- Furthermore, several European countries with an inquisitorial tradition have been introducing abbreviated procedures which offer formal recognition of admissions of guilt. How (and how) far do these developments reshape or accommodate traditional understandings of criminal process?
- Can European comparison be done in a more revealing way than simply juxtaposing a description of one country with another? What would a more thoroughly 'comparative method' look like? What are the functional equivalents?
- While there continues to be heated debate about plea-bargaining in cases prosecuted through court, huge changes have been taking place largely under-the-radar of research and public debate. Many jurisdictions are experiencing a sharp decline in the rates of court prosecution. Instead, cases which would have been prosecuted through court, (or may not have been prosecuted through court at all), are being made the subject of out-of-court offers of settlement. Is this change more progressive and proportionate, or, should it concern us? What do we know, and need to know, about these cases and the experience of people proceeded against and the (alleged) victims, as well as professionals and the public?
- What is the influence of admissions of guilt (both formally and in their presentation and performance) at different stages of the

justice process (e.g. out of court offers, pre-trial, court, sentencing, implementation of sentence (e.g. probation, parole), etc?

- How can the development of desistance research help us to understand the dynamics and meanings of admissions of guilt in the context of people's lives both within and outside of the justice system?
- What challenges and opportunities are posed by the rise of new sentencing and penal decision-making technologies? How do and will they relate to admissions of guilt?

These questions are intended to be indicative.

Proposals to Present a Paper

If you wish to propose a formal paper please send a title and abstract to the Seminar Chair (Prof Cyrus Tata) at Cyrus.Tata@strath.ac.uk before the end of Friday 28th April. Abstracts should be 200-500 words in length. Papers may be conceptual, empirically-based (whether by quantitative or qualitative work) or inspired by one or more disciplines.

Not all papers may be accepted. In general, there is a preference for work at a relatively mature stage of completion and/or more ambitious in nature, as well as also encouraging speakers from a range of jurisdictions. However, it may be possible to accommodate shorter work-in-progress presentations in some panels. Different formats for panels (e.g. author meets critics) will be considered – please put forward your ideas!

The language of the seminar will be English. Native English-speakers are asked to bear in mind that others are listening, and speaking in a second language – we thank them for that!

Who Should Attend?

The seminar particularly welcomes attendees from a range of jurisdictions, and disciplinary backgrounds.

- *As well as scholars and researchers, practitioners, policy-makers, members of the third sector and all those with a serious interest in this subject are warmly encouraged to join the seminar.*

Deadline for Registration: Friday 28th April 2023

If you wish to participate in the seminar, including if you are not offering a formal paper please email the Chair, Cyrus Tata. Cyrus.Tata@strath.ac.uk

Seminar Format

By deliberately having a limited number of participants, the seminar will contrast with the approach of large seminars where time for discussion and exchange about the implications of a paper can be limited. In this focused seminar we have more time to think and converse in a relatively intimate setting. Having a limited number of scheduled formal presentations on a focused theme allows generous time for inclusive and challenging discussion and debate.

Thanks to our hosts at the University of Strathclyde there will be no registration charge for taking part in the seminar itself. **However, places are limited so please get in touch as soon as possible and before 28th April.**

There will be **dinners** (self-paying) on Thursday and Friday evenings – these will be informal, inclusive and convivial evenings. Accompanying persons are welcome to join us. There may be some fun and frolics on the Friday evening - further information to follow!

Seminar Venue

Our venue is the University of Strathclyde, Glasgow city centre, Scotland.

Getting to Glasgow is Easy

From Glasgow Airport. [From Glasgow International Airport you can easily get to the city centre](#) (where the seminar is being held).

By train or bus. You can [arrive into Glasgow city centre](#) from other major UK cities (e.g. London 4.5 hours), Edinburgh (40 minutes) by train and it is also well connected by bus.

Take a Short Break in Glasgow & Scotland

[Glasgow](#) is one of Europe's most distinctive and lively cities. It's rich in culture and heritage: packed with world-class museums and art galleries, theatre, diverse music venues, striking architecture, an exciting culinary scene, and buzzing nightlife.

During mid-summer, (the time of our seminar), you'll be graced with daylight till after 11pm!

Glasgow is only 45 minutes to fascinating [Edinburgh](#) and just 60 minutes to the stunning [West Highlands and romantic Islands](#).

Accommodation.

There are many hotel and self-catering options in the city, but be aware that they will fill up - so book early. (You can usually change or cancel later without charge). The following are in the city centre and around a 10-15 minute walk to the seminar.

[Apex Hotel](#) Comfortable four star hotel.

[Maldron Hotel](#) Comfortable - Similar to Apex Hotel.

[Citizen M Hotel](#). A bit quirkier than many chain hotels. Small ergonomic rooms.

[Premier Inn Glasgow city centre](#). Decent (but not fancy), affordable accommodation which promises a restful night's sleep. Choose either the George Street or Buchanan Galleries branches.