

15 September 2014, Monday ✦ 12.00pm – 1.30pm ✦

*Lunch included*

**Lee Sheridan Room, Eu Tong Sen Building, NUS (BTC)**

# Crimes and Criminals: Lessons from Imperial China and Contemporary Japan

by Professor John Haley

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## ABSTRACT

Incarceration is today universally the dominant penalty for criminal offenders. Incarceration is widely considered to be the most “civilized” and humane criminal sanction at least as compared to any form of corporeal punishments, such as caning. In the United States human rights advocates even consider lifetime incarceration a suitable alternative to the barbarism of the death penalty. Haley disagrees. He argues that we need to learn from both Imperial China as well as contemporary Japan (and Singapore). First and foremost, to the extent that deterrence is a primary aim, with proportionality an underlying principle (as advocated by the Chinese Legalists two millennia before Beccaria and Bentham), criminal penalties should be designed to punish solely the offenders, not, as in the case of long-term incarceration, their children and/or other members of their families. Haley emphasizes an alternative approach.

The penalty, he suggests, should fit the offender not the offense. Contemporary Japanese practice, he posits, is exemplary. It is essentially restorative. It focuses on the effective and fair correction of the offender. Haley concludes that those who acknowledge wrong-doing, express remorse, and are willing to be accountable for any harm they have caused need not be imprisoned but can and should be reintegrated into their communities

## ABOUT THE SPEAKER

Professor Haley is a leading comparative law scholar, best known for his research on Japanese law. He has taught and lectured internationally in universities in Australia, Canada, China, Colombia, Germany, Japan, Korea, the Netherlands, Taiwan, Thailand, and the United Kingdom. The author or editor of over nine books and monographs, his publications related to Japan cover issues ranging from litigation to legal history.

His most recent publications include essays on law-making by Japanese courts, restorative justice, law in medieval Europe and Japan, and colonial law in Spanish America, and criminal law in Japan.

He is the editor of two comparative law casebooks: *Fundamentals of Transnational Litigation: The United States, Canada, Japan, and the European Union* and, with co-editors John Henry Merryman and David S. Clark, *The Civil Law Tradition: Europe, Latin America, and East Asia*. He is currently working on revisions of both casebooks as well as a manuscript tentatively entitled “Rivers, and Rice, Rifles and Religion: Law’s Political Foundations”.

**To register, please email [cals@nus.edu.sg](mailto:cals@nus.edu.sg)**

***Admission is Free & Lunch is Provided***

**Closing date of registration: 12 September 2014**

