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In that case I would like to answer the question if criminal law should change its fundamental principles and their hierarchy. In the world where Internet scams, forgeries and sabotaging vital institutions begins to be possible without the use of the physical force, the wrongdoers begin to be less and less afraid of the consequences, as in most cases they protect their anonymity with good effect. The role of prevention should be far more important, as the state apparatus is often helpless against more and more advanced viruses. Another questions are the goals of punishment. Taking under consideration the scale of damage such crimes bring, as well as state's inability to effectively diminish it, we should ask ourselves if it is still justice that matters more than the finances of the victims. Maybe we should focus on creating a program of compensating the loss, accepting the fact we won't find the guilty?

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Moral Emotions in the Context of Criminal Law

The criminal law ensures social control by the system of criminal liability and threat of criminal punishment. According to inner psychological mechanism human behavior is regulated with moral emotions. In particular, human beings feel guilty or shame about their wrongdoings.

Historically, evoking moral emotions used to be a method or objective of punishment in criminal justice, in particular, it was shame. Pillory or debt pit were imposed as well as death penalty or corporal punishment.

Nowadays, positive law rejects the idea of shaming punishment. The policy of neo-shaming punishment spreads in Anglo-American system, because of diversion and features of sentencing.

Neo-shaming punishment is considered as a cheap and very effective way of crime control. However, imposing of these measures is sensitive in terms of humiliation.

The other point is that traditional criminal punishment should obviously induce appropriate moral emotions to reach the goals. Unfortunately, it doesn't work, and moreover, criminal punishment makes it worse in context of moral emotions.

Then, the study of moral emotions in Restorative Justice (RJ) is crucial. The emotional process plays important role in RJ in contrast to ADR meeting or, especially, Criminal Justice. However, restorative justice should evoke only acceptable moral emotions. Mediator is responsible for control of emotional process on the meeting.

What is more, the offender responsibilities are set on VOM meeting in local community, which make mediation or any other RJ programme more sensitive in terms of humiliation.

To sum up, moral emotions should be taken into account both in traditional criminal justice system and diversion and RJ.