

Julia Maria Erber-Schropp

Schuld und Strafe

Eine strafrechtsphilosophische Untersuchung des Schuldprinzips

[Guilt and Punishment. A Criminal Law Philosophy Study of the Principle of Guilt.]

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The principle of guilt in criminal law – the awarding of personal guilt in judgments to legitimise the punitive sanction – is a much discussed and contested issue within the world of academic law. In the context of the discussion on the question of free will, which is held by some as a prerequisite for criminal responsibility, the issue is also relevant to philosophy. Critics view the principle of guilt as being misleading and ineffective in the legitimization of punishment. They demand the transformation of guilt-based criminal law into a set of sentencing guidelines orientated on the social need to prevent crime. Julia Maria Erber-Schropp shows why the principle of guilt is of fundamental importance to criminal law and that it is unassailable in the free will debate.

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