

ones build on approaches which have demonstrated success. (This will be discussed further in Chapter Fourteen.)

### **G. Preserving the Authority of and Promoting Respect for the Law**

Ultimately the Sentencing Commission concluded that the majority of people do not need to be deterred from serious criminal behaviour, nor do they need to be rehabilitated or incapacitated. However, they do need to perceive that there is accountability for seriously blameworthy behaviour. It is the fact of holding people accountable by sanctions for behaviour which betrays core values of their community which should outline the overall purpose of sentencing. In its absence, the community will become demoralized, as individuals flout the law believing that the benefits of unlawful behaviour outweigh its costs. **The Committee agrees with the focus on accountability.**

### **H. Canadian Sentencing Commission Suggestions**

There are genuine inconsistencies between traditional penal goals as they have been interpreted in case law to date. To avoid inconsistencies, the Sentencing Commission proposed that goals or principles which are clearly antagonistic should be excluded from the formulation of a sentencing rationale. It was of the view that principles (factors which would affect the determination of a particular sentence) should be ranked as a way of resolving dilemmas arising from the need to consider competing principles. Furthermore, it said, goals and principles which are repugnant to the nature of the sentencing process should not be assigned to it. Finally, even if a goal agrees in theory with the sentencing process, it should not be subscribed to in a fundamental way if there can be no reasonable expectation that it will be achieved to any significant degree.

The sentencing purpose proposed by the Sentencing Commission was set out earlier in this chapter. The Commission also proposed a set of principles to guide judges in the determination of specific sentences. The Committee relied on the language of these principles, to the extent they were not inconsistent with the purpose it expressed, in developing its own.

### **I. Summary of Committee's Views**

**In summary, the Committee believes that the formulation of a sentencing rationale in Canada must emphasize the contribution of**