Introduction

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Early in the Summer of 2019, John Hasnas and I met to discuss the possibilities of sponsoring a colloquium to be held at Georgetown University. We had had productive collaborations in the past and were confident that more such endeavors could occur in the future. After considering some potential topics, John and I selected *proportionality* as an ideal choice. Although the majority of sentencing theorists pay at least lip service to the principle that the severity of the punishment should be a function of the seriousness of the offense, we found that surprisingly little work had been done among philosophers of criminal law to interpret and apply this familiar idea. Most of the existing commentary had examined the principle in the context of positive law. The philosophical foundations of proportionality had been under-theorized.

Our plan followed a format that was standard at that time. Distinguished scholars would be invited to write; drafts would be circulated in advance; participants would meet at Georgetown to critique one another's work; and authors would return home to revise their papers for publication before a specified date. Contributors were chosen because they had already pondered problems surrounding the principle of proportionality or had written extensively about punishment and sentencing and were likely to have thoughts about the role proportionality would play in their justification. The prospect of meeting at Georgetown was especially attractive to many invitees. John is a Professor of Business and Law at Georgetown University and is the Executive Director of the Georgetown Institute for the Study of Markets and Ethics. The Institute generously offered to fund the project, and the facilities at Georgetown are stellar. We all looked forward to touring the city, and some of the European invitees had never had the privilege of visiting Washington D.C.

As we all know, the subsequent Coronavirus pandemic derailed all such plans. Instead of meeting at Georgetown, our conference was conducted in four two-hour zoom sessions. We all suffered from the loss of physical interaction. Nonetheless, we do not believe that the quality of the papers was adversely affected by this unfortunate turn of events. Drafts were still circulated prior to the zoom conference, and authors had ample opportunity to improve their manuscripts after endeavoring to defend their ideas before a critical online audience.

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The following papers reveal the diversity of scholarly opinion about the principle of proportionality. Several are skeptical that the principle can be defended at all; others are reluctant to abandon the principle but point out many well-known and not-so-well-known difficulties in punishing according to proportionality; and a few make significant efforts to try to resolve some of these problems. We hope and believe that this set of papers represents major progress in understanding the role, if any, that judgments of proportionality should play in a just system of penal sentencing.

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Guest Editors

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