

5 Law in
context

Reconstructing Criminal Law

Text and Materials

Nicola Lacey
Celia Wells
Oliver Quick

Third edition



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Reconstructing Criminal Law

Mike Jess



Reconstructing Criminal Law:

Reconstructing Criminal Law Nicola Lacey, Celia Wells, Oliver Quick, 2003-09 The authors analyse central aspects of criminal law in the context of the assumptions surrounding it and employ a number of critical approaches including a feminist perspective to give insights into the current state of the law *Lacey, Wells and Quick Reconstructing Criminal Law* Celia Wells, 2010 Truly groundbreaking textbook exploring traditional and broader fields of criminal law and justice to give full perspective on the subject *Lacey, Wells and Quick Reconstructing Criminal Law* Celia Wells, 2010 Truly groundbreaking textbook exploring traditional and broader fields of criminal law and justice to give full perspective on the subject *Lacey, Wells and Quick Reconstructing Criminal Law* Celia Wells, 2010 **Reconstructing Criminal Law** Nicola Lacey, Celia Wells, Dirk J. Meure, 1990-01-01 **Leading Works in Criminal Law** Chloë Kennedy, Lindsay Farmer, 2023-08-11 This book analyses a selection of leading works in the criminal law to ask questions about how the modern discipline of criminal law has developed how it has been deployed in colonial and postcolonial contexts and how criminal law scholarship has engaged with traditionally marginalised perspectives such as feminism queer theory and anti carceral and abolitionist movements The works analysed range from Macaulay's Indian Penal Code 1837 to more recent textbooks and monographs on criminal law and their jurisdictional reach extends to India Canada Australia Malawi the UK and the USA The contributing authors include scholars activists and legal practitioners each of whom explores the intellectual development and geographical reach of Anglocriminal law via the work they analyse Across the collection the editors and contributors address the question of what it means to be a leading work in criminal law The book will be a valuable resource for students academics and researchers working in the area of criminal law **Reconstructing the Criminal** Martin J. Wiener, 1990 This ambitious and imaginative work interprets criminal justice history by relating it to intellectual and cultural history Starting from the assumption that policies and statutes originate in a society's values and norms the author skilfully and persuasively demonstrates how changes in criminal law and penal practice were related to the changing values of early mid and late Victorian and Edwardian society Wiener traces changes in the criminal justice system by examining the treatment of offenders During the Victorian period the system became more punitive and was then reformed in line with welfarist thinking Wiener's wide ranging discussion of issues most notably of free will versus determinism sheds light on a broad range of Victorian history beyond crime and punishment *In Search of Criminal Responsibility* Nicola Lacey, 2016 What makes someone responsible for a crime and therefore liable to punishment under the criminal law Modern lawyers will quickly and easily point to the criminal law's requirement of concurrent actus reus and mens rea doctrines of the criminal law which ensure that someone will only be found criminally responsible if they have committed criminal conduct while possessing capacities of understanding awareness and self control at the time of offense Any notion of criminal responsibility based on the character of the offender meaning an implication of criminality based on

reputation or the assumed disposition of the person would seem to today's criminal lawyer a relic of the 18th Century. In this volume Nicola Lacey demonstrates that the practice of character based patterns of attribution was not laid to rest in 18th Century criminal law but is alive and well in contemporary English criminal responsibility attribution. Building upon the analysis of criminal responsibility in her previous book *Women Crime and Character*, Lacey investigates the changing nature of criminal responsibility in English law from the mid 18th Century to the early 21st Century. Through a combined philosophical, historical and socio-legal approach, this volume evidences how the theory behind criminal responsibility has shifted over time. The character and outcome responsibility which dominated criminal law in the 18th Century diminished in ideological importance in the following two centuries when the idea of responsibility as founded in capacity was gradually established as the core of criminal law. Lacey traces the historical trajectory of responsibility into the 21st Century, arguing that ideas of character responsibility and the discourse of responsibility as founded in risk are enjoying a renaissance in the modern criminal law. These ideas of criminal responsibility are explored through an examination of the institutions through which they are produced, interpreted and executed, the interests which have shaped both doctrines and institutions, and the substantive social functions which criminal law and punishment have been expected to perform at different points in history.

The Realm of Criminal Law R A Duff, 2018-06-27. We are said to face a crisis of over criminalization; our criminal law has become chaotic, unprincipled and over expansive. This book proposes a normative theory of criminal law and of criminalization that shows how criminal law could be ordered, principled and restrained. The theory is based on an account of criminal law as a distinctive legal practice that functions to declare and define a set of public wrongs and to call to formal public account those who commit such wrongs; an account of the role that such practice can play in a democratic republic of free and equal citizens; and an account of the central features of such a political community and of the way in which it constitutes its public realm, its civil order. Criminal law plays an important but limited role in such a political community in protecting but also partly constituting its civil order. On the basis of this account, we can see how such a political community will decide what kinds of conduct should be criminalized, not by applying one or more of the substantive master principles that theorists have offered, but by considering which kinds of conduct fall within its public realm, as distinct from the private realms that are not the polity's business and which kinds of wrong within that realm require this distinctive kind of response rather than one of the other kinds of available response. The outcome of such a deliberative process will probably be a more limited and a more rational and principled criminal law.

The Politics of International Criminal Law Holly Cullen, Philipp Kastner, Sean Richmond, 2020-12-15. *The Politics of International Criminal Law* is an interdisciplinary collection of original research that examines the often noted but understudied political dimensions of International Criminal Law (ICL). As a nascent legal regime that seeks to regulate the longstanding power of states to manage war and crime, ICL faces challenges to its legitimacy, including disagreement over its aims and effectiveness, inequality in the work of its institutions, and opposition

from dominant countries The editors bring together eleven senior and emerging scholars and practitioners from Europe Asia Africa Australia and North America to analyse these challenges from an illuminating range of theoretical and empirical perspectives Taken together the collection ultimately helps advance our understanding of the particularly charged relationship between law and politics in ICL

Gender and Careers in the Legal Academy Ulrike Schultz, Gisela Shaw, Margaret Thornton, Rosemary Auchmuty, 2021-02-25 In the past fifteen years there has been a marked increase in the international scholarship relating to women in law The lives and careers of women in legal practice and the judiciary have been extensively documented and critiqued but the central conundrum remains Does the presence of women make a difference What has been largely overlooked in the literature is the position of women in the legal academy although central to the changing culture To remedy the oversight an international network of scholars embarked on a comparative study which resulted in this path breaking book The contributors uncover fascinating accounts of the careers of the academic pioneers as well as exploring broader theoretical issues relating to gender and culture The provocative question as to whether the presence of women makes a difference informs each contribution

Legal History in the Curriculum Caroline Derry, Carol Howells, 2025-06-30 As legal education faces fresh challenges and opportunities and a growing literature calls for subversive new approaches this book engages with vital questions about the place of history in the law school How and why should we teach legal history What is its place in the curriculum What can different jurisdictions learn from each other This collection offers an overview and examples of cutting edge practice in teaching legal history across the law curriculum challenging expectations of its place and potential The book's three sections explore practices and possibilities in the core curriculum in dedicated legal history courses and in law schools across the world They highlight how legal history offers diverse and inclusive content global perspectives and transnational understandings to students By exploring contributors own purposes and practices they provide insight and fresh ideas on how and why readers can incorporate legal histories into their own teaching The volume will be an invaluable resource for all those involved in the teaching of law and the law school curriculum

The Changing Legal Regulation of Cohabitation Rebecca Probert, 2012-09-06 This book is for anyone interested in the history of marriage and cohabitation whether historian lawyer or general reader It is written in an accessible style while providing a radical reassessment of existing ideas about the popularity legal treatment and perceptions of cohabitation between 1600 and 2010

Textbook on Criminology Katherine S. Williams, 2012 This text offers an engaging and wide ranging account of crime and criminology It provides a clear and comprehensive consideration of the theoretical practical and political aspects of the subject including the influence of physical biological psychological and social factors on criminality

Criminal Sentencing in Bangladesh Muhammad Mahbubur Rahman, 2017-03-20 In Criminal Sentencing in Bangladesh Muhammad Mahbubur Rahman critically examines the sentencing policies of Bangladesh and demonstrates that the country's sentencing policies are not only yet to be developed in

a coherent manner and shaped with an appropriate and contextual balance but also remain part of the problem rather than part of the solution The author forcefully argues that the conception of sentencing policies cannot and should not always be confined exclusively to institutional understandings The typical realities of post colonial societies call for rethinking the traditional judiciary centred understanding of what is meant by criminal sentences This book thus raises the question for theoretical sentencing scholarship whether the prevailing judiciary centred understanding of sentencing should be rethought

Multicultural Jurisprudence Marie-Claire Foblets, Alison Dundes Renteln, 2009-01-16 As individuals travel across borders societies have become more and more pluralistic The result of increased migration is the interaction among cultural communities and inevitably clashes between state law and customary law These cultural conflicts have given rise to a new multicultural jurisprudence In this volume scholars grapple with the immense challenges judges are currently experiencing everywhere To what extent can and should courts accommodate litigants requests by taking their cultural backgrounds into account This collection brings together powerful examples of the cultural defense in many countries in Western Europe North America and elsewhere It shows the ubiquity of this defense contrary to the mistaken impression that it has been invoked principally in the United States This book makes the case for undertaking studies of the use of the cultural defense in jurisdictions all over the world where this has not been previously documented Many of the chapters concentrate on criminal cases including homicide in the context of honour crimes provocation based on loss of face or witchcraft killings Some deal with other areas of law such as asylum jurisprudence family law and housing policy They show in concrete cases how cultural claims have arisen and how legal systems wrestle with these arguments It is clear that judges have had considerable difficulty handling many of the cultural claims The authors demonstrate persuasively the need to reconsider the proper use of cultural evidence in legal proceedings Those interested in the ways in which expertise influences the disposition of cases will find this book compelling

Criminalising Medical Malpractice Mélinée Kazarian, 2020-06-02 The criminalisation of healthcare malpractice has become a highly topical and somewhat controversial question in recent years Studies have demonstrated that in England and Wales the trend towards holding healthcare professionals to account for malpractice is rapidly growing abolishing the deference doctors enjoyed decades ago The changing attitude of judges to claims for clinical negligence has been well documented The role of the criminal process in England and Wales has been less fully analysed with the criminal law playing a very limited role until recently in the regulation of poor healthcare practice In contrast in France the criminal process has for a long time been invoked more readily to respond to cases of healthcare malpractice which involved even mere errors This book compares English and French criminal law responses to healthcare malpractice and considers what lessons the French model can provide for potential reform in England and elsewhere The book takes the HIV contaminated blood episode as a primary example of the different approaches France and England have in dealing with healthcare malpractice Kazarian emphasises the impact of rules of substantive criminal law and criminal procedure on the

way in which healthcare malpractice is criminalised in a given country This book explores the key lessons to be drawn on whether the criminal process is an appropriate means to respond to instances of healthcare malpractice It proposes that features of French criminal law and criminal procedure might be useful to counteract healthcare malpractice **The Criminalisation of Stalking** Emily Finch,2024-11-01 First published in 2001 The Criminalisation of Stalking fills a much needed gap by drawing upon a range of methodologies to present a thorough and comprehensive examination of the way in which stalking became perceived as a pressing and prevalent social problem in need of legal intervention as well as providing a critical evaluation of the efficacy and sufficiency of the legal responses Essentially this book has two main objectives first to provide a comprehensive account of the process by which stalking came to be regarded as a significant social problem which merited legal intervention and to evaluate that response And secondly to situate this within a wider theoretical context which addresses the role of the criminal law in dealing with social problems and the boundaries of criminalization This illustrates how a detailed consideration of a particular issue can inform wider debate and provide a unique perspective on existing theoretical material This socio legal perspective facilitates the use of a range of methodologies to challenge the existing conceptualization of stalking and to present a wider range of potential solutions to this complex social problem This is a must read for scholars and researchers of criminology *Rethinking Corporate Crime* James Gobert,Maurice Punch,2003-03 Critiques the application of the current criminal law system to corporate wrongdoing and assesses the potential for legal control of corporate criminality *The Moral Foundations of the Youth Justice System* Raymond Arthur,2016-12-01 When is it fair to hold young people criminally responsible If young people lack the capacity to make a meaningful choice and to control their impulses should they be held criminally culpable for their behaviour In what ways is the immaturity of young offenders relevant to their blameworthiness Should youth offending behaviour be proscribed by criminal law These are just some of the questions asked in this thoughtful and provocative book In *The Moral Foundations of the Youth Justice System* Raymond Arthur explores international and historical evidence on how societies regulate criminal behaviour by young people and undertakes a careful examination of the developmental capacities and processes that are relevant to young people s criminal choices He argues that the youth justice response needs to be reconceptualised in a context where one of the central objectives of institutions regulating children and young people s behaviour is to support the interests and welfare of those children This timely book advocates a revolutionary transformation of the structure and process of contemporary youth justice law a synthesised and integrated approach that is clearly distinct from that used for dealing with adults This book is a key resource for students academics and practitioners across fields including criminal law youth justice probation and social work

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