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proven problematic for both political theorists and constitutional scholars as it does not conform to theoretical conceptions of privacy or to existing theories of constitutional development Mary McThomas provides a new model that helps us to think about both the right to privacy as well as constitutional development She first divides privacy issues into two categories and then illustrates how the two categories are treated differently The first category proprietary privacy covers such issues as medical records and wiretapping The second category decisional privacy involves making decisions about intimate matters such as the right to die same sex marriage and abortion McThomas tracks and assesses higher court cases in conversational privacy representative of proprietary privacy and court cases in marital privacy representative of decisional privacy She concludes that the most notable difference between the different types of privacy is that decisional privacy has evolved more slowly towards constitutionalization and so is much more likely to be limited by community standards and social norms This book brings the theoretical conceptions and the practice of privacy rights together explaining what has happened in the area up until this point and offering ways to predict how the courts will handle some of today's most contentious issues

Improperly Obtained Evidence in Anglo-American and Continental Law Dimitrios Giannouloupoulos, 2019-02-21 This is the first book to offer an extensive cosmopolitan cross cultural insight into the perennial controversy over the use of improperly obtained evidence in criminal trials It challenges the conventional view that exclusionary rules are idiosyncratic of Anglo American law and highlights the constitutionalisation and internationalisation of criminal evidence and procedure as a cause of rapprochement or divergence beyond the Anglo American and Continental law divide Analysis focuses on confessional evidence and evidence obtained by search and seizure telephone interceptions and other means of electronic surveillance The laws of England and Wales France Greece and the United States are systematically compared and contrasted throughout this study but where appropriate analysis extends to other Anglo American and Continental legal systems The book reviews exclusionary rules vis vis the operation of judicial discretion and explores the normative justifications that underpin them It attempts to reinvigorate the idea of excluding evidence to protect constitutional or human rights the rights thesis arguing that there is significant scope for Anglo American and Continental legal systems to place a renewed emphasis on it particularly in relation to confessional evidence obtained in violation of custodial interrogation rights we can locate an emerging rapprochement and unique potential for European Court of Human Rights jurisprudence to build consensus in this respect In marked contrast remaining divergence with regard to evidence obtained by privacy violations means there is little momentum to adopt a reinvigorated rights thesis more widely Longlisted for the Inner Temple Book Prize 2022

Exploring Criminal Justice Robert M. Regoli, John D. Hewitt, 2007-12-28 Hailed as the most engaging and accessible introductory text available Exploring Criminal Justice provides a clear complete and credible introduction to the U S criminal justice system Using an easy to follow attention grabbing writing style this text explains the overarching processes and purposes of the criminal justice system The functions of each component police courts corrections and the relationships

between them are described in detail while rich and captivating pedagogy encourages students to think about how each component affects their daily lives This thoroughly up to date text provides contemporary data case studies and references for all topics Exploring Criminal Justice devotes an entire chapter to the emerging crimes of terrorism and cybercrime and the role these controversial topics play in the modern criminal justice system Special attention is also given to juvenile offenders and issues relating to women and minorities In addition this text provides thorough integration of criminological theory and policy as it presents both historical context and current features of the U S criminal justice system

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