



PERSONAL AUTONOMY,
THE PRIVATE SPHERE
AND CRIMINAL LAW
A COMPARATIVE STUDY

EDITED BY
PETER ALDRIDGE & CHRISJE BRANTS

Personal Autonomy The Private Sphere And The Criminal Law A Comparative Study

Paul Roberts, Adrian Zuckerman



Personal Autonomy The Private Sphere And The Criminal Law A Comparative Study:

Personal Autonomy, the Private Sphere and Criminal Law Peter Alldridge, Chrisje Brants, 2001-03-19 This book contains original essays by a distinguished group of jurists from six different European countries confronting the increasing range of legal and philosophical issues arising from the relationship between privacy and the criminal law The collection is particularly timely in light of the incorporation into English law of the European Convention on Human Rights It compares legal cultures and underlying assumptions with regard to the private sphere personal autonomy and the supposed justifications for State interference through criminalization and the implementation of substantive criminal law The book moves from treatment of general ideas like the relationship between sovereignty the nation state and substantive criminal law in the new European context with its concomitant aspiration towards the establishment of transnational morality to more detailed consideration of specific areas of substantive law and procedure viewed from a range of perspectives Areas considered include euthanasia surrogacy female genital mutilation and sado masochism

Personal Autonomy, the Private Sphere and Criminal Law Peter Alldridge, Chrisje Brants, 2001-03 This book confronts the increasing range of legal and philosophical issues arising from the relationship between privacy and the criminal law **Personal Autonomy, the Private Sphere, and the Criminal Law** Peter Alldridge, Chrisje H. Brants, 2001 This book contains original essays by a distinguished group of jurists from six different European countries confronting the increasing range of legal and philosophical issues arising from the relationship between privacy and the criminal law The collection is particularly timely in light of the incorporation into English law of the European Convention on Human Rights It compares legal cultures and underlying assumptions with regard to the private sphere personal autonomy and the supposed justifications for State interference through criminalization and the implementation of substantive criminal law The book moves from treatment of general ideas like the relationship between sovereignty the nation state and substantive criminal law in the new European context with its concomitant aspiration towards the establishment of transnational morality to more detailed consideration of specific areas of substantive law and procedure viewed from a range of perspectives Areas considered include euthanasia surrogacy female genital mutilation and sado masochism

Personal Freedom Through Human Rights Law? Jill Marshall, 2009 By analysing the European Court of Human Rights a TM jurisprudence and philosophical debates on personal autonomy identity and integrity the book offers a critical analysis of the possibility of different versions of personal freedom emerging in the case law which may restrict rather than enhance personal freedom Scots Criminal Law Pamela R Ferguson, 2015-01-01 Scots Criminal Law A Critical Analysis provides a clear statement of the current law for students and practitioners with a theoretical and critical focus This new edition has been updated to reflect changes in the law since the first edition published **Criminal Evidence** Paul Roberts, Adrian Zuckerman, 2010-08-26 Based on Adrian Zuckerman s The Principles of Criminal Evidence this book presents a comprehensive treatment of the fundamental principles underlying logic

of the law of criminal evidence It includes changes relating to presumption of innocence privilege against self incrimination character the law of corroboration *Making the Modern Criminal Law* Lindsay Farmer, 2016-01-21 The Criminalization series arose from an interdisciplinary investigation into criminalization focussing on the principles that might guide decisions about what kinds of conduct should be criminalized and the forms that criminalization should take Developing a normative theory of criminalization the series tackles the key questions at the heart of the issue what principles and goals should guide legislators in deciding what to criminalize How should criminal wrongs be classified and differentiated How should law enforcement officials apply the law s specifications of offences This the fifth book in the series offers a historical and conceptual account of the development of the modern criminal law in England and as it has spread to common law jurisdictions around the world The book offers a historical perspective on the development of theories of criminalization It shows how the emergence of theories of criminalization is inextricably linked to modern understandings of the criminal law as a conceptually distinct body of rules and how this in turn has been shaped by the changing functions of criminal law as an instrument of government in the modern state The book is structured in two main parts The first traces the development of the modern law as a distinct and conceptually distinct body of rules looking in particular at ideas of jurisdiction codification and responsibility The second part then engages in detailed analysis of specific areas of criminal law focusing on patterns of criminalization in relation to property the person and sexual conduct **Transforming International Criminal Justice** Mark Findlay, Ralph Henham, 2005-06-01 This book sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities through collaboration of currently competing paradigms It reflects a transformation of thinking about the comparative analysis of the trial process and seeks to advance the boundaries of international criminal justice through wider access and inclusivity in an environment of rights protection Collaborative justice is advanced as providing the future context of international criminal trials The book s radical dimension is its argument for the harmonization of restorative and retributive justice within the international criminal trial The focus is initially on the trial process a key symbol of developing international styles of justice It examines theoretical models and political applications of criminal justice through detailed empirical analysis in order to explore the underlying relationship of theory and empirical study applying the outcome in theory testing and policy evaluation in several different jurisdictions The book injects a significant comparative dimension into the study of international criminal justice This is achieved through searching the traditional foundations of internationalism in justice by employing an original methodology to enable a multi dimensional exploration of contexts local regional and global so recognising the importance of difference within an agenda suggesting synthesis The book argues for a concept of international trial within a rights paradigm understood against different procedural traditions and practices and provides a detailed description of trials and trial decision making in various jurisdictions Transforming International Criminal Justice also sets out to develop effective research strategies as part of its

interrogation of specific trial narratives and meanings in contemporary legal cultures Key themes are those of internationalisation fair trial and the exercise of discretion in justice resolutions sentencing in particular and the lay professional relationship and its dynamics Finally the book provides a searching critique of the relevance of existing criminology and legal sociology in relation to international criminal justice and speculates on trial transformation and the merger of retributive and restorative international criminal justice comparative analysis of the criminal trial process internationally argues for harmonization of retributive and restorative justice within the international criminal trial sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities

Values in Criminology and Community Justice Malcolm Cowburn, Marian Duggan, Anne Robinson, Paul

Senior, 2015-03-18 The way we think about crime and the way that society responds to it are imbued with values that can determine what is considered important and what gets attention Sometimes values that are claimed may not be the values expressed in practice as we see in the multiple and confusing discourses about victims and offenders punishment and protection rights and responsibilities This collection of writings considers values in crime theory criminal justice and research practice uncovering the many different sides to echo Howard Becker's famous phrase that criminologists policy makers and researchers take It spans Marxist postmodernist and feminist perspectives on criminology analyses of the dynamics of race gender and age research methods and ethics the working of the criminal justice system and engages with current debates about new challenges for criminology such as the green movement and Islamophobia This is a timely and thought provoking collection which will be of interest to academics and students in criminology and criminal justice and on professional courses such as probation and youth justice practice Immigration and Privacy in the Law of the European Union

Niovi Vavoula, 2022-09-12 In this book Niovi Vavoula examines the privacy challenges raised by the establishment operation and reconfiguration of EU wide information systems that store personal data including biometrics of different categories of third country nationals that may be used for various immigration related and law enforcement purposes The monograph analyses both the currently operational databases Schengen Information System SIS Visa Information System VIS and Eurodac and forthcoming systems Entry Exit System EES European Travel Information and Authorisation Systems ETIAS and European Criminal Record Information System for Third Country Nationals ECRIS TCN as well as their future interoperability To assess the compatibility of legal instruments governing information systems and their interoperability with the right to respect for private life the author calls for the centrality of privacy as the appropriate lens through which instruments involving the processing of personal data should be viewed and offers a typology of privacy standards based on relevant case law by the Strasbourg and Luxembourg Courts This is a ground breaking book the first comprehensive analysis of the growing interrelationship between immigration law and privacy law The book is essential reading for academics policy makers and legal practitioners working in these fields and will lead in informing the debate on the relationship between

security and human rights in Europe Rigorous and ambitious the book will become a reference point in the field Professor Valsamis Mitsilegas Professor of Criminal Law and Global Security Queen Mary and Westfield School of Law London

Privacy and the Criminal Law Erik Claes, Antony Duff, Serge Gutwirth, 2006 Infocrime Eli Lederman, 2016-03-25 It has often been said that information is power This is more true in the information age than ever The book profiles the tools used by criminal law to protect confidential information It deals with the essence of information the varieties of confidential information and the basic models for its protection within the context of the Internet and social networks Eli Lederman examines the key prohibitions against collecting protected information and against using disclosing and disseminating it without authorization The investigation cuts across a broad subject matter to discuss and analyze key topics such as trespassing and peeping the human body as a source of information computer trespassing tracking and collecting personal information in the public space surveillance privileged communications espionage and state secrets trade secrets personal information held by others and profiling and sexting Infocrime will appeal to graduate and undergraduate scholars and academics in the legal arena in law schools and schools of communication and to practicing lawyers with an interest in legal theory and a concern for the protection of the personal realm in a world of increasingly invasive technologies Roberts & Zuckerman's Criminal Evidence Paul Roberts, Adrian Zuckerman, 2022-08-04 Roberts and Zuckerman's Criminal Evidence is the eagerly anticipated third of edition of the market leading text on criminal evidence fully revised to take account of developments in legislation case law policy debates and academic commentary during the decade since the previous edition was published With an explicit focus on the rules and principles of criminal trial procedure Roberts and Zuckerman's Criminal Evidence develops a coherent account of evidence law which is doctrinally detailed securely grounded in a normative theoretical framework and sensitive to the institutional and socio legal factors shaping criminal litigation in practice The book is designed to be accessible to the beginner informative to the criminal court judge or legal practitioner and thought provoking to the advanced student and scholar a textbook and monograph rolled into one The book also provides an ideal disciplinary map and work of reference to introduce non lawyers including forensic scientists and other expert witnesses to the foundational assumptions and technical intricacies of criminal trial procedure in England and Wales and will be an invaluable resource for courts lawyers and scholars in other jurisdictions seeking comparative insight and understanding of evidentiary regulation in the common law tradition *Men, Law and Gender* Richard Collier, 2010-04-05 What does it mean to speak of men as a gender category in relation to law How does law relate to masculinities This book presents the first comprehensive overview and critical assessment of the relationship between men law and gender outlining the contours of the man of law across diverse areas of legal and social policy Written in a theoretically informed yet accessible style Men Law and Gender provides an introduction to the study of law and masculinities whilst calling for a richer more nuanced conceptual framework in which men's legal practices and subjectivities might be approached Building on

recent sociological work concerned with the relational nature of gender and personal life Richard Collier argues that social cultural and economic changes have reshaped ideas about men and masculinities in ways that have significant implications for law Bringing together voices and disciplines that are rarely considered together he explores the way ideas about men have been contested and politicised in the legal arena Including original empirical studies of male lawyers the legal profession and fathers rights and law reform alongside discussions of university law schools and legal academics and family policy and parenting cultures this innovative timely and important text provides a unique and important insight into the relationship between law men and masculinities It will be required reading for academics and students in law and legal theory socio legal studies gender studies sociology and social policy as well as policy makers and others concerned with the changing nature of gender relations The Oxford Handbook of Law, Regulation and Technology Roger Brownsword, Eloise Scotford, Karen Yeung, 2017-07-24 The variety pace and power of technological innovations that have emerged in the 21st Century have been breathtaking These technological developments which include advances in networked information and communications biotechnology neurotechnology nanotechnology robotics and environmental engineering technology have raised a number of vital and complex questions Although these technologies have the potential to generate positive transformation and help address grand societal challenges the novelty associated with technological innovation has also been accompanied by anxieties about their risks and destabilizing effects Is there a potential harm to human health or the environment What are the ethical implications Do these innovations erode or antagonize values such as human dignity privacy democracy or other norms underpinning existing bodies of law and regulation These technological developments have therefore spawned a nascent but growing body of law and technology scholarship broadly concerned with exploring the legal social and ethical dimensions of technological innovation This handbook collates the many and varied strands of this scholarship focusing broadly across a range of new and emerging technology and a vast array of social and policy sectors through which leading scholars in the field interrogate the interfaces between law emerging technology and regulation Structured in five parts the handbook I establishes the collection of essays within existing scholarship concerned with law and technology as well as regulatory governance II explores the relationship between technology development by focusing on core concepts and values which technological developments implicate III studies the challenges for law in responding to the emergence of new technologies examining how legal norms doctrine and institutions have been shaped challenged and destabilized by technology and even how technologies have been shaped by legal regimes IV provides a critical exploration of the implications of technological innovation examining the ways in which technological innovation has generated challenges for regulators in the governance of technological development and the implications of employing new technologies as an instrument of regulatory governance V explores various interfaces between law regulatory governance and new technologies across a range of key social domains *Transitional Justice and the Public Sphere* Chrisje Brants, Susanne

Karstedt,2017-11-02 Transparency is a fundamental principle of justice A cornerstone of the rule of law it allows for public engagement and for democratic control of the decisions and actions of both the judiciary and the justice authorities This book looks at the question of transparency within the framework of transitional justice Bringing together scholars from across the disciplinary spectrum the collection analyses the issue from socio legal cultural studies and practitioner perspectives Taking a three part approach it firstly discusses basic principles guiding justice globally before exploring courts and how they make justice visible Finally the collection reviews the interface between law transitional justice institutions and the public sphere

Setting the Watch Beatrice von Silva-Tarouca Larsen,2011-01-28 Many liberals consider CCTV surveillance in public places particularly when it is as extensive as it is in England to be an infringement of important privacy based rights An influential report by the House of Lords in 2009 also took this view However there has been little public or academic discussion of the underlying principles and ethical issues What rights of privacy or anonymity do people have when abroad in public space What is the rationale for these rights In what respect does CCTV surveillance compromise them To what extent does the state s interest in crime prevention warrant encroachment upon such privacy and anonymity rights This book offers the first extended systematic treatment of these issues In it the author develops a theory concerning the rationale for the entitlement to privacy and anonymity in public space based on notions of liberty and dignity She examines how CCTV surveillance may compromise these rights drawing on everyday conventions of civil inattention among people in the public domain She also considers whether and to what extent crime control concerns could justify overriding these entitlements The author s conclusion is that CCTV surveillance should be appropriate only in certain restrictively defined situations The book ends with a proposal for a scheme of CCTV surveillance that reflects this conclusion

Incivilities A P Simester,Andreas von Hirsch,2006-10-13 Prohibitions against offensive conduct have existed for many years but their extent and use was on the decline Recently however several jurisdictions including England and Wales have moved to broaden the reach and severity of measures against incivilities New measures include expanded targeting of unpopular forms of public conduct such as begging and legislation authorising magistrates to issue prohibitory orders against anti social behaviour Because these quality of life prohibitions can be so restrictive of personal liberties it is essential to develop adequate guiding and limiting principles concerning State intervention in this area This book addresses the legal regulation of offensive behaviour Topics include the nature of offensiveness the grounds and permissible scope of criminal prohibitions against offensive behaviour the legitimacy of civil orders against incivilities and identifying the social trends that have generated current political interest in preventing incivilities through intervention of law These questions are addressed by eleven distinguished philosophers criminal law theorists criminologists and sociologists In an area that has attracted much public comment but little theoretical analysis to date these essays develop a fuller conceptual framework for debating questions about the legal regulation of offensive behaviour

Reader's Guide to the Social Sciences Jonathan Michie,2014-02-03 This 2 volume work includes

approximately 1 200 entries in A Z order critically reviewing the literature on specific topics from abortion to world systems theory In addition nine major entries cover each of the major disciplines political economy management and business human geography politics sociology law psychology organizational behavior and the history and development of the social sciences in a broader sense

Fragmenting Fatherhood Richard Collier, Sally Sheldon, 2008-09-05 Debates about the future of fatherhood have been central to a range of conversations about changing family forms parenting and society Law has served an important yet often neglected role in these discussions serving as an important focal point for broader political frustrations playing a central role in mediating disputes and operating as a significant symbolic state sanctioned account of the scope of paternal rights and responsibilities *Fragmenting Fatherhood* provides the first sustained engagement with the way that fatherhood has been understood constructed and regulated within English law Drawing on a range of disparate legal provisions and material from diverse disciplines it sketches the major contours of the figure of the father as drawn in law and social policy tracing shifts in legal and broader understandings of what it means to be a father and what rights and obligations should accrue to that status In thematically linked chapters cutting across substantive areas of law the book locates fatherhood as a key site of contestation within broader political debates regarding the family and gender equality Multiple visions of fatherhood evolving unevenly over time across diverse areas of law emerge from this analysis Fatherhood is revealed as an essentially fragmented status and one which is intertwined in complex ways with the legal cultural and political contexts in which discourses of parenthood are produced *Fragmenting Fatherhood* provides an important and unique resource speaking to debates about fatherhood across a range of fields including law and legal theory sociology gender studies social policy marriage and the family women s studies and gender studies

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