

RETHINKING LEGAL NEED

The Case of Criminal Justice

Paul Robertshaw

Rethinking Legal Need The Case Of Criminal Justice

M Lipman



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Rethinking Legal Need Paul Robertshaw, 1991 This book re examines legal need in the light of contemporary philosophy social policy analysis medical economics and the trend towards evaluation of legal services From this exploration a new perspective emerges testing for non need by comparing the consequences of absence and presence of legal representation The tests cover empirical research from five Common Law jurisdictions on five outcomes the cure hypothesis plea venue bail verdict and sentence From this it is concluded that the general case for legal need is not proven In this place as inverted need the judge is re imported as the key variable in legal decisions Finally the clinical analogy with legal need is discussed legal aid as welfare or as subsidy victim s needs and the mode of criminal justice The English Legal System Gary Slapper, David Kelly, 2004 This book assists students of the English legal system in the achievement of a good understanding of the law its institutions and processes and sets the law and system in a social context presenting a range of critical views

The English Legal System David Kelly, 2013-06-19 Slapper and Kelly s *The English Legal System* explains and critically assesses how our law is made and applied Annually updated this authoritative textbook clearly describes the legal rules of England and Wales and their collective influence as a sociocultural institution This latest edition of *The English Legal System* presents and analyses changes made to the legal system by the coalition government and digests recent legislation and case law The Constitutional Reform and Governance Act 2010 the Crime and Security Act 2010 the Coroners and Justice Act 2009 new European law and the latest decisions of the Supreme Court are all incorporated into the text and this edition also digests recent research on the work of juries and the criminal courts and the 2011 changes to the regulation of and Government contributions towards legal services Key learning features include a clear and logical structure with short manageable well structured individual chapters useful chapter summaries which act as a good check point for students sources for further reading and suggested websites at the end of each chapter to point students towards further learning pathways an online skills network including how tos practical examples tips advice and interactive examples of English law in action Relied upon by generations of students Slapper and Kelly s *The English Legal System* is a permanent fixture in this ever evolving subject

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Law-making Policy on Confiscation of the Proceeds of Crime Ariadna H. Ochnio, 2025-05-30 The book provides a critical analysis of EU law making policy on the confiscation of the proceeds of crime using a minimalist restorative approach to justice focused on the rights of victims and communities and more proactive roles for all participants in confiscation procedures This book shows how the examined policy has been translated into the EU law standards adopted as its realisation and whether the gaps identified in these standards are reflected in the domestic law of the comparator EU jurisdictions Poland Germany and France The post conviction confiscation regime in England and Wales is also explored as an example of an alternative non EU model of value based confiscation Considering the complex juridical nature of confiscation which challenges the applicability of the civil criminal dichotomy this book recommends a twofold approach when shaping EU confiscation mechanisms focused on linking policy objectives with a restorative approach to justice and making the appropriate choice of criminal or civil routes for confiscation This book will be of key interest to scholars students and practitioners in EU policy and law criminal law EU and national law on confiscation EU criminal justice policy and more broadly to European studies criminology and international organisations **Bowker's Law Books and Serials in Print**

, 1995 **Essays on International Criminal Justice** Héctor Olásolo, 2012-01-09 Crimes of atrocity have profound and long lasting effects on any society The difference between triggering and preventing these tragic crimes often amounts to the choice between national potential preserved or destroyed It is also important to recognise that they are not inevitable the commission of these crimes requires a collective effort an organisational context and long planning and preparation Thus the idea of strengthening preventative action has taken on greater relevance and is now encompassed in the emerging notion of responsibility to prevent International courts and tribunals contribute to this effort by ending impunity for past crimes Focusing investigations and prosecution on the highest leadership maximises the impact of this contribution The ICC has an additional preventative mandate which is fulfilled by its timely intervention in the form of preliminary examinations Moreover when situations of atrocity crimes are triggered its complementarity regime incentivises states to stop violence and comply with their duties to investigate and prosecute thus strengthening the rule of law at the national level The new role granted to victims by the Rome Statute is key to the ICC's successful fulfilment of these functions This new book of essays which includes the author's unpublished inaugural lecture at Utrecht University examines these issues and places particular emphasis on the additional preventative mandate of the ICC the ICC complementarity regime the new role granted to victims and the prosecution of the highest leadership through the notion of indirect perpetration The work of Professor Olasolo

breaks new ground in the academic field of international criminal law as an analysis of the system as a whole I therefore wish to express my congratulations for this work

From the Foreword by Luis Moreno Ocampo Prosecutor International Criminal Court The Hague 27 April 2011 Professor Hector Olasolo's compilation provides an enormous source of easy reference to students academia and legal actors in the field of international law A look at the titles compiled in this volume demonstrates the present challenges to international criminal justice

From the Preliminary Reflections by Elizabeth Odio Benito Judge and Former Vice President International Criminal Court The Hague May 2011 This collection written by a brilliant and prolific scholar and practitioner of international criminal justice is an insightful and important contribution to the existing literature Each chapter in this collection is copiously footnoted and thoroughly researched making it an important reference tool for scholars and practitioners in the field Additionally and importantly the chapters explore without polemic areas of controversy and dissent and thoughtfully and scrupulously set forth arguments for and against particular doctrinal choices

From the Introduction by Leila Nadya Sadat Henry H Oerschelp Professor of Law and Director Whitney R Harris World Law Institute Washington University School of Law Alexis de Tocqueville Distinguished Fulbright Chair Universit de Cergy Pontoise Paris Spring 2011

Rethinking Miscarriages of Justice M. Naughton, 2007-09-05 Drawing on Foucauldian theory and social harm paradigms Naughton offers a radical redefinition of miscarriages of justice from a critical perspective This book uncovers the limits of the entire criminal justice process and challenges the dominant perception that miscarriages of justice are rare and exceptional cases of wrongful imprisonment

The Principle of ne bis in idem in International Criminal Law Gaiane Nuridzhanian, 2024-06-14 The legal principle of ne bis in idem proclaims that no person shall be tried twice for the same matter This principle is important in theory and practice as it safeguards a fundamental individual interest and spares the accused the burden of a repeat trial This book provides a comprehensive examination of the ne bis in idem principle in international criminal law Readers will find a detailed account of ne bis in idem rules in the law and practice of the International Criminal Court and other international criminal courts The book also examines international law ne bis in idem rules that govern the domestic prosecution of international crimes The book will be a valuable resource for researchers academics and policy makers working in the areas of International Criminal Law and International Human Rights law It will be of particular use to those interested in defense rights admissibility of cases before international criminal courts and issues arising from prosecution of international crimes in multiple criminal jurisdictions

Re-Thinking Transitional Justice for the 21st Century Dustin N. Sharp, 2018-03 Challenges conventional views of what it means to do justice in the aftermath of mass atrocities from a legal perspective

Redefining Comparative Constitutional Law, 2024-11-20 Over the past two decades the field of comparative constitutional law has emerged as a major domain of scholarly inquiry It has also been a notable feature in judicial practice Many of the world's leading courts are now composed of at least some members who engage with comparative materials and thinking comparatively has developed into one of the most significant ways of

engaging in constitutional analyses **Redefining Comparative Constitutional Law Essays for Mark Tushnet** reflects upon the field of comparative constitutional law Among the most prominent figures in the development of the field in its ongoing renaissance has been Mark Tushnet This book uses the occasion of Professor Tushnet's recent retirement from Harvard Law School to think critically about the field Each essay takes up one of Professor Tushnet's major recent themes which focuses on variations within liberal constitutionalism and the possibility of other forms of constitutionalism that find articulation under other political regimes In this book leading scholars contribute to the debate over the nature of the field including the role of empiricism and language discussions of democracy and entrenchment analyses of rights and courts consideration of constitutional design and explorations of the extent to which there are varieties of constitutionalism At a moment of renewed stress and political debate over the relationship between democracy and constitutionalism **Redefining Comparative Constitutional Law Essays for Mark Tushnet** offers timely insights into comparative analyses of constitutional rights Academics and students alike will benefit from the essays that range across both methodological questions and substantive analysis in the development of constitutions throughout the globe

Reconsidering Law and Policy Debates John G. Culhane, 2010-11-08 This book approaches a variety of social and political issues that have become highly polarized and resistant to compromise by examining them through a population based public health perspective The topics included are some of the most contentious abortion and reproductive rights end of life issues including the right to die and the treatment of pain the connection between racism and poor health outcomes for African Americans the right of same sex couples to marry the toll of gun violence and how to reduce it domestic violence and how the criminal justice model fails to deal with it effectively and how tort compensation and punitive damages can further public health goals People at every point along the political spectrum will find the book enlightening and informative Written by eight authors all of whom have cross disciplinary expertise this book shifts the focus away from the point of view of rights politics or morality and examines the effect of laws and policies from the perspective of public health and welfare

Revisiting the Vietnam War and International Law Stefan Andersson, 2017-12-28 This collection of scholarly and critical essays about the legal aspects of the Vietnam War explores various crimes committed by the United States against North Vietnam war of aggression war crimes in bombing civilian targets such as schools and hospitals and using napalm cluster bombs and Agent Orange crimes against humanity in moving large parts of the population to so called strategic hamlets and alleged genocide and ecocide International lawyer Richard Falk who observed these acts personally in North Vietnam in 1968 uses international law to show how they came about This book brings together essays that he has written on the Vietnam War and on its relationship to international law American foreign policy and the global world order Falk argues that only a stronger adherence to international law can save the world from such future tragedies and create a sustainable world order

Revisiting Proportionality in International and European Law Ulf Linderfalk, Eduardo Gill-Pedro, 2021-05-12 This book casts new light on

the application of the principle of proportionality in international law Proportionality is claimed to play a central role in governing the exercise of public power in international law and has been presented as the ultimate rule of law It has also been the subject of fierce criticism it is argued that it leads to unreflexive and arbitrary application of the law and deprives rights of their role as a firewall protecting individuals But the debate on proportionality has tended to focus on the question of how proportionality should be carried out Much less attention has been devoted to the question of who This edited volume bring together scholars from a wide range of areas of international law to consider that question whose interests are at stake when courts and other legal authorities apply the principle of proportionality In so doing this volume casts new light on the role which proportionality can play in international law in shaping and modulating the power relations between the different entities governed by it

Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery Prabha Kotiswaran, 2017-05-25 In the decades following the globalization of the world economy trafficking forced labor and modern slavery have emerged as significant global problems States negotiated the Palermo Protocol in 2000 under which they agreed to criminalize trafficking primarily understood as an issue of serious organized crime Sixteen years later leading academics activists and policy makers from international organizations come together in this edited volume and adopt an inter disciplinary multi stakeholder approach to revisit trafficking through the lens of labor migration and extreme exploitation and in the process rethink the law and governance of trafficking This volume considers many key factors including the evolving international law on trafficking the relationship between trafficking slavery indenture and domestic migration law and policy as well as newly emergent techniques of governance including indicators all with a view to furthering prospects for lasting economic justice in a globalized world

Forthcoming Books Rose Arny, 1992

Exceptions in International Law Lorand Bartels, Federica Paddeu, 2020-06-18 Many international obligations are subject to exceptions These can be expressed in several ways an obligation may be vitiated by the presence of one of its constitutive negative requirements an obligation may be set aside by the application of another more specific rule or an actor might have a right to act in a certain way notwithstanding a contrary obligation Exceptions are also of fundamental practical importance for example they affect the allocation of the burden of proof This volume provides a systematic and analytic study of exceptions to legal obligations in international law and defences for breaches of these obligations It features contributions written by legal philosophers who introduce various theoretical approaches to the role of exceptions and scholars of international law who elaborate on generic issues applicable to exceptions in international law as well as examine specific issues arising from exceptions in their respective areas of expertise Topics covered include the use of force international criminal law human rights trade investment environment and jurisdictional immunities

Redefining The Early And Child Marriage And Reconsidering Its Elimination In Nepal Through Absolute Criminalization Laxmi Aryal, Child marriage is prevalent in South Asia as it is estimated there are 285 million child brides At present 59% of women aged 20 24

in Bangladesh were married under the age of 18 40% in Nepal and 27 % in India Child marriage is regarded as one of the harmful traditional practice existing in Nepal since time immemorial Nepal aims to end child marriage by 2030 as part of its commitment to the UN Sustainable Development Goals Moreover the government of Nepal has already sanctioned a national strategy that provides an overarching framework to end child marriage At the meantime the criminal law of Nepal considers child marriage as a crime and punishes the person who perform or cause to perform child marriage This research is a part of this consortium project which was commissioned by Women Rehabilitation Center along with International Women s Rights Action Watch Asia Pacific IRAW AP and other South Asian organizations for South Asian Initiative on FIRE from July 2019 to October 2020 Also the data collection and the law review for the research report has been conducted from March 2020 to October 2020 This report aims to find out the changing trend of child marriage like either forced or self initiated or other forms Further it also endeavors to understand the deep rooted causes of the child marriage and its interconnectedness with the impacts it create to the girls and boys at different levels of their livelihood family relations reproductive health and legal consequences from adolescent perspectives Finally this report focuses on to revisit the laws on absolute criminalization of the child marriage and its effectiveness on controlling the agencies decision making and choice of adolescents regarding marriage

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

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