

# RETHINKING LEGAL NEED

## The Case of Criminal Justice

*Paul Robertshaw*

# Rethinking Legal Need The Case Of Criminal Justice

**Ulf Linderfalk, Eduardo Gill-Pedro**



## **Rethinking Legal Need The Case Of Criminal Justice:**

*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** 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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**Rethinking EU 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

*Revisiting Landmark Cases in Medical Law* Shaun D. Pattinson, 2018-09-27 Is it lawful for a doctor to give a patient life shortening pain relief Can treatment be lawfully provided to a child under 16 on the basis of her consent alone Is it lawful to remove food and water provided by tube to a patient in a vegetative state Is a woman's refusal of a caesarean section recommended for the benefit of the fetus legally decisive These questions were central to the four focal cases revisited in this book This book revisits nine landmark cases For each a new leading judgment is attributed to an imagined judge Athena who operates within the constraints of the legal system of England and Wales Her judgments accord with an innovative legal theory referred to as modified law as integrity and are linked as a line of precedent The result is a re spinning of extant judicial threads into a web of legal principles with a greater claim to coherence and defensibility than those in the original cases The book will be of great interest to scholars and students of medical law criminal law bioethics legal theory and moral philosophy

**Manifest Madness** Arlie Loughnan, 2012-04-19 Bringing together previously disparate discussions on criminal responsibility from law psychology and philosophy this book provides a close study of mental incapacity defences tracing their development through historical cases to the modern era

**Rethinking Punishment** Karol Lucken, 2017-02-10 There are visible signs that the get tough era of punishment is finally winding down A get smart agenda has emerged that aims to reduce costs and crime by reducing the incarceration of non violent drug offenders expanding use of community based corrections revising sentencing structures and supporting offender re entry into the community This change in policy affords an opportunity to re examine and challenge certain other conventions in the study and practice of punishment Each chapter of *Rethinking Punishment* examines a convention and posits arguments that challenge that convention and expand the conversation These arguments are based on the prior literature existing and original data and historical documents These conventions and arguments for

rethinking punishment are framed accordingly Justifying Penal Policy Defining the Attributes of Punishment Measuring the Scope and Severity of Punishment Evaluating Effectiveness in Punishment Finally the author provides specific recommendations for research and policy based on these original arguments Drawing on underlying philosophical empirical and political issues and offering a critical discussion of the relationship between research policy and practice this book makes compelling and instructive reading for students taking courses in criminal justice corrections philosophy of punishment the sociology of punishment and law and justice

**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

Rethinking and Reforming American Policing

Joseph A. Schafer, Richard W. Myers, 2022-01-01 Policing in the US and many western nations is in an era of crisis facing extensive calls for reformation and change This edited book outlines the major challenges and changes needed to achieve a more stable future for the policing profession and police organizations The chapters come from innovative police leaders and officers as well as academics with subject matter expertise to provide insight into how reform can be done with the police It focusses on how leaders should understand and approach their role during times of instability and uncertainty It starts with an examination of how policing reached this state of crisis and discusses some interviews conducted with police leaders particularly chiefs as agents of change and reform This is followed by chapters from several veteran police leaders and personnel describing some of the factors that brought policing to this critical time of change and reform how has policing evolved in the late 20th and early 21st centuries and how that impacts the current environment and some potential strategies to create meaningful change while considering unintended consequences The following chapters from academics seek to define paths that policing can take toward needed changes that will increase legitimacy trust and equality of policing services It speaks to students academics and professionals interested in police organization and administration police leadership and contemporary issues in policing and criminal justice

**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 **Ibss: Political Science: 1991** British Library of Political and Economic Science,1993 IBSS is the essential tool for librarians university departments research institutions and any public or private institution whose work requires access to up to date and comprehensive knowledge of the social sciences *Bowker's Law Books and Serials in Print* ,1995 *APAIS 1999: Australian public affairs information service* ,

Revisiting Juvenile Justice in India Atul Jaybhaye,2023-11-17 Revisiting Juvenile Justice in India analyzes the challenges and issues involved in the study of juvenile justice in India The book compares the juvenile justice systems of the United States the United Kingdom and China with India to identify causes of juvenile delinquency and the measures to curb it It traces the origin of juvenile justice in India and its evolution through landmark judgments The book critically analyzes the Nirbhaya Rape Case of 2012 analyzing the age of criminal responsibility for juveniles and the need for new juvenile justice laws which led to the passing of the Juvenile Justice Care of Protection of Children Act 2015 The book studies international conventions upholding the rights of children i e United Nations Convention on the Rights of the Child UNCRC Beijing Rules Riyadh Guidelines etc and the legal framework for child protection in India and its relevance to juvenile justice This book will be useful for undergraduate and post graduate law students advocates criminal law practitioners officers staff of the correction homes Judges of the Juvenile Justice Board and research scholars **George Fletcher's Essays on Criminal Law** George P. Fletcher,2013-01-10 This volume collects for the first time a selection of criminal law scholar George Fletcher s most famous previously published shorter works as well as some that are less known but equally important Each of the twelve essays by Fletcher is paired with one or more new critical commentaries on that essay These critical commentaries trace the impact of the respective essay in the development of the criminal law and assess its future significance

**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

Corruption and Criminal Justice Tina Søreide,2016-02-26 Criminal law efficiency is a concept often referred to but seldom defined Clarity the author argues is necessary for finding practical solutions to fundamental challenges in this area of law especially with the criminal justice system itself at risk Tina S reide offers views in contrast to mainstream ideas on optimal criminal law responses to corruption with emphasis on the fundamental role of the criminal justice system in the fight against corruption and the effect this can have on other mechanisms in society Her analysis explains the concept of criminal law efficiency through economic approaches and why many criminal law responses to corruption are at risk of becoming fa ade strategies that may in fact facilitate corruption Corruption and Criminal Justice offers insights into the obstacles that policymakers and government advisors cannot ignore It serves as an invaluable resource for advanced students and academics interested in law economics and large corporations

**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



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