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GOODMAN BRENDEN

[Great Legal Traditions](#) Oxford University Press

Criminal procedure in the common law world is being recast in the image of human rights. The cumulative impact of human rights laws, both international and domestic, presages a revolution in common law procedural traditions. Comprising 16 essays plus the editors' thematic introduction, this volume explores various aspects of the 'human rights revolution' in criminal evidence and procedure in Australia, Canada, England and Wales, Hong Kong, Malaysia, New Zealand, Northern Ireland, the Republic of Ireland, Singapore, Scotland, South Africa and the USA. The contributors provide expert evaluations of their own domestic law and practice with frequent reference to comparative experiences in other jurisdictions. Some essays focus on specific topics, such as evidence obtained by torture, the presumption of innocence, hearsay, the privilege against self-incrimination, and 'rape shield' laws. Others seek to draw more general lessons about the context of law reform, the epistemic demands of the right to a fair trial, the domestic impact of supra-national legal standards (especially the ECHR), and the scope for reimagining common law procedures through the medium of human rights. This edited collection showcases the latest theoretically informed, methodologically astute and doctrinally rigorous scholarship in criminal procedure and evidence, human rights and comparative law, and will be a major addition to the literature in all of these fields.

International Crime and Justice West Academic Publishing

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.

Criminal Law in Focus BRILL

This book offers a comparative analysis of traditional Asian legal systems. It combines methods from legal history, legal anthropology, legal philosophy, and substantive law, pursuing a comprehensive approach that offers readers a broad perspective on the topic. The geographic regions

covered include the Near East, Middle East, Central Asia, India, China, Japan, and Southeast Asia. For each region, the book first provides historical and political context. Next, it discusses major milestones in the region's legal history and political institutions, as well as its forms of government. Readers are then presented with fundamental principles and terms needed to understand the legal arguments discussed. The book begins with the Ancient Near East and important topics such as Jewish law. The next part considers Islamic law, while also exploring modern issues. The third part focuses on Hindu and Buddhist law, while the fourth part covers China and Japan. The book's closing section examines tribal societies, e.g. Mongols, Pashtuns and Malays. Topics covered include the interaction of legal systems within a legal circle, inter-systemic interactions, reasons for the failure and success of legal modernization, legal pluralism, and its effects on Asian societies. Family law, law of obligation, criminal law, and procedural law are also explored.

Comparative Law and Legal Traditions Cambridge University Press

A "searing, searching, and eloquent" (Martha Minow, Harvard Law School) investigation into the role of the legal profession in perpetuating mass incarceration--now in an accessible paperback format from the award-winning civil rights lawyer Alec Karakatsanis doesn't think people who have gone to law school, passed the bar, and sworn to uphold the Constitution should be complicit in the mass caging of human beings--an everyday brutality inflicted disproportionately on the bodies and minds of poor people and people of color, for which the legal system has never offered sufficient justification. Usual Cruelty offers a radical reconsideration of the American "injustice system" by someone who is actively--and wildly successfully--challenging it. Hailed by luminaries from James Forman Jr. and Vanita Gupta to U.S. Circuit Judge Bernice Donald, and MacArthur Award-winning poet and attorney Reginald Wayne Betts, Usual Cruelty offers a condemnation of the whole deplorable enterprise, starting with profound questions about the specific things our system chooses to criminalize (marijuana plants, low-level gambling, petty theft) versus those we don't (tobacco plants, high-level gambling by bankers, massive wage theft by employers). It calls out a bail system that charges people money to go free despite the lack of any evidence this will make them more likely to show up in court or make anybody safer. And it explores the everyday brutality of our courts, prisons, and jails, and the ways in which the legal profession has allowed itself to become desensitized to the everyday pain these institutions inflict on our most vulnerable populations. Now in an accessible paperback format, Usual Cruelty will cement Karakatsanis's reputation as one of the most inspiring civil rights lawyers of our time.

Criminal Justice in America OUP Oxford

How Roman law has influenced European legal and political thought from antiquity to the present day.

Privilege and Punishment Routledge

How the attorney-client relationship favors the privileged in criminal court—and denies justice to the poor and to working-class people of color The number of Americans arrested, brought to court, and incarcerated has skyrocketed in recent decades. Criminal defendants come from all races and economic walks of life, but they experience punishment in vastly different ways. Privilege and Punishment examines how racial and class inequalities are embedded in the attorney-client relationship, providing a devastating portrait of inequality and injustice within and beyond the criminal courts. Matthew Clair conducted extensive fieldwork in the Boston court system, attending criminal hearings and interviewing defendants, lawyers, judges, police officers, and probation officers. In this eye-opening book, he uncovers how privilege and inequality play out in criminal court interactions. When disadvantaged defendants try to learn their legal rights and advocate for themselves, lawyers and judges often silence, coerce, and punish them. Privileged defendants, who are more likely to trust their defense attorneys, delegate authority to their lawyers, defer to judges, and are rewarded for their compliance. Clair shows how attempts to exercise legal rights often backfire on the poor and on working-class people of color, and how effective legal representation alone is no guarantee of justice. Superbly written and powerfully argued, Privilege and Punishment draws needed attention to the injustices that are perpetuated by the attorney-client relationship in today's criminal courts, and describes the reforms needed to correct them.

Legal Traditions in Asia Simon and Schuster

This is the first book of a series on criminalization - examining the principles and goals that should guide what kinds of conduct are to be criminalized, and the forms that criminalization should take. The first volume studies the scope and boundaries of the criminal law - asking what principled limits might be placed on criminalizing behaviour.

Major Legal Systems in the World Today Routledge

International Law in the U.S. Legal System provides a wide-ranging overview of how international law intersects with the domestic legal system of the United States, and points out various unresolved issues and areas of controversy. Curtis Bradley explains the structure of the U.S. legal system and the various separation of powers and federalism considerations implicated by this structure, especially as these considerations relate to the conduct of foreign affairs. Against this backdrop, he covers all of the principal forms of international law: treaties, executive agreements, decisions and orders of international institutions, customary international law, and jus cogens norms. He also explores a number of issues that are implicated by the intersection of U.S. law and international law, such as treaty withdrawal, foreign sovereign immunity, international human rights litigation, war powers, extradition, and extraterritoriality. This book highlights recent decisions and events relating to the topic, including various actions taken during the Trump administration, while also taking into account relevant historical materials, including materials relating to the U.S. Constitutional founding. Written by one of the most cited international law scholars in the United States, the book is a resource for lawyers, law students, legal scholars, and judges from around the world.

The Constitution of the Criminal Law BRILL

Provides a key textbook on the nature of international and transnational crimes and the delivery of justice for crime control and prevention.

International and Transnational Crime and Justice Bloomsbury Publishing

America is a nation founded on justice and the rule of law. But our laws are too complex, and legal advice too expensive, for poor and even middle-class Americans to get help and vindicate their rights. Criminal defendants facing jail time may receive an appointed lawyer who is juggling hundreds of cases and immediately urges them to plead guilty. Civil litigants are even worse off; usually, they get no help at all navigating the maze of technical procedures and rules. The same is true of those seeking legal advice, like planning a will or negotiating an employment contract. Rebooting

Justice presents a novel response to longstanding problems. The answer is to use technology and procedural innovation to simplify and change the process itself. In the civil and criminal courts where ordinary Americans appear the most, we should streamline complex procedures and assume that parties will not have a lawyer, rather than the other way around. We need a cheaper, simpler, faster justice system to control costs. We cannot untie the Gordian knot by adding more strands of rope; we need to cut it, to simplify it.

In Search of Criminal Responsibility Springer Nature

This unique publication offers a complete history of Roman law, from its early beginnings through to its resurgence in Europe where it was widely applied until the eighteenth century. Besides a detailed overview of the sources of Roman law, the book also includes sections on private and criminal law and procedure, with special attention given to those aspects of Roman law that have particular importance to today's lawyer. The last three chapters of the book offer an overview of the history of Roman law from the early Middle Ages to modern times and illustrate the way in which Roman law furnished the basis of contemporary civil law systems. In this part, special attention is given to the factors that warranted the revival and subsequent reception of Roman law as the 'common law' of Continental Europe. Combining the perspectives of legal history with those of social and political history, the book can be profitably read by students and scholars, as well as by general readers with an interest in ancient and early European legal history. The civil law tradition is the oldest legal tradition in the world today, embracing many legal systems currently in force in Continental Europe, Latin America and other parts of the world. Despite the considerable differences in the substantive laws of civil law countries, a fundamental unity exists between them. The most obvious element of unity is the fact that the civil law systems are all derived from the same sources and their legal institutions are classified in accordance with a commonly accepted scheme existing prior to their own development, which they adopted and adapted at some stage in their history. Roman law is both in point of time and range of influence the first catalyst in the evolution of the civil law tradition.

Power and Crime Transaction Publishers

A comparative and collaborative study of the foundational principles and concepts that underpin different domestic systems of criminal law.

Criminal Law, Tradition and Legal Order Thomson Carswell

This volume contributes to the codification debate by bringing together research articles which compare and contrast the experience of countries which have a criminal code with those operating a case law system. Whereas wholesale codification is a much more accepted phenomenon in the continental law traditions, simplistic transplants from one legal tradition can result in systemic frictions and other anomalies which may offend domestic culture. This collection is an invaluable reference tool which supports the discussion over codification and promotes better understanding across the common law/civil law divide.

From Crime to Punishment Oxford University Press

A broad history of the western European legal tradition. Bellomo discusses the great jurists who gave common law its intellectual vigor as well as the humanist jurists of the period.

Rebooting Justice Aspen Publishing

This book aims to explore a number of connected themes relating to compliance, legitimacy and trust in different areas of criminal justice and socio-legal regulation.

Encounter Books

This book examines the relationship between legal tradition and national identity to offer a critical and historical perspective on the study of criminal law. Developing a radically different approach to questions of responsibility and subjectivity, it combines appreciation of the institutional and historical context in which criminal law is practiced with an informed understanding of the law itself. Drawing on original research into the development of Scottish criminal justice, it offers the first full-length critique of modern criminal law theory.

The Criminal Law System of Medieval and Renaissance Florence International Crime and Justice

This book provides an analysis of the two concepts of power and crime and posits that criminologists can learn more about these concepts by incorporating ideas from disciplines outside of criminology. Although arguably a 'rendezvous' discipline, Vincenzo Ruggiero argues that criminology can gain much insight from other fields such as the political sciences, ethics, social theory, critical legal studies, economic theory, and classical literature. In this book Ruggiero offers an authoritative synthesis of a range of intellectual conceptions of crime and power, drawing on the works and theories of classical, as well as contemporary thinkers, in the above fields of knowledge, arguing that criminology can 'humbly' renounce claims to intellectual independence and adopt notions and perspectives from other disciplines. The theories presented locate the crimes of the powerful in different disciplinary contexts and make the book essential reading for academics and students involved in the study of criminology, sociology, law, politics and philosophy.

Criminal Law Routledge

Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and Operational Perspective draws on the nearly thirty years of experience that the author has accumulated from working in and writing about a variety of legal systems around the world. After an introduction to the underlying concepts and values of comparative legal studies, Head embarks on a brisk six-chapter survey of European civil law, English and American common law, and Chinese law (both dynastic and contemporary). Each legal tradition is divided into two perspectives — first historical and then operational. Numerous illustrations and biographical sketches bring the historical surveys to life, thereby setting the stage for a close examination of several key attributes of representative legal systems in each of the three traditions. Head's "operational" topics include sources of law, the role and training of lawyers, the division of court jurisdiction, constitutional review, the role of codification, and more — and he gives special attention to comparative criminal procedure. Great Legal Traditions is designed primarily for use in law schools and other graduate programs in comparative history, international relations, and both European and Chinese area studies, but the book is also written to be accessible to a more general readership. The main text is supplemented with numerous appendices that serve in place of a documents supplement. A teacher's manual is also available with guidance on each of the study questions that Head places at the beginning of each chapter (roughly 200 study questions in all).

The teacher's manual also provides guidance (and confidence) to instructors not already familiar with Chinese law and history.

[Roman Law in European History](#) Routledge

"A systematic and comprehensive comparative analysis, of criminal law, focused on two major jurisdictions: the United States and Germany."--Jacket.

Criminal Law Aspen Publishing

International crime and justice is an emerging field that covers international and transnational crimes that have not been the focus of mainstream

criminology or criminal justice. This book examines the field from a global perspective. It provides an introduction to the nature of international and transnational crimes and the theoretical perspectives that assist in understanding the relationship between social change and the waxing and waning of the crime opportunities resulting from globalization, migration, and culture conflicts. Written by a team of world experts, it examines the central role of victim rights in the development of legal frameworks for the prevention and control of transnational and international crimes. It also discusses the challenges to delivering justice and obtaining international cooperation in efforts to deter, detect, and respond to these crimes.

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