

PREVENTION AND
THE LIMITS OF
THE CRIMINAL LAW

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Prevention And The Limits Of The Criminal Law

N. Henry, A. Powell



Prevention And The Limits Of The Criminal Law:

Prevention and the Limits of the Criminal Law Andrew Ashworth, Lucia Zedner, Patrick Tomlin, 2013-01-31 Are preventive justice measures justified Do they needlessly blur the boundaries between criminal and civil law signalling a change in the architecture of security The contributors in this volume re assess the foundations for the range of coercive measures that states now take in the name of prevention and public protection Proportionality in Crime Control and Criminal Justice Emmanouil Billis, Nandor Knust, Jon Petter Rui, 2021-04-22 This edited volume seeks to reassess the old and to analyse and develop novel approaches to the notion of proportionality in criminal matters and the new security architecture The discourse is not limited to conventional constitutional constellations and standard problems of sentencing in traditional criminal proceedings Rather the book offers an interdisciplinary and cross jurisdictional exploration of highly topical proportionality related issues pertinent to penal theory and legal philosophy criminalisation policies security and anti terrorism strategies alternative types of justice delivery and supranational enforcement as well as human rights and international criminal and humanitarian law In today s global risk society with its numerous visible and invisible enemies of the state and the individual balancing freedom and security has become nothing less than an attempt at untying a Gordian knot Against this background the proportionality of measures of crime prevention and repression is unquestionably an issue of utmost importance which basic research and legal policy in rule of law based systems are urgently called to address The timely and fascinating contributions in this book covering jurisdictions from both the common law and the civil law as well as hybrid and international jurisdictions will appeal to academics researchers policy advisers and practitioners working in the areas of national and international criminal law comparative criminal justice criminology and legal philosophy as well as constitutional and security law *Criminalization* Antony Duff, Lindsay Farmer, Sandra E. Marshall, Massimo Renzo, Victor Tadros, 2014 The Criminalization series arose from an interdisciplinary investigation into criminalization focusing 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 The fourth book in the series examines the political morality of the criminal law exploring general principles and theories of criminalization Chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy republicanism and contractarianism or reflect upon on the success of important theories of criminalization by viewing them in a novel light Ideas that are fundamental to any complete theory of the criminal law liberty harm and the effect on victims are investigated in depth Sociological investigation of the criminal law grounds a critical investigation into the principles of criminalization both as a legislative matter and with respect to criminalization practices in contemporary and historical

contexts The volume broadens our conceptions of the theory of criminalization and clarifies the role of the series in the development of this theory It is essential reading for all interested in legal political and social theories of criminalization

The Preventive Turn in Criminal Law Henrique Carvalho, 2017-04-28 This book presents a theoretical examination of the rise and expansion of preventive criminal offences that has gained momentum in Anglo American criminal justice since the late twentieth century It shows how recent transformations in criminal law and justice are intrinsically related to and embedded in the way liberal society and liberal law have been imagined developed and conditioned by their social political and historical contexts The book starts by identifying a tension within contemporary criminal law between the importance given to the expression of individual autonomy and responsibility and the perceived need for prevention as a condition for the security of autonomy and the promotion of welfare The book then traces this tension back to an intrinsic ambivalence within the modern conception of individual liberty which is both repressed and preserved by liberal conceptions of responsibility and punishment It finds that it is this tension that ultimately grounds the rise of preventive criminal offences in recent times The Preventive Turn in Criminal Law engages with the main contemporary literature on criminal law prevention risk security and criminalisation by deploying a theoretical perspective from both classical and contemporary works of social and political theory including the works of Hobbes Locke Hegel and Bentham It does so in order to reveal that the pervasiveness of prevention in twenty first century criminal law not only represents the consequence of new and unprecedented features of contemporary politics and society but also embeds long established features of the liberal legal and political tradition

Preventive Justice Andrew Ashworth, Lucia Zedner, 2014-03-27 This book arises from a three year study of Preventive Justice directed by Professor Andrew Ashworth and Professor Lucia Zedner at the University of Oxford The study seeks to develop an account of the principles and values that should guide and limit the state's use of preventive techniques that involve coercion against the individual States today are increasingly using criminal law or criminal law like tools to try to prevent or reduce the risk of anticipated future harm Such measures include criminalizing conduct at an early stage in order to allow authorities to intervene incapacitating suspected future wrongdoers and imposing extended sentences or indefinite on past wrongdoers on the basis of their predicted future conduct all in the name of public protection and security The chief justification for the state's use of coercion is protecting the public from harm Although the rationales and justifications of state punishment have been explored extensively the scope limits and principles of preventive justice have attracted little doctrinal or conceptual analysis This book reassesses the foundations for the range of coercive measures that states now take in the name of prevention and public protection focussing particularly on coercive measures involving deprivation of liberty It examines whether these measures are justified whether they distort the proper boundaries between criminal and civil law or whether they signal a larger change in the architecture of security In so doing it sets out to establish a framework for what we call Preventive Justice

Regulating Preventive Justice Tamara Tulich, Rebecca Ananian-Welsh, Simon

Bronitt, Sarah Murray, 2017-01-20 Like medicine law is replete with axioms of prevention Prevention is better than cure has a long pedigree in both fields 17th century jurist Sir Edward Coke observed that preventing justice excelleth punishing justice A century later Sir William Blackstone similarly stated that preventive justice is preferable in all respects to punishing justice This book evaluates the feasibility and legitimacy of state attempts to regulate prevention Though prevention may be desirable as a matter of policy questions are inevitably raised as to its limits and legitimacy specifically how society reconciles the desirability of averting risks of future harm with respect for the rule of law procedural fairness and human rights While these are not new questions for legal scholars they have been brought into sharper relief in policy and academic circles in the wake of the September 11 terrorist attacks Over the past 15 years a body of legal scholarship has tracked the intensified preventive focus of anti terrorism law and policy observing how this focus has impacted negatively upon traditional legal frameworks However preventive law and policy in other contexts such as environmental protection mental health immigration and corruption has not received sustained focus This book extends that body of scholarship through use of case studies from these diverse regulatory settings in order to examine and critique the principles policies and paradoxes of preventive justice Whereas earlier scholars looked upon preventive justice as a source and means of regulation the powerfully argued contributions to this volume provide forceful reasons to consider whether we would do better talk about regulating preventive justice Professor Lucia Zedner Oxford University

Intertwining Criminal Justice and Immigration Control in the EU Niovi Vavoula, Evangelia (Lilian) Tsourdi, Valsamis Mitsilegas, 2025-09-09 This book offers a contemporary understanding of the state of the art of crimmigration with a focus on the European Union and challenges this paradigm of intersecting criminal justice and immigration control The contributions to this book explore the conceptual and philosophical underpinnings of EU and national policies intertwining criminal and migration law as well as their practical use and abuse They analyse migration control through criminal law from multidisciplinary and interdisciplinary perspectives incorporating insights from law philosophy and criminology The book revisits fundamental questions on the suitability of criminal law to regulate and govern migration and provides insights as to whether and how the law should be amended to limit the negative consequences of the criminalisation of migration The authors critique the key legal challenges crimmigration poses in terms of legality fundamental rights and rule of law adherence Finally this volume outlines through concrete examples how criminalisation of migration translates into the emergence of hostile environments for migrants and those who assist them This book will be of interest to criminologists sociologists legal scholars and all those engaged in studies on migration and the European Union

Preventing Sexual Violence N. Henry, A. Powell, 2014-10-02 While there is much agreement about the scope of sexual violence how to go about preventing it before it occurs is the subject of much debate This unique interdisciplinary collection investigates the philosophy and practice of primary prevention of sexual violence within education institutions and the broader community

Criminal Procedure James R. Acker, David C.

Brody,2004 This essential resource provides students with an introduction to the rules and principles of criminal procedure law This text uses a case study approach to help students develop the analytical skills necessary to understand the origins context and evolutions of the law concentrates on US Supreme Court decisions interpreting both state and federal constitutions and introduces students to the reference materials and strategies used for basic legal research *Modern Control Theory and the Limits of Criminal Justice* Michael R. Gottfredson, Travis Hirschi, 2020 In 1990 when Michael Gottfredson and Travis Hirschi published A General Theory of Crime now often referred to as self control theory it quickly became among the most discussed and researched perspectives in criminology In *Modern Control Theory and the Limits of Criminal Justice* Gottfredson and Hirschi develop and extend the theory of self control advanced in their classic work Focusing on the methodology of testing crime theory and measuring behavioral research on crime and delinquency they critically review the evidence about self control theory Gottfredson and Hirschi further discuss evidence about the positive consequences of higher levels of self control from education economics and public health that along with evidence from delinquency and crime show substantial support for the theory of self control Illustrating the theory through predictions about policing incarceration juvenile justice and the connection of immigration policy to crime this book connects self control theory to the structure and function of the criminal justice system then applies the theory to pressing issues of public policy about delinquency and crime

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