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Criminal Law and Criminology 2019



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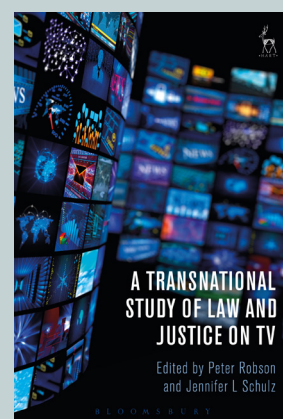
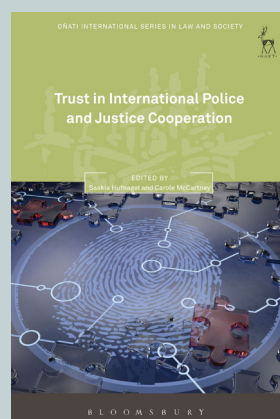
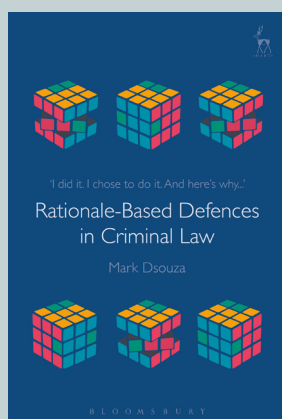
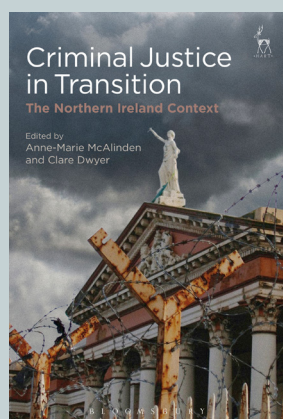
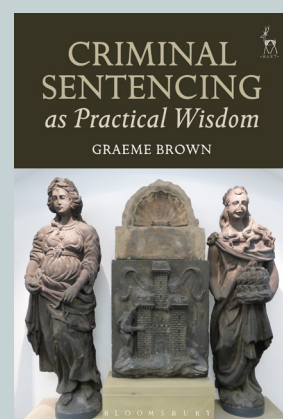
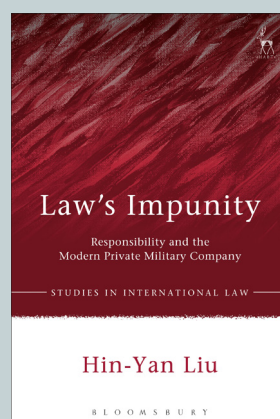
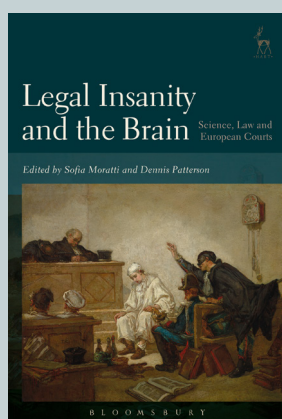
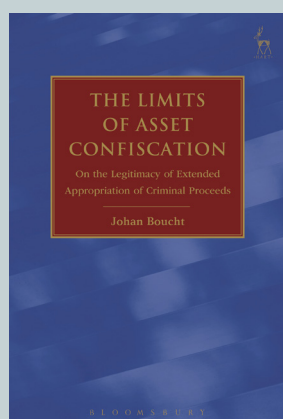
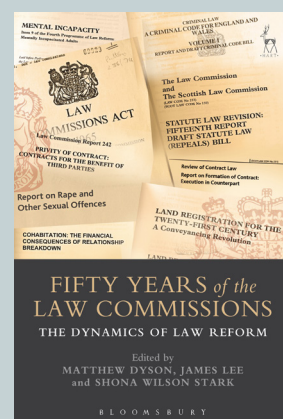
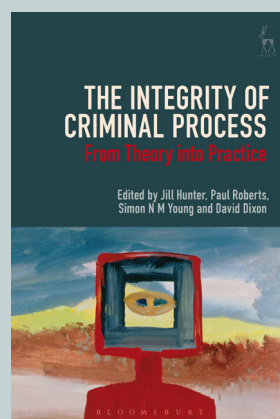
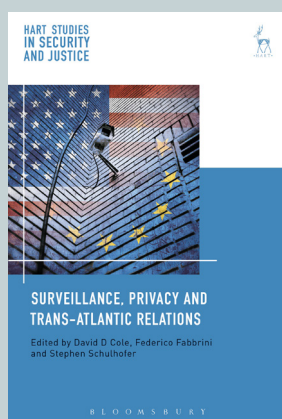
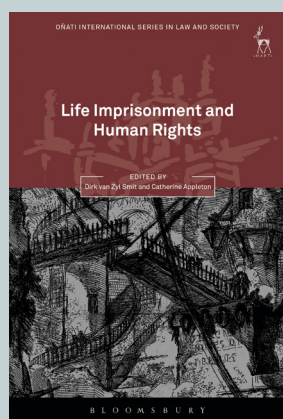
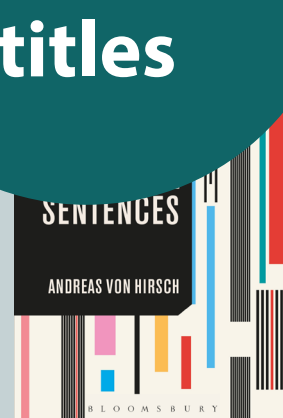
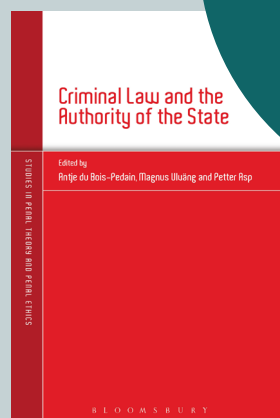
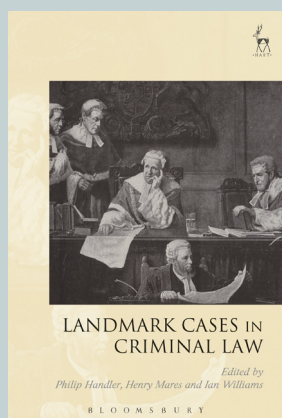
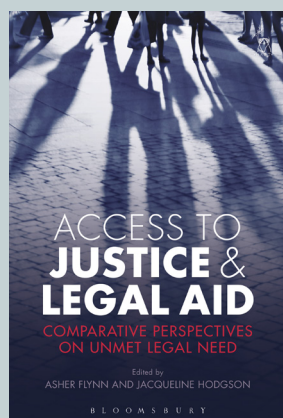
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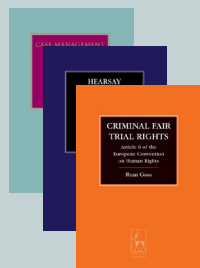
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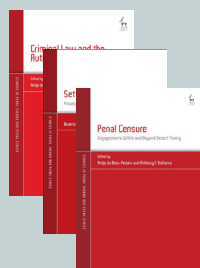
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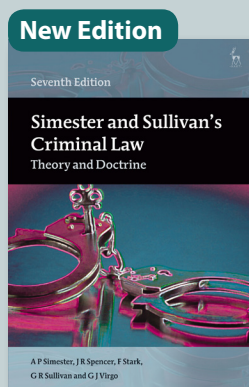
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careful exploration of its theoretical underpinnings. Primarily, it is written for undergraduate students of criminal law and it has become the set text in many leading universities. Additionally, the book is used as an important point of reference in academic writing and postgraduate research in England and abroad. *Simester and Sullivan's Criminal Law* has been cited by appellate courts throughout the world.

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John Taggart, Criminal Law Review

A P Simester is Professor of Law and Provost's Chair at the National University of Singapore and the Edmund-Davies Professor of Criminal Law at King's College London. **J R Spencer** is Professor Emeritus of Law in the Law Faculty at the University of Cambridge and a Bye-Fellow at Murray Edwards College, Cambridge. **F Stark** is University Lecturer in Law at the University of Cambridge and a Fellow of Jesus College, Cambridge. **G R Sullivan** is Emeritus Professor of Law at University College, London. **G J Virgo** is Professor of English Private Law at the University of Cambridge and a Fellow of Downing College, Cambridge.

Aug 2019 | 928pp | Pbk | 9781509926688 | RSP: £39.99



Law in Northern Ireland

Brice Dickson

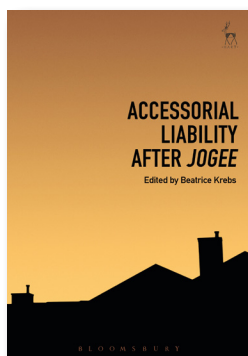
Law in Northern Ireland is the essential textbook for all students of Northern Ireland's legal system. Changes to this new edition – some of them substantial – have been made to every section, taking full account of five years of developments. The book explores the evolution of law-making in Northern Ireland before going on to explain the relevant constitutional arrangements, how to identify and interpret applicable sources of law, and what are the fundamental rules and principles of public law, criminal law and

private law, highlighting where appropriate what may be unusual about them. It contextualises the myriad of legal institutions operating in the jurisdiction, sets out how criminal and civil proceedings work in practice and provides useful information on how people become lawyers, what lawyers actually do once they become qualified and how the legal system is funded. The appendices set out some sample sources of law so that readers can familiarise themselves with what is involved in handling legal documents. The language throughout is accessible and there are Tables of Cases and Legislation, as well as a comprehensive index.

Brice Dickson is Professor of International and Comparative Law at the School of Law, Queen's University Belfast.

Jun 2018 | 528pp | Pbk | 9781509919260 | RSP: £38.99

Criminal Law and Criminology Titles (2019-2020)



Accessorial Liability after *Jogee*

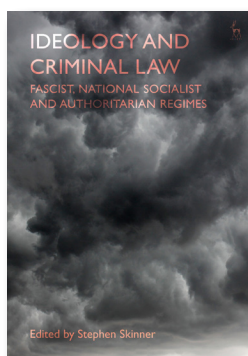
Edited by Beatrice Krebs

In February 2016, the UK Supreme Court fundamentally changed the criminal law principles of accessorial liability when it handed down its decision in *R v Jogee*. The Court abolished the head of liability known as 'joint criminal enterprise' and replaced it with the ordinary principles of aiding and abetting, which it re-stated for this purpose. But the full implications of the case for the criminal law remain at present uncertain, underexplored and divisive.

This book examines *Jogee* in detail, bringing together legal academics and barristers, all of them experts in the area of complicity, but each of whom have different experiences and views to bear on the issues under debate. The result is the first comprehensive analysis of the various issues that arise from *Jogee*. It is not just meant to provide a source of reference for academics and practitioners working in the area of complicity, its aim is more ambitious in that it seeks to chart the way forward and to suggest solutions to the various problems created by *Jogee* for criminal law theory and practice.

Beatrice Krebs is Lecturer in Law at the University of Reading.

Dec 2019 | 256pp | Hbk | 9781509918898 | RSP: £70



Ideology and Criminal Law Fascist, National Socialist and Authoritarian Regimes

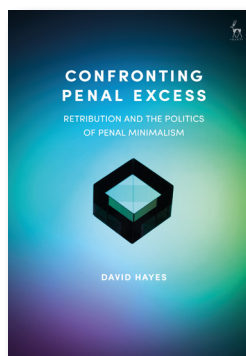
Edited by Stephen Skinner

With populist, nationalist and repressive regimes increasing around the world, questioning the impact of politics on the state and the role of law is a pressing concern. If we are to understand the effects of extreme ideologies on the state's legal dimensions and powers — especially the power to punish and to determine the boundaries of permissible conduct through criminal law — it is essential to

consider the lessons of history. This timely collection explores how political ideas and beliefs influenced the nature, content and application of criminal law and justice under Fascism, National Socialism, and other authoritarian regimes in the twentieth century. Bringing together expert legal historians from four continents, the collection's sixteen chapters examine aspects of criminal law and related jurisprudential and criminological questions in the context of Fascist Italy, Nazi Germany, Nazi-occupied Norway, apartheid South Africa, Francoist Spain, and the authoritarian regimes of Brazil, Romania and Japan. Based on original archival, doctrinal and theoretical research, the collection offers new critical perspectives on issues of systemic identity and the foundational role of criminal law; processes of state repression and the activities of criminal courts and lawyers; and ideological aspects of, and tensions in, substantive criminal law.

Stephen Skinner is Associate Professor of Comparative Legal History and Human Rights at the University of Exeter.

Sep 2019 | 392pp | Hbk | 9781509910816 | RSP: £80



Confronting Penal Excess Retribution and the Politics of Penal Minimalism

David Hayes

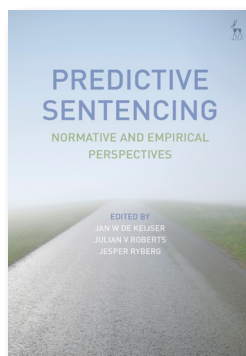
This monograph considers the correlation between the relative success of retributive penal policies in English-speaking liberal democracies since the 1970s, and the practical evidence of increasingly excessive reliance on the penal state in those jurisdictions.

It sets out three key arguments. Firstly, that increasingly excessive conditions in England and Wales over the last three decades represent a failure of retributive theory. Secondly, that the penal minimalist cause cannot do without retributive proportionality, at least in comparison to the limiting principles espoused by rehabilitation, restorative justice, and penal abolitionism. Thirdly that, accordingly, another retributivism is necessary if we are to confront penal excess. Hayes offers a sketch of this new approach, 'late retributivism', as both a theory of punishment and of minimalist political strategy, within a democratic society.

Centrally, criminal punishment is approached as both a political act and a policy choice. Consequently, penal theorists must take account of contemporary political contexts in designing and advocating for their theories. Although Hayes's inquiry focuses primarily on England and Wales, its models of retributivism and of academic contribution to democratic penal policy-making are relevant to other jurisdictions, too.

David Hayes is Lecturer in Law at the University of Sheffield.

Nov 2019 | 224pp | Hbk | 9781509917976 | RSP: £55



Predictive Sentencing Normative and Empirical Perspectives

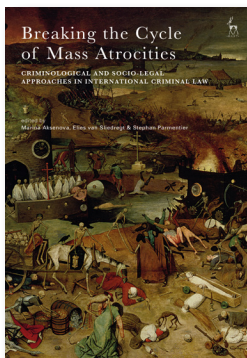
*Edited by Jan W de Keijser,
Julian V Roberts and Jesper Ryberg*

Predictive Sentencing addresses the role of risk assessment in contemporary sentencing practices. Predictive sentencing has become so deeply ingrained in Western criminal justice decision-making that despite early ethical discussions about selective incapacitation, it currently attracts little critique. Nor

has it been subjected to a thorough normative and empirical scrutiny. This is problematic since much current policy and practice concerning risk predictions is inconsistent with mainstream theories of punishment. Moreover, predictive sentencing exacerbates discrimination and disparity in sentencing. Although structured risk assessments may have replaced 'gut feelings', and have now been systematically implemented in Western justice systems, the fundamental issues and questions that surround the use of risk assessment instruments at sentencing remain unresolved. This volume critically evaluates these issues and will be of great interest to scholars of criminal justice and criminology.

Jan W de Keijser is Professor of Criminology at the University of Leiden, The Netherlands. Julian V Roberts is Professor of Criminology at the University of Oxford, and Fellow of Worcester College, Oxford. Jesper Ryberg is Professor of Ethics and Philosophy of Law at the Department of Philosophy at Roskilde University, Denmark.

May 2019 | 320pp | Hbk | 9781509921416 | RSP: £70



Breaking the Cycle of Mass Atrocities

Criminological and Socio-Legal Approaches in International Criminal Law

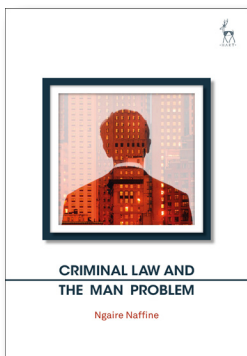
Edited by Marina Aksenova, Elies van Sliedregt and Stephan Parmentier

Breaking the Cycle of Mass Atrocities investigates the role of international criminal law at different stages of mass atrocities, shifting away from its narrow

understanding solely as an instrument of punishment of those most responsible. The book is premised on the idea that there are distinct phases of collective violence, and international criminal law contributes in one way or another to each phase. The authors therefore explore various possibilities for international criminal law to be of assistance in breaking the vicious cycle at its different junctures.

Marina Aksenova is Professor of Comparative and International Criminal Law at IE University in Madrid. **Elies van Sliedregt** is Professor of International and Comparative Criminal Law at Leeds University. **Stephan Parmentier** is Professor of Criminal Law and Criminology at KU Leuven.

May 2019 | 288pp | Hbk | 9781509919444 | RSP: £65



Criminal Law and the Man Problem

Ngaire Naffine

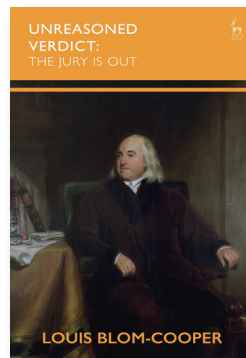
Men have always dominated the most basic precepts of the criminal legal world – its norms, its priorities and its character. Men have been the regulators and the regulated: the main subjects and objects of criminal law and by far the more dangerous sex. And yet men, as men, are still hardly talked about as the determining force within criminal law or in its exegesis. This book brings men into sharp focus, as the pervasively powerful interest group, whose

wants and preoccupations have shaped the discipline. This constitutes the 'man problem' of criminal law.

This new analysis probes the unacknowledged thinking of generations of influential legal men, which includes the psychological and legal techniques that have obscured the operation of bias, even to the legal experts themselves. It explains how men's interests have influenced the most cherished legal norms, especially the rules of human contact, which were designed to protect men from other men, while specifically securing lawful sexual access to at least one woman. The aim is to test the discipline's broadest commitments to civility, and its trajectory towards the final resolution, when men and women were declared to be equal and equivalent legal persons. In the process it exposes the morally and intellectually limiting consequences of male power.

Ngaire Naffine is Bonython Professor of Law at the University of Adelaide, Australia.

Apr 2019 | 224pp | Hbk | 9781509918010 | RSP: £55



Unreasoned Verdict

The Jury's Out

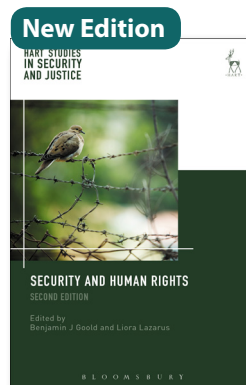
Louis Blom-Cooper

The system of jury trial has survived, intact, for 750 years. In the light of contemporary opposition to jury trial for serious offences, this book explains the nature and scope today of jury trial, with its minor exceptions. It chronicles the origins and development of jury trial in the Anglo-Saxon world, seeking to explain and explore the principles that lie at the heart of the mode of criminal trial. It observes the distinction between the professional judge and the amateur

juror or lay participant, and the value of such a mixed tribunal. Part of the book is devoted to the leading European jurisdictions, underlining their abandonment of trial by jury and its replacement with the mixed tribunal in pursuance of a political will to inject a lay element into the trial process. Democracy is not an essential element in the criminal trial. The book takes a look at the appellate system in crime, from the Criminal Appeals Act 1907 to the present day, and urges the reform of the appellate court, finding the trial decision unsatisfactory as well as unsafe. Other important issues are touched upon – judicial ethics and court-craft; perverse jury verdicts (the nullification of jury verdicts); the speciality of fraud offences, and the selection of models for various crimes, as well as suggested reforms of the waiver of a jury trial or the ability of the defendant to choose the mode of trial. The section ends with a discussion of the restricted exceptions to jury trial, where the experience of 30 years of judge-alone trials in Northern Ireland – the Diplock Courts – is discussed. Finally, the book proffers its proposal for a major change in direction – involvement of the defendant in the choice of mode of trial, and the intervention (where necessary) of the expert, not merely as a witness but as an assessor to the judiciary or as a supplemental decision-maker.

Sir Louis Blom-Cooper QC was until 2004 a barrister at Doughty Street Chambers.

May 2019 | 152pp | Hbk | 9781509915224 | RSP: £30



Security and Human Rights

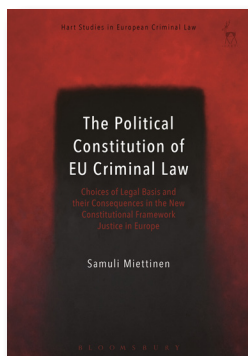
Edited by Benjamin J Goold and Liora Lazarus

This is the second edition of the acclaimed *Security and Human Rights*, first published in 2007. Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world. The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001. The second edition continues in this tradition, presenting a collection of

essays from leading academics and practitioners in the fields of criminal justice, public law, privacy law, international law, and critical social theory. The collection offers genuinely multidisciplinary perspectives on the relationship between security and human rights. In addition to exploring how the demands of security might be reconciled with the protection of established rights, *Security and Human Rights* provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime, prevent terrorism, and protect their citizens. The volume features a set of new essays that engage with the most pressing questions facing security and human rights in the twenty-first century and is essential reading for all those working in the area.

Benjamin J Goold is a Professor of Law at the University of British Columbia. **Liora Lazarus** is Associate Professor of Law at the University of Oxford, and Fellow of St Anne's College, Oxford.

Sep 2019 | 520pp | Pbk | 9781849467308 | RSP: £35



The Political Constitution of EU Criminal Law

Choices of Legal Basis and their Consequences in the New Constitutional Framework

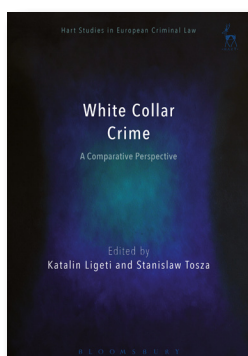
Samuli Miettinen

How is EU criminal legislative competence regulated after the Lisbon Treaty? Is it based on a legal constitution, reviewed by judges, or should the system be described as a political constitution, largely in the hands of the legislature? This study asks what powers have been conferred on the

Union in the field of substantive criminal law and how the exercise of its powers may be reviewed after the entry into force of the Lisbon Treaty. The questions raise a wide range of issues relevant to EU criminal law, but also to EU constitutional, administrative and institutional law.

Samuli Miettinen is Lecturer in Law at the University of Helsinki.

Jan 2020 | 320pp | Hbk | 9781509906246 | RSP: £60



White Collar Crime

A Comparative Perspective

Edited by Katalin Ligeti and Stanislaw Tosza

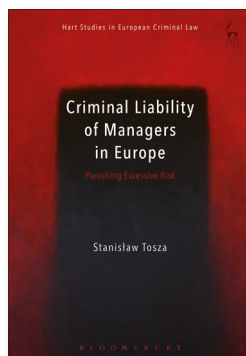
White collar crime has expanded significantly over the course of the past two decades. Yet, not only has the amount of national and international legislation in the field grown, but it has also endured changes driving it away from the classic criminal law. These trends have been reflected in changes to national legislation, not infrequently prompted by supranational law, for example, in

the financial or the environmental sector. New punishing regimes have emerged, such as UN blacklisting, smart sanctions, civil asset forfeiture, financial supervisory powers, compliance law, and anti-money laundering laws. Furthermore, the role of administrative sanctioning law has been growing as well as the role of private actors in the enforcement of punitive sanctions.

The aim of this volume is to examine how various national criminal justice systems across Europe deal with the aforementioned challenges. In the first part, it takes a closer look at the following national systems: France, Germany, Poland and Sweden. Furthermore, it compares the European approach with the American one as a source of inspiration for unresolved difficulties and future developments. Further still, the authors explore those challenging issues regarding the field of economic and financial crime, including the Senior Managers Regime, corporate criminal liability, and whistle-blowers' protection. Timely and pertinent, this is an important new work in a fast-moving field.

Katalin Ligeti is Professor of Criminal Law at the University of Luxembourg. **Stanislaw Tosza** is Assistant Professor at the Willem Pompe Institute for Criminal Law and Criminology and Postdoctoral Researcher at the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE), Utrecht University.

Nov 2018 | 440pp | Hbk | 9781509917891 | RSP: £95



Criminal Liability of Managers in Europe

Punishing Excessive Risk

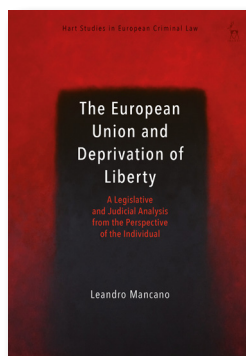
Stanislaw Tosza

Every managerial decision is risky, at least to some extent. Conducting business is impossible without venturing into new territories and even the most ordinary daily choices could turn out to be failures. Excessive risk, however, can be very detrimental as was starkly illustrated by the most recent financial crisis. By criminalising managers' excessive risk-taking criminal law enters a sphere which is at the core of

the activity it affects. At the same time it provides for criminal punishment for courses of conduct that, without doubt, can be extremely harmful. The objective of this book is to examine existing criminalisation of excessive risk-taking as well as to analyse whether such criminalisation is desirable and if yes, under which conditions.

Stanislaw Tosza is Assistant Professor at the Willem Pompe Institute for Criminal Law and Criminology and Postdoctoral Researcher at the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE), Utrecht University.

Dec 2018 | 344pp | Hbk | 9781509914975 | RSP: £75



The European Union and Deprivation of Liberty

A Legislative and Judicial Analysis from the Perspective of the Individual

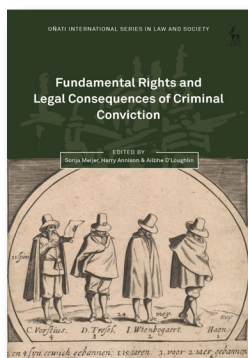
Leandro Mancano

The European Union and Deprivation of Liberty examines the EU legislative and judicial approach to deprivation of liberty from the perspective of the following fundamental rights and principles: the principle of legality and proportionality of penalties; the right to liberty; and the

principle that criminal penalties must aim for the social reintegration of the offenders. The book measures the relevant EU law against those rights; this constitutes the very core of the relationship between public powers and individual liberty. The analysis shows that the ultimate goal of the Union is the creation and preservation of the EU as a borderless area. The holistic approach adopted in the book explains how different legal phenomena connected to deprivation of liberty have come into being in EU law. It also shows that those phenomena call for solutions suitable for the peculiarities of the EU legal order.

Leandro Mancano is Lecturer in European Union Law at the University of Edinburgh.

May 2019 | 272pp | Hbk | 9781509908080 | RSP: £70



Fundamental Rights and Legal Consequences of Criminal Conviction

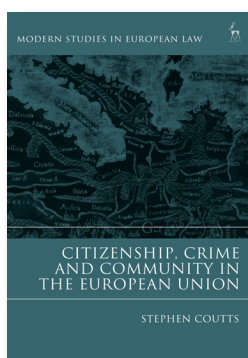
Edited by Sonja Meijer, Harry Annison and Ailbhe O'Loughlin

The legal position of convicted offenders is complex, as are the social consequences that can result from a criminal conviction. After they have served their sentences, custodial or not, convicted offenders often continue to be subject to numerous restrictions, in many cases indefinitely,

due to their criminal conviction. In short, criminal convictions can have adverse legal consequences that may affect convicted offenders in several aspects of their lives. In turn, these legal consequences can have broader social consequences. Legal consequences are often not formally part of the criminal law, but are regulated by different areas of law, such as administrative law, constitutional law, labour law, civil law, and immigration law. For this reason, they are often obscured from judges as well as from defendants and their legal representatives in the courtroom. The breadth, severity and longevity and often hidden nature of these restrictions raises the question of whether offenders' fundamental rights are sufficiently protected. This book explores the nature and extent of the legal consequences of criminal convictions in Europe, Australia and the USA. It addresses the following questions: What legal consequences can a criminal conviction have? How do these consequences affect convicted offenders? And how can and should these consequences be limited by law?

Sonja Meijer is Assistant Professor in Criminal Law at the department of Criminal Law and Criminology, VU University Amsterdam. **Harry Annison** is Lecturer at Southampton Law School, Southampton University. **Ailbhe O'Loughlin** is Lecturer at York Law School, University of York.

Jun 2019 | 312pp | Hbk | 9781509920976 | RSP: £65



Citizenship, Crime and Community in the European Union

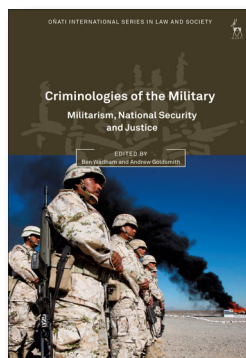
Stephen Coutts

Discussions on Union citizenship tend to focus on two areas: firstly, that of the rights of free movement and non-discrimination of migrant citizens, especially in relation to welfare benefits; secondly on the political dimension of Union citizenship and its role in the European Union's governance and constitution. This book offers an innovative approach to the study of Union citizenship. It does look at the rights of

Union citizenship and the place of citizenship in the European constitution and the European integration process but does this through an analysis of its interaction with another, highly relevant, area of law, that of criminal law. In doing so it contributes to and enriches our understanding of Union citizenship by drawing out heretofore neglected aspects and implications.

Stephen Coutts is a Lecturer in Law at Dublin City University.

Aug 2019 | 236pp | Hbk | 9781509915361 | RSP: £70



Criminologies of the Military: Militarism, National Security and Justice

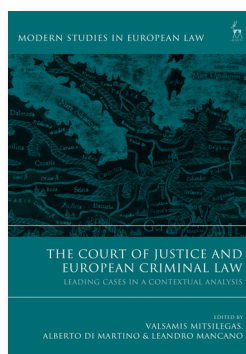
Edited by Ben Wadham and Andrew Goldsmith

This innovative collection offers one of the first analyses of criminologies of the military from an interdisciplinary perspective. While some criminologists have examined the military in relation to the area of war crimes, this collection considers a range of other important but less explored aspects such as private military actors, insurgents,

paramilitary groups and the role of military forces in tackling transnational crime. Drawing upon insights from criminology, this book's editors also consider the ways the military institution harbours criminal activity within its ranks and deals with prisoners of war. The contributions, by leading experts in the field, have a broad reach and take a truly global approach to the subject.

Ben Wadham is Associate Professor of Sociology, Flinders University, Australia. **Andrew Goldsmith** is Matthew Flinders Distinguished Professor of Criminology and Director of the Centre for Crime Policy & Research, Flinders University, Australia.

Jun 2018 | 224pp | Hbk | 9781509904860 | RSP: £65



The Court of Justice and European Criminal Law

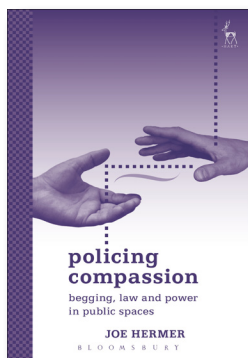
Leading Cases in a Contextual Analysis
Edited by Valsamis Mitsilegas, Alberto di Martino and Leandro Mancano

The aim of this book is to provide an insight into the landmark rulings of the Court of Justice of the European Union (CJEU) in European Criminal Law (ECL). As in other areas of EU law, the decisions of the CJEU have been a motor of development

and integration. This can be seen eg in the impact on EU primary and secondary law produced by the Greek Maize case, as well as the 2005 and 2007 decisions. By analysing the most important judgments of the Court in the area of criminal law, the book provides a diachronic and multifaceted picture of the EU's and the Court's approach to criminal law.

Valsamis Mitsilegas is Professor of European Law at Queen Mary's University of London. **Alberto di Martino** is Professor of Criminal Law, Scuola Superiore Sant'Anna, Pisa. **Leandro Mancano** is a Researcher at the University of Copenhagen.

Sep 2019 | 416pp | Hbk | 9781509911172 | RSP: £90



Policing Compassion Begging, Law and Power in Public Spaces

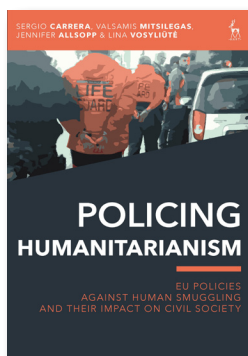
Joe Hermer

In this book, criminologist Joe Hermer examines how the regulation of begging – underpinned by the social character of charity, contract, money and work – plays a central role in organising how we feel responsible for one another in late capitalist society. Based on the historical insight that modern begging law has had at its core a concern with the compassionate impulses of the public, Joe Hermer develops the

concept of the gift encounter to understand begging as a profound social phenomenon that is intricately tied to the exercise of political power. Drawing on a range of eclectic empirical sources, the author examines how criminal begging is governed through specialised police operations and diverted giving programs, as well as the way in which official and legitimate begging such as charity collections, *Big Issue* selling, and busking are ordered as vital aspects of the gift encounter landscape which the public negotiates. The author explores how the control of begging and squeegee work is central to a current preoccupation with policing disorder, and reviews the current constitutional state of anti-begging laws in Britain, Canada and the United States.

Joe Hermer is an Assistant Professor of Sociology and Criminology at the University of Toronto.

Oct 2019 | 176pp | Hbk | 9781841132693 | RSP: £60



Policing Humanitarianism EU Policies Against Human Smuggling and their Impact on Civil Society

Sergio Carrera, Valsamis Mitsilegas,
Jennifer Allsopp and Lina Vosyliute

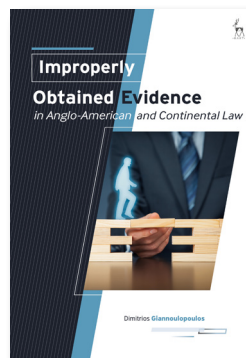
Policing Humanitarianism examines the ways in which European Union policies aimed at countering the phenomenon of migrant smuggling affect civil society actors' activities in the provision of humanitarian assistance, access to rights for irregular immigrants and asylum

seekers. It explores the effects of EU policies, laws and agencies' operations in anti-migrant smuggling actions and their implementation in the following EU Member States: Italy, Greece, Hungary and the UK. The book critically studies policies designed and implemented since 2015, during the so called 'European refugee humanitarian crisis'.

Building upon the existing academic literature covering the 'criminalisation of migration' in the EU, the book examines the wider set of punitive, coercive or control-oriented dynamics affecting Civil Society Actors' work and activities through the lens of the notion of 'policing the mobility society'. This concept seeks to provide a framework of analysis that allows for an examination of a wider set of practices, mechanisms and tools driven by a logic of policing in the context of the EU Schengen border framework: those which affect not only people, who move (qualified as third-country nationals for the purposes of EU law), but also people who mobilise in a rights-claiming capacity on behalf of and with immigrants and asylum-seekers.

Sergio Carrera is Senior Research Fellow and Head of the Justice and Home Affairs Programme at CEPS and a Professor at the Migration Policy Centre (MPC) in the European University Institute in Florence. **Valsamis Mitsilegas** is Professor of European Criminal Law and Global Security at Queen Mary University of London. **Jennifer Allsopp** is Postdoctoral Research Fellow with the Migration Leadership Team (MLT) based at the London International Development Centre (LIDC) and SOAS University of London. **Lina Vosyliute** works as a Researcher within the Rights and Security Programme at CEPS, a Brussels-based independent think tank.

Jan 2019 | 240pp | Hbk | 9781509922994 | RSP: £55



Improperly Obtained Evidence in Anglo-American and Continental Law

Dimitrios Giannouloupoulos

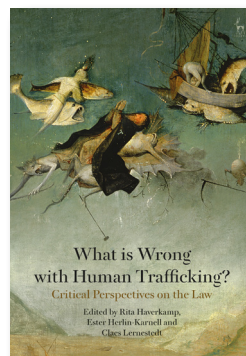
This is the first book to offer an extensive cosmopolitan, cross-cultural insight into the perennial controversy over the use of improperly obtained evidence in criminal trials. It challenges the conventional view that exclusionary rules are idiosyncratic of Anglo-American law, and highlights the 'constitutionalisation' and 'internationalisation' of criminal evidence and procedure as a cause of rapprochement

(or divergence) beyond the Anglo-American and Continental law divide.

Analysis focuses on confessional evidence and evidence obtained by search and seizure, telephone interceptions and other means of electronic surveillance. The laws of England and Wales, France, Greece and the United States are systematically compared and contrasted throughout this study, but, where appropriate, analysis extends to other Anglo-American and Continental legal systems. The book reviews exclusionary rules vis-à-vis the operation of judicial discretion, and explores the normative justifications that underpin them. It attempts to reinvigorate the idea of excluding evidence to protect constitutional or human rights (the rights thesis), arguing that there is significant scope for Anglo-American and Continental legal systems to place a renewed emphasis on it, particularly in relation to confessional evidence obtained in violation of custodial interrogation rights; we can locate an emerging rapprochement, and unique potential for European Court of Human Rights jurisprudence to build consensus in this respect. In marked contrast, remaining divergence with regard to evidence obtained by privacy violations means there is little momentum to adopt a reinvigorated rights thesis more widely.

Dimitrios Giannouloupoulos is the Inaugural Professor of Law at Goldsmiths, University of London, and an Associate Academic Fellow of the Honourable Society of the Inner Temple.

Feb 2019 | 328pp | Hbk | 9781849463829 | RSP: £65



What is Wrong with Human Trafficking? Critical Perspectives on the Law

Edited by Rita Haverkamp,
Ester Herlin-Karnell and
Claes Lernerstedt

The overarching objective of this volume is to discuss and critique the legal regulation of human trafficking in national and transnational context. Specifically, discussion is needed not only with regard to the historical and philosophical points

of departure for any criminalisation of trafficking, but also, regarding the societal and social framework, the empirical dimension such as existing statistics in the area, and the need for more data. The book combines descriptive and normative analyses of the crime of trafficking in human beings from a cross-legal perspective. Notwithstanding the enhanced interest for human trafficking in politics, the public and the media, a critical perspective such as the one pursued herewith has so far been largely absent. Against this background, this approach allows for theoretical findings to be addressed by pointing out and elaborating different, interdisciplinary conflicts and inconsistencies in the regulation of human trafficking. The book discusses the phenomenon of human trafficking critically from various angles, giving it 'shape' and showing how it comes to life in the legal regulation.

Rita Haverkamp is Professor of Crime Prevention and Risk Management at the Eberhard Karls University of Tübingen, Germany. **Ester Herlin-Karnell** is Professor of EU Constitutional Law and Justice and a University Research Chair at VU University Amsterdam, The Netherlands. **Claes Lernerstedt** is Professor of Criminal Law at Stockholm University, Sweden.

Jan 2019 | 280pp | Hbk | 9781509921515 | RSP: £70



Criminal Law Reform Now Proposals & Critique

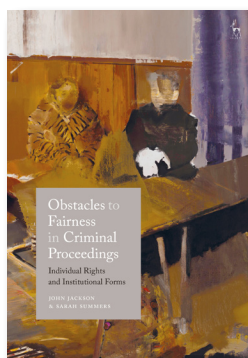
Edited by J J Child and R A Duff

If you could change one part of the criminal law, what would it be? The editors put this question to nine leading academics and practitioners. The first nine chapters of the collection present their responses in the form of legal reform proposals, with topics ranging across criminal law, criminal justice and evidence – including confiscation, control orders, criminal attempts, homicide, assisted dying, the special status of children, time restrictions on prosecution,

the right to silence, and special measures in court. Each chapter is followed by a comment from a different author, providing an additional expert view on each reform proposal. Finally, the last two chapters broaden the debate to discuss criminal law reform in general, examining various reform bodies and mechanisms across England, Wales and Scotland. *Criminal Law Reform Now* highlights and explores the current reform debates that matter most to legal experts, with each chapter making a case for positive change.

J J Child is a Senior Lecturer in Law at the University of Birmingham; and Co-founding Director of the Criminal Law Reform Now Network. **R A Duff** is a Professor Emeritus in Philosophy at the University of Stirling.

Nov 2018 | 336pp | Hbk | 9781509916771 | RSP: £70



Obstacles to Fairness in Criminal Proceedings

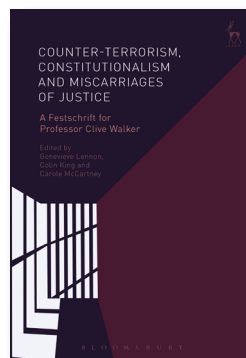
*Edited by John D Jackson
and Sarah J Summers*

This volume considers the way in which the focus on individual rights may constitute an obstacle to ensuring fairness in criminal proceedings.

The increasingly cosmopolitan nature of criminal justice, forcing legal systems with different institutional forms and practices to interact with each other as they attempt to combat crime beyond national borders, has accentuated the need for systems to seek legitimacy beyond their domestic traditions. Fairness, expressed in terms of the right to a fair trial in provisions such as Article 6 of the European Convention on Human Rights, has emerged across Europe as the principal means of guaranteeing the legitimacy of criminal proceedings. The consequence of this is that criminal procedure doctrines are framed overwhelmingly in 'constitutional' terms – the protection of defence rights is necessary to restrict and legitimate the state's mandate to prosecute crime. Yet there are various problems with relying solely or predominantly on defence rights as a means of ensuring that proceedings are 'fair' or legitimate and these issues are rarely discussed in the academic literature. In this volume, scholars from the disciplines of law, philosophy and sociology challenge various normative assumptions underpinning our understanding of fairness in criminal proceedings.

John D Jackson is Professor of Comparative Criminal Law and Procedure, School of Law, University of Nottingham. **Sarah J Summers** is Professor of Criminal Law, Criminal Procedure and Criminology, Faculty of Law, University of Zurich.

Mar 2018 | 344pp | Hbk | 9781782258353 | RSP: £85



Counter-terrorism, Constitutionalism and Miscarriages of Justice

*A Festschrift for Professor
Clive Walker*

*Edited by Genevieve Lennon,
Colin King and Carole McCartney*

The purpose of this book is to honour the influential and wide-ranging work of Professor Clive Walker. It explores Professor Walker's influence from three perspectives.

Firstly, it provides a historical reflection upon the development of the law and policy in relation to counter-terrorism and miscarriages of justice since the 1970s. This historical perspective, which is often overlooked, is particularly timely 17 years after 9/11 as trends become clearer and historical perspective even more valuable. So too with miscarriages of justice: while there was considerable public and political scrutiny following high-profile miscarriages such as the Birmingham Six, Guildford Four, and others, in the early 1990s, today there is much less scrutiny, despite significant concern relating to issues such as legal aid and access to justice increasing the potential (if not likelihood) for miscarriages to occur. By including a critical historical perspective, this book enables us to learn lessons from the past and to minimise contemporary risks of miscarriages of justice. Secondly, this book provides a critical analysis of the law and policy as it stands today, and its future trajectory. Applying Walker's theoretical and analytical contributions to the field, the authors focus on pressing contemporary concerns, identifying lacunae where relevant, as well as the possible, probable and preferable future trends. Finally, the book celebrates and recognises the significant contributions by Walker, with each chapter built around one or more of Walker's key works.

Genevieve Lennon is Senior Lecturer in Law at the University of Strathclyde. **Colin King** is Reader in Law at the University of Sussex. **Carole McCartney** is a Professor in the School of Law at Northumbria University.

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