

• THE • HANDBOOK OF



COMPARATIVE CRIMINAL LAW

Edited by

KEVIN JON HELLER AND MARKUS D. DUBBER

The Handbook Of Comparative Criminal Law

Laura Ausserladscheider Jonas



The Handbook Of Comparative Criminal Law:

The Handbook of Comparative Criminal Law Kevin Jon Heller, Markus Dubber, 2010-12-01 This handbook explores criminal law systems from around the world with the express aim of stimulating comparison and discussion General principles of criminal liability receive prominent coverage in each essay including discussions of rationales for punishment the role and design of criminal codes the general structure of criminal liability accounts of mens rea and the rights that criminal law is designed to protect before the authors turn to more specific offenses like homicide theft sexual offenses victimless crimes and terrorism This key reference covers all of the world s major legal systems common civil Asian and Islamic law traditions with essays on sixteen countries on six different continents The introduction places each country within traditional distinctions among legal systems and explores noteworthy similarities and differences among the countries covered providing an ideal entry into the fascinating range of criminal law systems in use the world over **The Oxford**

Handbook of Transnational Law Peer Zumbansen, 2021-04-30 The Oxford Handbook of Transnational Law offers a comprehensive compendium for the field of Transnational Law by providing a unique and unparalleled treatment and presentation in an area that has become one of the most intriguing and innovative developments in legal doctrine scholarship theory as well as practice today With a considerable contribution from and engagement with social sciences the Handbook features numerous reflections on the relationship between transnational law and legal practice Proof, Evidence and Hate

Crime Tshepo Bogosi Mosaka, 2025-07-18 Proof is the property of a disputed fact being established inferentially from an extant fact This book explicates the structural components of this phenomenon in the context of hate crimes across various jurisdictions around the world It departs from the orthodox conception of evidence and proof as being a general value neutral or non normative and epistemic subject and offers a relativistic conception of this area of law The core argument is that proof is both semantically and methodologically determined by three conditions of materiality process and probativity This argument is then justified by the context specific application of this relativistic theory of proof to hate crimes This theoretical application of proof is sustained throughout the book using multiple examples and illustrations of hate crimes around the world The discussion both at the level of proof and hate crimes while focusing on the grounds of race religion and ethnicity specifically is framed in jurisprudential cross jurisdictional and interdisciplinary terms The book will be of interest to academics and researchers working in the areas of criminal law legal philosophy and procedural law **Introduction to**

Court Interpreting Holly Mikkelsen, 2016-12-08 An Introduction to Court Interpreting has been carefully designed to be comprehensive accessible and globally applicable Starting with the history of the profession and covering the key topics from the role of the interpreter in the judiciary setting to ethical principles and techniques of interpreting this text has been thoroughly revised The new material covers remote interpreting and police interpreting role playing scenarios including the Postville case of 2008 updated and expanded resources In addition the extensive practical exercises and suggestions for

further reading help to ensure this remains the essential introductory textbook for all courses on court interpreting *The Cambridge Companion to the Rule of Law* Jens Meierhenrich, Martin Loughlin, 2021-08-12 The Cambridge Companion to the Rule of Law introduces students scholars and practitioners to the theory and history of the rule of law one of the most frequently invoked and least understood ideas of legal and political thought and policy practice It offers a comprehensive reassessment by leading scholars of one of the world's most cherished traditions This high profile collection provides the first global and interdisciplinary account of the histories moralities pathologies and trajectories of the rule of law Unique in conception and critical in its approach it evaluates breaks down and subverts conventional wisdom about the rule of law for the twenty first century

Individual Criminal Responsibility for the Financing of Entities involved in Core Crimes

Laura Ausserladscheider Jonas, 2021-12-28 War crimes crimes against humanity genocide and the crime of aggression so called core crimes often could not be committed without financial assistance This book examines the basis for individual criminal liability under international law for persons who finance core crimes Despite the need for clear rules neither international courts nor scholars agree upon whether or not or under what circumstances such liability exists To determine the minimum standard of liability this work analyses the legal rules relating to complicity both under international criminal law and domestically in twenty selected jurisdictions in Africa Asia Europe Latin America North America and Oceania The aim of these analyses is to determine whether there are general principles of law recognised by the community of States regarding the minimum standard of liability for aiders and abettors This book proposes a comparative framework for assessing legal rules relating to complicity and it advances a normative claim as to how legal rules should be structured concerning the criminal responsibility of individuals who finance the commission of core crimes The analysis of the applicable international law and the comparative analysis of national jurisdictions lead to the conclusion that currently the minimum standard of knowledge for aiding and abetting is active knowledge However the author argues that this standard should be revised to include wilful blindness Regarding the intent requirement the analyses find that *dolus eventualis* is included in the definition of intent

Transnational Crime Jessica Roher, Nicola Guarda, Maryam Khalid, 2018-09-03 Philip Jessup coined

the term transnational law in his Storrs Lecture on Jurisprudence delivered in 1956 to describe law that regulates activities or actions that transcend national borders The term redefined the development and practice of the law and became a distinct field of study In 2001 Neil Boister applied Jessup's concept to the field of criminal law and identified the emergence of transnational criminal law in a formative article published in the European Journal of International Law Inspired by Boister's work the editors of the journal Transnational Legal Theory sought contributions from leading academics and practitioners for a symposium issue on transnational criminal law In their papers the authors built upon and developed novel approaches to legal issues arising in an increasingly globalized world where both crimes and the regulation of crimes transcend borders The publication of this book marks the sixtieth anniversary of Jessup's seminal lecture and exemplifies the significant impact

that Jessup and later Boister have had on legal scholarship and practice in the area of criminal law We are honoured to publish the symposium as a monograph and to contribute to this rapidly evolving field This book was previously published as a special issue of Transnational Legal Theory

The Insanity Defense Mark D. White, 2017-01-23 How often is the defense of insanity or temporary insanity for accused criminals valid or is it ever legitimate This unique work presents multidisciplinary viewpoints that explain support and critique the insanity defense as it stands What is the role of the insanity defense as a legal excuse How does U S law handle criminal trials where the defendant pleads insanity and how does our legal system's treatment differ from those of other countries or cultures How are insanity defenses used and how successful are these defenses for the accused What are the costs of incarceration versus psychiatric treatment and confinement This book presents a range of expert viewpoints on the insanity defense exposing common myths investigating its effectiveness and place in our legal system through history case studies and comparative analysis and supplying perspectives from the disciplines of psychology psychiatry sociology and neuroscience The content also addresses the ramifications of declaring citizens insane or incapacitated and examines trials that involved pleas of insanity and temporary insanity

Translating Guilt Cassandra Steer, 2017-02-26 This book seeks to understand how and why we should hold leaders responsible for the collective mass atrocities that are committed in times of conflict It attempts to untangle the debates on modes of liability in international criminal law ICL that have become truly complex over the last twenty years and to provide a way to identify the most appropriate model for leadership liability A unique comparative theory of ICL is offered which clarifies the way in which ICL develops as a patchwork of different domestic criminal law notions This theory forms the basis for the comparison of some influential domestic criminal law systems with a view to understanding the policy and cultural reasons for their differences There is a particular focus on the background of the German law which has influenced the International Criminal Court so much recently This helps to understand and seek a solution to the current impasses in the debates on which model of liability should be applied An entire chapter of the book is devoted to considering why leaders should be held responsible for crimes committed by their subordinates from legal moral and pragmatic perspectives The moral responsibility of leaders is translated into criminal liability and the different domestic models of liability are translated to the international context in such a way as to appeal to advanced students of ICL academics and practitioners who want to understand the complexities of leadership liability in international criminal law today and identify the best way to approach it Cassandra Steer is Executive Director of Women in International Security Canada and Junior Wainwright Fellow at McGill University Canada She holds a Ph D in Law from the University of Amsterdam The Netherlands

International Crimes in National Regulations of Selected States Patrycja Grzebyk, 2022 The analysis of national systems shows that states do not follow a single legislative model to govern criminal responsibility for international crimes at the national level and often face doubts as to how far they are only expected to copy international constructions and how far they should modify treaty or customary international law

solutions to adapt them to their specific needs or legal culture In the presented texts the reader will find a range of commentaries on the definition of crimes the rules of jurisdiction the rules of responsibility as well as difficulties in the framing of specific crimes within a judgement The texts refer to the practice of national courts as well as international and internationalized courts The authors of this publication hope that showing various national perspectives political and at times cultural impacts on certain legal solutions will both facilitate understanding of the doubts as to the current form of international law norms and the system of international justice now in operation and enable learning lessons for the future directions of amendments to national legislations so that errors or difficulties once encountered in some countries could be turned into more robust legal constructions in others

The Crime of Genocide: Then and Now Pavel Šturma, Milan Lipovský, 2022-08-22 In this original and thought provoking collection the Editors provide a multilayered study of the crime of crimes Adopted in 1948 and based on Raphael Lemkin's idea the definition of genocide belongs to the cornerstones of international criminal law and justice This volume focuses on among other topics the narrow scope of protected groups wider domestic adaptations of the definition denial of genocide and current legal proceedings related to the crime in front of the ICJ and ICC In this way its authors based primarily in Central and Eastern Europe analyse and discuss the readiness of the definition to meet the challenges of criminal justice in our changing world The volume thus offers much fresh thinking on the international legal and legal policy complexities of genocide seventy years after the Genocide Convention's entry into force

Shooting to Kill Simon Bronitt, Miriam Gani, Saskia Hufnagel, 2012-11-05 The present book brings together perspectives from different disciplinary fields to examine the significant legal moral and political issues which arise in relation to the use of lethal force in both domestic and international law These issues have particular salience in the counter terrorism context following 9 11 which brought with it the spectre of shooting down hijacked airplanes and the use of force in Operation Kratos that led to the tragic shooting of Jean Charles de Menezes Concerns about the use of excessive force however are not confined to the terrorist situation The essays in this collection examine how the state sanctions the use of lethal force in varied ways through the doctrines of public and private self defence and the development of legislation and case law that excuses or justifies the use of lethal force in the course of executing an arrest preventing crime or disorder or protecting private property An important theme is how the domestic and international legal orders intersect and continually influence one another While legal approaches to the use of lethal force share common features the context within which force is deployed varies greatly Key issues explored in this volume are the extent to which domestic and international law authorise pre-emptive use of force and how necessity and reasonableness are legally constructed in this context

Quantitative Approaches to Medieval Swedish Law Fredrik Charpentier Ljungqvist, 2022-02-08 This book presents a novel framework for studying historical legalisation using quantitative methods with 10 fully preserved laws from medieval Sweden written between c 1225 and 1350 serving as a case study By applying a systematic classification scheme to each legal provision it is

possible to investigate the major differences and similarities in structure and content between the 10 laws This in turn allows for the re assessment of many long standing problems in Swedish and European medieval legal history that have been challenging to address with traditional methods based on text analyses Over the course of the thirteenth and fourteenth centuries major changes in the proportion of legal provisions devoted to different fields of law and to prescribed consequences are found The book shows how the proportions of civil law and public law expanded at the expense of criminal law Furthermore a clear transition from casuistic to more abstract law provisions can also be witnessed

The Additional Protocols to the Geneva Conventions in Context Annyssa Bellal, Stuart Casey-Maslen, 2022-10-20 The Additional Protocols to the 1949 Geneva Conventions remain a landmark in the development of international humanitarian law The first two Additional Protocols were adopted by states in 1977 These protocols encompass the rules governing the treatment and protection of those in the power of an enemy as well as the conduct of hostilities Crucially they address non international armed conflicts and wars of national liberation In 2005 a third additional protocol designating an additional distinctive humanitarian emblem was adopted in controversial circumstances The Additional Protocols to the Geneva Conventions in Context interprets the key rules and issues of the Additional Protocols and considers their application and implementation over the past forty years Taking a thematic approach the book examines subjects including the protection of women armed non state actors relief operations and prohibited weapons Each chapter discusses the pertinence of existing laws the challenges raised by the rules in the Additional Protocols and what more could be done to better protect civilians This book also considers whether new technologies such as offensive cyber operations and autonomous weapons need new treaty rules to regulate their application in armed conflict

The Challenge of Inter-legality Jan Klabbers, Gianluigi Palombella, 2019-05-30 The first book length treatment to describe and explain how legal orders can be interwoven and what to do about it The volume discusses inter legality in different legal fields situates it within political and legal theory and provides a normative assessment

Nuclear Weapons and International Law Charles J. Moxley, 2024-05-15 This book analyzes the facts and law as to nuclear weapons and the policy of deterrence It demonstrates that such weapons cannot lawfully be used and that the policy of deterrence is risky and unlawful It urges that the U S take the lead in delegitimizing these weapons and seeking abolition

Our Selfish Tax Laws Anthony C. Infanti, 2018-10-02 Why tax law is not just a pocketbook issue but a reflection of what and whom we as a society value Most of us think of tax as a pocketbook issue how much we owe how much we ll get back how much we can deduct In Our Selfish Tax Laws Anthony Infanti takes a broader view considering not just how taxes affect us individually but how the tax system reflects our culture and society He finds that American tax laws validate and benefit those who already possess power and privilege while starkly reflecting the lines of difference and discrimination in American society based on race ethnicity socioeconomic class gender sexual orientation and gender identity immigration status and disability Infanti argues that instead of focusing our tax reform discussions on

which loopholes to close or which deductions to allow we should consider how to make our tax system reflect American ideals of inclusivity rather than institutionalizing exclusion After describing the theoretical and intellectual underpinnings of his argument Infanti offers two comparative case studies examining the treatment of housing tax expenditures and the unit of taxation in the United States Canada France and Spain to show how tax law reflects its social and cultural context Then drawing on his own work and that of other critical tax scholars Infanti explains how the discourse surrounding tax reform masks the many ways that the American tax system rewards and reifies privilege To counter this Infanti urges us to work together to create a society with a tax system that respects and values all Americans

New Challenges for the EU

Internal Security Strategy Maria O'Neill, Ken Swinton, Aaron Winter, 2013-07-16 In recent years the EU and its member states have experienced a number of changes as well as challenges in the areas of politics economics security and law As these areas are interconnected changes and challenges to any of them have implications for the others as well as implications for the populations and institutions of the EU or those coming into contact with its international power and influence This edited collection focuses primarily on security and law particularly the EU's internal security strategy The EU's Internal Security Strategy adopted by the Spanish presidency early in 2010 followed the Lisbon Treaty in 2009 building on previous developments within the EU in the Area of Freedom Security and Justice AFSJ policy The focus of the EU Internal Security Strategy is to prevent and combat serious and organised crime terrorism and cybercrime in strengthening the management of our external borders and in building resilience to natural and man made disasters The Internal Security strategy intersects and overlaps with the European Union's Counter terrorism strategy the Strategy for the External Dimension of JHA and the EU's Security Strategy The role of and interaction between these strategies their supplementing documents and their implications for crime victims the law political relations democracy and human rights form the backdrop against which the chapters in this collection are written Building on original research by its contributors this collection comprises work by authors from a wide variety of academic and professional areas and perspectives as well as different countries on a variety of areas and issues related to or raised by the EU's Internal Security Strategy from intelligence led policing to human trafficking and port security This book examines from a wide variety of disciplinary perspectives including law geography politics and practice both this further refinement of existing internal provisions on cross border crime and the increasing external relations of the EU in the AFSJ

NATO Rules of Engagement Camilla Guldahl Cooper, 2019-12-02 In NATO Rules of Engagement Camilla Guldahl Cooper offers clarity on a topic prone to confusion and misunderstanding NATO rules of engagement ROE are of considerable political strategic and operational importance yet many of its concepts lack clarity The resulting ambiguity may be detrimental for people involved and for mission accomplishment Through a thorough analysis of the concept purpose development and use of NATO ROE Cooper contributes to improved understanding and implementation of NATO ROE The book covers all use of force categories and relevant law relating to the use of force during armed conflicts

including the complex concepts of hostile act and hostile intent direct participation in hostilities and the increasing reliance on self defence during armed conflict *Postgenocide* Klejda Mulaj, 2021-03-15 This volume introduces postgenocide as a novel approach to study genocide and its effects after mass killing has ended It investigates how the material violence of genocide translates into contests over memory remembrance and laws and the re imagining of political community Contributions come from academics across a broad range of disciplines including law political science sociology and ethnography Chapters in this volume explore the various permutations of genocide harms and scrutinise the efficacy of genocide laws and the prospects for their enforcement Others engage with socio political responses to genocide including efforts to reconciliation as well as genocide s impacts on victims communities Contributions examine the reconstruction of genocide narratives in the display of victims objects in museums galleries and archives This book brings together cutting edge research from a variety of disciplines to address formerly overlooked themes and cases exploring what a diversity of perspectives can bring to bear on genocide scholarship as a whole

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The Handbook Of Comparative Criminal Law Introduction

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