

# Evolving Military Justice

Edited By:  
Eugene R. Fidell and Dwight H. Sullivan

# Evolving Military Justice

**Huangqi Zhang**



## **Evolving Military Justice:**

Evolving Military Justice Eugene R. Fidell, Dwight Hall Sullivan, 2002 For decades debate has raged over whether the military justice system is foremost a tool to preserve discipline within the armed forces or a means of dispensing justice on a par with civilian criminal justice systems From the dawn of American military law in 1775 through World War II the answer was obvious military justice was primarily a tool commanders used to maintain discipline In 1950 however Congress enacted the Uniform Code of Military Justice Through amendments over the past half century the American military justice system has evolved into what it is today not quite a mirror image of the civilian federal criminal justice system but vastly more fair than in the days of drumhead courts and the lash according to the authors both practicing attorneys and former military officers Their book scrutinizes the current military justice system identifying its strengths and weaknesses and pointing the way toward further improvements Included are essays written about the American military justice system over the past decade by such notable authorities as Sam Nunn former Senator from Georgia Andrew S Effron Judge of the United States Court of Appeals for the Armed Forces and Brig Gen Jerry S T Pitzul Judge Advocate General of the Canadian Forces Some defend military justice while others are critical The book then shifts its focus overseas to compare the U S system with those of several other common law countries Designed to provoke thought about military justice among military justice practitioners and military line officers alike the book is introduced with an essay by William K Suter Clerk of the U S Supreme court

**Military Justice** White, Nigel D., 2022-03-10 While military law is often narrowly understood and studied as the specific and specialist laws processes and institutions governing service personnel this accessible book takes a broader approach examining military justice from a wider consideration of the rights and duties of government and soldiers engaged in military operations

**Military Justice** Lawrence J. Morris, 2010-02-26 Public press and academic interest in the military justice system has increased over the past generation This is a result of several high profile trials the Sergeant Major of the Army and Kelly Flinn among many others a popular TV show even if it was Navy JAGs and broader public attention to and interest in the military stemming from the post Cold War prominence of the military Gulf War I Balkans and post 9 11 operations In addition some of the more prominent cases from the war in Iraq including Abu Ghraib and detainee cases as well as the GTMO military commissions have kept military justice in the news There are many misconceptions about the rudiments of the military justice system Many perceive severity where there is none though there are features that differ from the civilian system sometimes unfavorably for the accused and few are aware of its unique protections and features Senators Lott and McConnell were not unique in the inaccurate perceptions they publicly stated about military justice during hearings on military tribunals This volume would accomplish two main purposes 1 provide comprehensive accurate and current information about the military justice system and related disciplinary features written in laymen s language and 2 explain the system through some illustrative or engaging anecdotes e g the trials of Billy Mitchell William Calley and the

World War II Nazi saboteurs whose capture and trial provide the basis for today's Guantanamo based trials of suspected terrorists

Military Justice Eugene R. Fidell, 2016 This book presents an accessible and honest assessment of the strengths and weaknesses of military justice around the world with particular emphasis on the US UK and Canada

A Companion to American Military History James C. Bradford, 2009-11-03 With more than 60 essays A Companion to American Military History presents a comprehensive analysis of the historiography of United States military history from the colonial era to the present Covers the entire spectrum of US history from the Indian and imperial conflicts of the seventeenth century to the battles in Afghanistan and Iraq Features an unprecedented breadth of coverage from eminent military historians and emerging scholars including little studied topics such as the military and music military ethics care of the dead and sports Surveys and evaluates the best scholarship on every important era and topic Summarizes current debates and identifies areas where conflicting interpretations are in need of further study

*The Evolution of Military Law in India* Dr U C Jha, 2020-02-04 The earliest completed code of the British army dates back to the 14th century when the Statutes Ordinances and Customs were issued by Richard II to his Army in 1385 on the occasion of war with France These statutes called Articles or Ordinances of War were issued under the prerogative power of the Crown The earlier Articles were of excessive severity prescribing death or loss of limb as punishment for almost every crime There were thousands of instances of accused native soldiers being blown from a gun on the orders of their commander As minor punishment an accused could be branded with hot iron for swearing He could even be flogged in public or ordered to ride the wooden horse This book provides an insight into the origin and development of the legal system of the Indian Army from the year 1600 to 1947 including that of the Navy and Air Force A total of 40 statutes passed by the British Parliament and the Articles of War issued by the Crown for governing the military forces during that period have been included This book is for military historians military personnel military lawyers academics journalists and those with an interest or professional involvement in the subject

Civil-Military 'Legal' Relations: Where to from Here? Pauline Therese Collins, 2018-04-03 Civil military relations establishes the civilian control over the military to protect democratic values This book argues analysis of the CMR is distorted by the absence of consideration of the judicial arm with the civil seen as referring only to the executive and or legislature The civil courts approach to military discipline and the impact that has for CMR within the United Kingdom United States and Australia is investigated The author concludes that by including the courts in the development of CMR theory militarisation of the civilian domain is discouraged A paradigm shift acknowledging the fundamental role of all three organs of government in liberal democracies for control of States power is essential for genuine civilian oversight

*Frontline Justice* Pascal Lévesque, 2020-03-19 Compared with its civilian counterpart which struggles with delays and uncertain results summary military justice is efficient From offence until outcome 90 per cent of cases are dealt with in less than ninety days The other side of the coin is that there is no right to representation by defence counsel no transcript produced and no appeal to a judge

Nine times out of ten individuals are found guilty For service members consequences can include fines reductions in rank confinement and sentences of up to thirty days in military jail sometimes with a criminal conviction Addressing important gaps in legal literature Frontline Justice sets out to examine summary justice in Canada s military and to advocate for reform Pascal L vesque describes the origins purposes and features of the summary trial system in the Canadian Armed Forces He then analyzes the system s benefits and flaws and the challenges it faces in maintaining discipline while respecting the Canadian Charter of Rights and Freedoms L vesque determines that troubling aspects of the system including the fact that lower and higher ranks are dealt with and punished differently are clear indicators of a need for change Criticizing current legislation the book takes into account the latest developments in military law and jurisprudence to make concrete recommendations for an alternative model of military justice A thought provoking and balanced analysis Frontline Justice seeks to remedy some of the more unfair and arcane proceedings of the Canadian military s summary trial system

Military Justice in America Jonathan Lurie,2001 A unique but largely neglected part of the American legal system the United States Court of Appeals for the Armed Forces marks its fiftieth anniversary in 2001 Military Justice in America chronicles the struggles leading to the Court s creation as well as its subsequent efforts to fulfill a difficult and sometimes controversial mission The work provides a new and valuable perspective on the uneasy relations between civil and military authority The Feres Doctrine United States. Congress. Senate. Committee on the Judiciary,2003 *Military Law Review* ,2000 *Handbook of Death and Dying* Clifton D. Bryant,2003-10-01 This is a singular reference tool essential for academic libraries Reference User Services Quarterly Students professionals and scholars in the social sciences and health professions are fortunate to have the unwieldy corpus of knowledge and literature on death studies organized and integrated Highly recommended for all collections CHOICE Excellent and highly recommended BOOKLIST Well researched with lengthy bibliographies The index is rich with See and See Also references Its multidisciplinary nature makes it an excellent addition to academic collections LIBRARY JOURNAL Researchers and students in many social sciences and humanities disciplines the health and legal professions and mortuary science will find the Handbook of Death and Dying valuable Lay readers will also appreciate the Handbook s wide ranging coverage of death related topics Recommended for academic health sciences and large public libraries E STREAMS Dying is a social as well as physiological phenomenon Each society characterizes and consequently treats death and dying in its own individual ways ways that differ markedly These particular patterns of death and dying engender modal cultural responses and such institutionalized behavior has familiar economical educational religious and political implications The Handbook of Death and Dying takes stock of the vast literature in the field of thanatology arranging and synthesizing what has been an unwieldy body of knowledge into a concise yet comprehensive reference work This two volume handbook will provide direction and momentum to the study of death related behavior for many years to come Key Features More than 100 contributors representing authoritative expertise in a diverse array of

disciplines Anthropology Family Studies History Law Medicine Mortuary Science Philosophy Psychology Social work  
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*American Civil Rights and Liberties* Kara E. Stooksbury,John M. Scheb II,Otis H. Stephens Jr.,2017-09-21 Thoroughly  
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 conclusions      **Military Self-Interest in Accountability for Core International Crimes** Morten Bergsmo,SONG  
 Tianying,2018-04-21      **The Social History of Crime and Punishment in America** Wilbur R. Miller,2012-07-20 Several  
 encyclopedias overview the contemporary system of criminal justice in America but full understanding of current social  
 problems and contemporary strategies to deal with them can come only with clear appreciation of the historical  
 underpinnings of those problems Thus this five volume work surveys the history and philosophy of crime punishment and  
 criminal justice institutions in America from colonial times to the present It covers the whole of the criminal justice system

from crimes law enforcement and policing to courts corrections and human services Among other things this encyclopedia explicates philosophical foundations underpinning our system of justice charts changing patterns in criminal activity and subsequent effects on legal responses identifies major periods in the development of our system of criminal justice and explores in the first four volumes supplemented by a fifth volume containing annotated primary documents evolving debates and conflicts on how best to address issues of crime and punishment Its signed entries in the first four volumes supplemented by a fifth volume containing annotated primary documents provide the historical context for students to better understand contemporary criminological debates and the contemporary shape of the U S system of law and justice

**Sexual Exploitation and Abuse by UN Military Contingents** Róisín Sarah Burke,2014-06-05 In Sexual Exploitation and Abuse by UN Military Contingents Moving Beyond the Current Status Quo and Responsibility under International law R is n Burke explores the legal conceptual and practical difficulties of dealing with sexual offences committed by military contingent personnel deployed on UN peace operations Some of the inadequacies of current legal frameworks for dealing with such abuses are examined The book addresses the difficulties with applying international humanitarian law human rights law and or international criminal law in this context and the broader issue of state international organization responsibility The book proposes policy options to increase accountability both for perpetrators and for troop contributing nations otherwise indifferent to the crimes of their national contingents

*The Impact of Human Rights Law on Armed Forces* Peter Rowe,2006-01-12 This book considers those aspects of human rights law which may become relevant to the activities of armed forces whether they remain in barracks undertake training or are deployed in military operations within their own state or outside it The unique nature of military service and of military courts gives rise to human rights issues in respect both of civilians and soldiers whether volunteers or conscripts who find themselves before these courts Rowe examines these issues as well as the application of international humanitarian law alongside the human rights obligations of the state when forces are training for and involved in armed conflict where armed forces are deployed in situations of civil disorder and where states contribute armed forces to multinational forces An invaluable resource for scholars in human rights international law and military studies and anyone concerned with policy relevant to the armed forces

**Defence Transformation in Europe: Evolving Military Roles** T. Edmunds,M. Malešič,2005-11-15 Consisting of eight parts this book includes the changing nature of the defence of national territory role expeditionary warfare peacekeeping and humanitarian intervention defence diplomacy domestic military assistance and internal security The authors come from a range of different groups involved in defence transformation processes

*New England Law Review: Volume 50, Number 1 - Fall 2015* New England Law Review,2016-03-28 The New England Law Review offers its issues in convenient digital formats for e reader devices apps pads and phones This first issue of Volume 50 Fall 2015 features an extensive and important Symposium entitled Discipline Justice and Command in the U S Military presented by leading scholars on the subject

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