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Government

Criminal Law of France

French Criminal Law

Chloë Kennedy, Lindsay Farmer

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French Criminal Law Catherine Elliott, 2001-05 This is the first book to provide a clear and accessible account and analysis of French criminal law in English French criminal law has been highly influential in the development of criminal law in civil law countries around the world and this book provides a comprehensive introduction to this important area

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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

Introduction to French Law George A. Bermann, Etienne Picard, 2008-01-01 French law displays many characteristics that set it apart in a world class of its own It can be said to proceed from a number of independent streams that coexist despite apparent contradiction More than half of the 2283 articles of the famous Code Civile of 1804 remain unaltered yet French administrative judges jealously guard their prerogative to create their own public law And yet again since the 1974 law empowering the legislature to convene the Constitutional Council that judges the constitutionality of laws under the 1958 Constitution the courts distinction between rules and facts

French Criminal Justice Jacqueline Hodgson, 2005-11-08 Basing much of its analysis upon the first systematic empirical study of the French pre trial process this monograph breaks new ground in the field of comparative criminal justice Moving away from idealised accounts of judicially supervised investigations it provides a better understanding of the ways in which an inquisitorially rooted criminal process operates in

practice and the factors that influence and constrain its development and functioning The structure and operation of French criminal justice is set within a broad range of contexts of political occupational and legal cultures from the French Republican tradition of state centred models of authority across the growing influence of the ECHR to the local conditions which determine the ways in which individual discretion is exercised The French model of investigative supervision and accountability is contrasted with more adversarial procedures and in particular the different ways in which the reliability of evidence is guaranteed and the interests of the accused protected Systematic observation of the daily working practices of police gendarmes prosecutors and juges d'instruction across a number of sites and time periods provides a unique and detailed account of the ways in which the French criminal process operates in practice The understandings and insights generated from this data are then set within a wider legal and political analysis which considers issues such as the influence and interference of the State within matters of justice a comparative analysis of the judicial and defence functions and the extent to which ECHR fair trial guarantees are able to produce legal and ideological change within a process which depends upon a central and judicially supervised investigating authority An informed knowledge of other European criminal procedures is increasingly essential for those working within UK as well as comparative criminal justice if there is to be a proper engagement with and evaluation of measures such as the EUs proposed Council Framework Decision on Certain Procedural Rights in Criminal Proceedings throughout the European Union as well as recent legislative reform in England and Wales that seeks to adjust the pre trial roles of police and prosecutor in significant ways This book will be essential reading for teachers researchers students and policy makers working in the areas of criminal justice in the UK and across Europe in comparative criminal justice criminology as well as in French and European studies **The Concept of Mens**

Rea in International Criminal Law Mohamed Elewa Badar, 2013-01-30 The purpose of this book is to find a unified approach to the doctrine of mens rea in the sphere of international criminal law based on an in depth comparative analysis of different legal systems and the jurisprudence of international criminal tribunals since Nuremberg Part I examines the concept of mens rea in common and continental legal systems as well as its counterpart in Islamic Shari'a law Part II looks at the jurisprudence of the post Second World War trials the work of the International Law Commission and the concept of genocidal intent in light of the travaux préparatoires of the 1948 Genocide Convention Further chapters are devoted to a discussion of the boundaries of mens rea in the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda The final chapter examines the definition of the mental element as provided for in Article 30 of the Statute of the International Criminal Court in light of the recent decisions delivered by the International Criminal Court The study also examines the general principles that underlie the various approaches to the mental elements of crimes as well as the subjective element required in perpetration and participation in crimes and the interrelation between mistake of law and mistake of fact with the subjective element With a Foreword by Professor William Schabas and an Epilogue by Professor

Roger Clark From the Foreword by William Schabas Mohamed Elewa Badar has taken this complex landscape of mens rea at the international level and prepared a thorough well structured monograph This book is destined to become an indispensable tool for lawyers and judges at the international tribunals From the Epilogue by Professor Roger Clark This is the most comprehensive effort I have encountered pulling together across legal systems the general part themes especially about the mental element found in confusing array in the common law the civil law and Islamic law In this endeavour Dr Badar s researches have much to offer us *The Western Codification of Criminal Law* Aniceto Masferrer,2018-03-09 This volume addresses an important historiographical gap by assessing the respective contributions of tradition and foreign influences to the 19th century codification of criminal law More specifically it focuses on the extent of French influence among others in European and American civil law jurisdictions In this regard the book seeks to dispel a number of myths concerning the French model s actual influence on European and Latin American criminal codes The impact of the Napoleonic criminal code on other jurisdictions was real but the scope and extent of its influence were significantly less than has sometimes been claimed The overemphasis on French influence on other civil law jurisdictions is partly due to a fundamental assumption that modern criminal codes constituted a break with the past The question as to whether they truly broke with the past or were merely a degree of reform touches on a difficult issue namely the dichotomy between tradition and foreign influences in the codification of criminal law Scholarship has unfairly ignored this important subject an oversight that this book remedies

The Realm of Criminal Law R A Duff,2018-06-14 We are said to face a crisis of over criminalization our criminal law has become chaotic unprincipled and over expansive This book proposes a normative theory of criminal law and of criminalization that shows how criminal law could be ordered principled and restrained The theory is based on an account of criminal law as a distinctive legal practice that functions to declare and define a set of public wrongs and to call to formal public account those who commit such wrongs an account of the role that such practice can play in a democratic republic of free and equal citizens and an account of the central features of such a political community and of the way in which it constitutes its public realm its civil order Criminal law plays an important but limited role in such a political community in protecting but also partly constituting its civil order On the basis of this account we can see how such a political community will decide what kinds of conduct should be criminalized not by applying one or more of the substantive master principles that theorists have offered but by considering which kinds of conduct fall within its public realm as distinct from the private realms that are not the polity s business and which kinds of wrong within that realm require this distinctive kind of response rather than one of the other kinds of available response The outcome of such a deliberative process will probably be a more limited and a more rational and principled criminal law **International Criminal Law, Volume 2: Multilateral and Bilateral Enforcement Mechanisms** M. Cherif Bassiouni,2008-12-31 Volume 2 addresses jurisdiction and the various mechanisms and modalities of international cooperation in penal matters which for all practical purposes apply to both the

direct and indirect enforcement methods of ICL These mechanisms and modalities of international cooperation are used not only in bilateral interstate cooperation in penal matters but they are also employed by international tribunals including the ICC in their relations with states This volume is divided into 5 chapters which are titled as Chapter 1 Policies and Modalities of International Cooperation in Penal Matters The Duty to Prosecute and or Extradite Aut Dedere Aut Judicare Globalization of International Enforcement Mechanisms The Problem of Legitimacy Globalization of Law Enforcement and Intelligence Gathering and Sharing Chapter 2 Jurisdiction Extraterritorial Jurisdiction Universal Jurisdiction Competing and Overlapping Jurisdictions Immunities and Exceptions The European Union and the Schengen Agreement Chapter 3 Extradition Law and Practice in the United States The European Approach Commentary on the United Nations Draft Model Law on Extradition Chapter 4 Judicial Assistance and Mutual Cooperation in Penal Matters United States Treaties on Mutual Assistance in Criminal Matters Commentary on the United Nations Draft Model Law on Mutual Legal Assistance Inter State Cooperation in Penal Matters in the Commonwealth The Council of Europe and the European Union European Perspective on International Cooperation in Matters of Terrorism Freezing and Seizing of Assets Controlling Money Laundering Chapter 5 Recognition of Foreign Penal Judgments Transfer of Criminal Proceedings and Execution of Foreign Penal Sentences Introduction to Recognition of Foreign Penal Judgments Introduction to Transfer of Criminal Proceedings Transfer of Criminal Proceedings The European System The Lockerbie Model of Transfer of Proceedings International Perspective on Transfer of Prisoners and Execution of Foreign Penal Judgments United States Policies and Practices on the Execution of Foreign Penal Sentences

Complicity in International Criminal Law Marina Aksenova, 2016-12-15 This book tackles one of the most contentious aspects of international criminal law the modes of liability At the heart of the discussion is the quest for balance between the accused s individual contribution and the collective nature of mass offending The principle of legality demands that there exists a well defined link between the crime and the person charged with it This is so even in the context of international offending which often implies several degrees of separation between the direct perpetrator and the person who authorises the atrocity The challenge is to construct that link without jeopardising the interests of justice This monograph provides the first comprehensive treatment of complicity within the discipline and beyond Extensive analysis of the pertinent statutes and jurisprudence reveals gaps in interpreting accessorial liability Simultaneously the study of complicity becomes a test for the general methods and purposes of international criminal law The book exposes problems with the sources of law and demonstrates the absence of clearly defined sentencing and policy rationales which are crucial tools in structuring judicial discretion Awarded The Paul Guggenheim Prize in International Law 2017

International Criminal Law Roger O'Keefe, 2015-06-04 International Criminal Law provides a comprehensive overview of an increasingly integral part of public international law It complements the usual accounts of the substantive law of those international crimes tried to date before international criminal courts and of the institutional law of those courts with in depth analyses of

fundamental formal juridical concepts such as an international crime and an international criminal court with detailed examinations of the many international crimes provided for by way of multilateral treaty and of the attendant obligations and rights of states parties and with sustained attention to the implementation of international criminal law at the national level Direct concise and precise International Criminal Law should prove a valuable resource for scholars and practitioners of the discipline of international criminal law

Reform of the Federal Criminal Laws United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Criminal Laws and Procedures,1971

Principles of French Law John Bell,Sophie Boyron,Simon Whittaker,2008 Offering students and lawyers an introduction to the French law and legal system this text gives an explanation of the French institutions concepts and techniques providing a clear sense of the questions which French lawyers see as important

Principles of Indonesian Criminal Law Topo Santoso,2023-02-23 This authoritative new work sets out the key tenets of the principles and process of criminal law in Indonesia Focusing on substantive criminal law starting from its definition history principles and interpretation it goes on to explore a criminal offence and its elements criminal fault and liability causation and other issues The author is a leading scholar experienced both in practice and teaching in the field Comparative criminal lawyers will welcome this important new work

A Modern History of German Criminal Law Thomas Vormbaum,2013-10-01 Increasingly international governmental networks and organisations make it necessary to master the legal principles of other jurisdictions Since the advent of international criminal tribunals this need has fully reached criminal law A large part of their work is based on comparative research The legal systems which contribute most to this systemic discussion are common law and civil law sometimes called continental law So far this dialogue appears to have been dominated by the former While there are many reasons for this one stands out very clearly Language English has become the lingua franca of international legal research The present book addresses this issue Thomas Vormbaum is one of the foremost German legal historians and the book s original has become a cornerstone of research into the history of German criminal law beyond doctrinal expositions it allows a look at the system s genesis its ideological political and cultural roots In the field of comparative research it is of the utmost importance to have an understanding of the law s provenance in other words its historical DNA

Criminal Law: The General Part Carlson Anyangwe,2015-09-23 This is a comprehensive insightful lucid intense and unrivalled text on the general part of the criminal law in Cameroon Beginning with an account of the historical development of the criminal law generally the author proceeds to analyse and discuss in detail the principles governing application of the criminal law criminal responsibility participation in crime penalties and sentencing These principles are broadly the same in other jurisdictions The book balances theoretical content with case law illustrations to enhance readability comprehension and assimilation It is an invaluable source and essential reading for law students and teachers and lawyers in private practice and government service

Leading Works in Criminal Law Chloë Kennedy,Lindsay Farmer,2023-08-11 This book analyses a selection of leading works in the criminal

law to ask questions about how the modern discipline of criminal law has developed how it has been deployed in colonial and postcolonial contexts and how criminal law scholarship has engaged with traditionally marginalised perspectives such as feminism queer theory and anti carceral and abolitionist movements The works analysed range from Macaulay s Indian Penal Code 1837 to more recent textbooks and monographs on criminal law and their jurisdictional reach extends to India Canada Australia Malawi the UK and the USA The contributing authors include scholars activists and legal practitioners each of whom explores the intellectual development and geographical reach of Anglocriminal law via the work they analyse Across the collection the editors and contributors address the question of what it means to be a leading work in criminal law The book will be a valuable resource for students academics and researchers working in the area of criminal law **The**

Diversification and Fragmentation of International Criminal Law Larissa van den Herik, Carsten Stahn, 2012-10-23 This volume is the first in a new series of Studies on the Frontiers of International Law The term frontier is traditionally associated with proximity to a boundary or a demarcation line But it is also a connecting point i e a passage or channel between spaces that are usually considered as separate entities The Series aims to explore the visible and imaginary boundaries of scholarship in International Law It is designed to test the existing table of contents vocabulary and limits of Public International Law to investigate lines and linkages between centre and periphery and to re map or re think some of its conceptual boundaries The current volume is written in this spirit It deals with the tension between unity and diversification which has gained a central place in the debate under the label of fragmentation It explores the meaning articulation and risks of this phenomenon in a specific area International Criminal Justice It brings together established and fresh voices who analyse different sites and contestations of this concept as well as its context and specific manifestations in the interpretation and application of International Criminal Law The volume thereby connects discourse on fragmentation with broader inquiry on the merits and discontents of legal pluralism in Public International Law **Immigration And Criminal Law in the**

European Union Elspeth Guild, P. Paul E. Minderhoud, 2006 This book provides a clear picture of the issues of legal and social legitimacy which surround criminal measures relating to trafficking in human beings in six Member States and the EU It includes and explains the legal nature of the types of measures which have been adopted and the presentation of criminal sanctions and the positions taken by key actors in civil society *Sentencing in International Criminal Law* Silvia D'Ascoli, 2011-04-01 This book deals with sentencing in international criminal law focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia ICTY and Rwanda ICTR In contrast to sentencing in domestic jurisdictions and in spite of its growing importance sentencing law is a part of international criminal law that is still under construction and is unregulated in many aspects International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles Moreover international judges receive

very little guidance in sentencing matters this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways One purpose of this book is to investigate and evaluate the process of international sentencing especially as interpreted by the ICTY and the ICTR and to suggest a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice The book discusses the law and jurisprudence of the ad hoc Tribunals and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice thus offering quantitative support for the doctrinal analysis This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice The book will thus be of great interest to practitioners academics and students of the subject

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