



PARLIAMENT PASSES

THREE NEW CRIMINAL LAW REFORM BILLS

The Politics Of Criminal Law Reform In The Nineteenth Century

Jeremy Horder



The Politics Of Criminal Law Reform In The Nineteenth Century:

Evangelicalism, Penal Theory and the Politics of Criminal Law R. Follett, 2000-11-30 Following the abolition of the British slave trade in 1807 a group of politicians began to agitate for reform of England's bloody code of criminal statutes This examines the politics and propaganda of criminal law reform from 1808 to the Whig succession to power in 1830 *The Politics of Criminal Law* John Hostettler, 1992 *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 *Homicide and the Politics of Law Reform* Jeremy Horder, 2012-07-12 What makes murder murder How should we understand the difference between intentional and reckless killing Should offenders be punished differently according to the perceived severity of their crime and when should they be excused These questions are the topic of intense debate within legal circles and beyond in the UK the US and the rest of world Jeremy Horder's role as the Law Commissioner for England and Wales on criminal law has given him unique insight into these questions and the debates surrounding them Here he analyses the recent political and legal reform movements offering a political history of homicide law reform from the 19th century to the modern era Using homicide as a starting point Horder raises deeper questions of who is and should be responsible for making and changing the law What role should there be for expert bodies judges and politicians What role should there be for the general public These questions invoke strong emotional responses Horder argues that comprehensive research into and a degree of difference to public opinion on the scope of homicide is essential to the reform process It is essential principally as a means of conferring true legitimacy on homicide reform in a democracy Elite or expert opinion alone will never authentically secure such legitimacy Offering an insider's view into the processes of achieving law reform Horder expresses criticism of a system that excludes the vast majority of people from consultation on reform of the laws that govern them *Cesare Beccaria* John Hostettler, 2011-01-04 In eighteenth century continental Europe penal law was barbaric Gallows were a regular feature of the landscape branding and mutilation common and there existed the ghastly spectacle of men being broken on the wheel To make matters worse people were often tortured or put to death sometimes

both for minor crimes and often without any trial at all Like a bombshell a book entitled *On Crimes and Punishments* exploded onto the scene in 1764 with shattering effect Its author was a young nobleman named Cesare Beccaria 1738 1794 A central message of that now classic work was that such punishments belonged to a war of nations against their citizens and should be abolished It was a *cri de coeur* for thorough reform of the law affecting punishments and it swept across the continent of Europe like wildfire being adopted by one ruler after another It even crossed the Atlantic to the new United States of America into the hands of President Thomas Jefferson In a wonderful sentence which concludes Beccaria's book he sums up matters as follows In order that every punishment may not be an act of violence committed by one man or by many against a single individual it ought to be above all things public speedy necessary the least possible in the given circumstances proportioned to its crime and dictated by the laws Civilising penal law remains a topical issue but it began with Cesare Beccaria

Darwinism and the Divine Alister E. McGrath, 2013-05-20 Darwinism and the Divine examines the implications of evolutionary thought for natural theology from the time of publication of Darwin's *On the Origin of Species* to current debates on creationism and intelligent design Questions whether Darwin's theory of natural selection really shook our fundamental beliefs or whether they served to transform and illuminate our views on the origins and meaning of life Identifies the forms of natural theology that emerged in 19th century England and how they were affected by Darwinism The most detailed study yet of the intellectual background to William Paley's famous and influential approach to natural theology set out in 1802 Brings together material from a variety of disciplines including the history of ideas historical and systematic theology evolutionary biology anthropology sociology and the cognitive science of religion Considers how Christian belief has adapted to Darwinism and asks whether there is a place for design both in the world of science and the world of theology A thought provoking exploration of 21st century views on evolutionary thought and natural theology written by the world renowned theologian and bestselling author

Essays in the History of Canadian Law J. Phillips, R. Roy McMurtry, John T. Saywell, 2008-09-18 Written to honour the life and work of the late Peter N Oliver the distinguished historian and editor in chief of the Osgoode Society for Canadian Legal History from 1979 2006 this collection assembles the finest legal scholars to reflect on the issues in and development of the field of legal history in Canada Covering a broad range of topics this volume examines developments over the last two hundred years in the legal profession and the judiciary nineteenth century prison history as well as the impact of the 1815 Treaty of Paris The introduction also provides insight into the history of the Osgoode Society and of Oliver's essential role in it along with an illuminating analysis of the Society's publications program which produced sixty six books during his tenure A fitting tribute to one of the foremost legal historians this tenth volume of *Essays in the History of Canadian Law* is a significant contribution to the discipline to which Oliver devoted so much

Fair Trials Sarah J Summers, 2007-08-10 The right to a fair trial has become an issue of increasing public concern following a series of high profile cases such as the Bulger case Khan Sultan and *R v DPP ex p Kebilene* In determining the scope of the right we

now increasingly look to the ECHR but the court has given little guidance focusing on reconciling procedural rules rather than addressing the broader issues This book addresses the issue of the meaning of the right by examining the contemporary jurisprudence in the light of a body of historical literature which discusses criminal procedure in a European context It argues that there is in fact a European criminal procedural tradition which has been neglected in contemporary discussions and that an understanding of this tradition might illuminate the discussion of fair trial in the contemporary jurisprudence This challenging new work elucidates the meaning of the fair trial and in doing so challenges the conventional approach to the analysis of criminal procedure as based on the distinction between adversarial and inquisitorial procedural systems The book is divided into two parts The first part is dominated by an examination of the fair trial principles in the works of several notable European jurists of the nineteenth century arguing that their writings were instrumental in the development of the principles underlying the modern conception of criminal proceedings The second part looks at the fair trials jurisprudence of the ECHR and it is suggested that although the Court has neglected the European tradition the jurisprudence has nevertheless been influenced albeit unconsciously by the institutional principles developed in the nineteenth century

The Bar and the Old Bailey, 1750-1850 Allyson Nancy May, 2003 Allyson May chronicles the history of the English criminal trial and the development of a criminal bar in London between 1750 and 1850 She charts the transformation of the legal process and the evolution of professional standards of conduct for the criminal trial

The Trial on Trial: Volume 2 R A Duff, Lindsay Farmer, Sandra Marshall, Victor Tadros, 2006-04-05 What are the aims of a criminal trial What social functions should it perform And how is the trial as a political institution linked to other institutions in a democratic polity What follows if we understand a criminal trial as calling a defendant to answer to a charge of criminal wrongdoing and if he is judged to be responsible for such wrongdoing to account for his conduct A normative theory of the trial an account of what trials ought to be and of what ends they should serve must take these central aspects of the trial seriously but they raise a number of difficult questions They suggest that the trial should be seen as a communicative process but what kinds of communication should it involve What kind of political theory does a communicative conception of the trial require Can trials ever actually amount to more than the imposition of state power on the defendant What political role might trials play in conflicts that must deal not simply with issues of individual responsibility but with broader collective wrongs including wrongs perpetrated by or in the name of the state These are the issues addressed by the essays in this volume The third volume in this series in which the four editors of this volume develop their own normative account will be published in 2007

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