

# CRIMINAL LAW, TRADITION AND LEGAL ORDER

CRIME AND THE  
GENIUS OF SCOTS LAW  
1747 TO THE PRESENT

—  
Lindsay Farmer



# Criminal Law Tradition And Legal Order Crime And The Genius Of Scots Law 1747 To The Present

**Peter Rushton, Gwenda Morgan**



## **Criminal Law Tradition And Legal Order Crime And The Genius Of Scots Law 1747 To The Present:**

**Konfliktlösung im 19. und 20. Jahrhundert** Peter Collin, 2021-06-28 Das vierbändige Handbuch zur Geschichte der Konfliktlösung in Europa beschäftigt sich mit rechtlichen und außerrechtlichen Wegen der Entscheidung von Konflikten zwischen einzelnen Menschen sowie zwischen Personen und ihren Obrigkeiten. Das von Expertinnen und Experten aus vielen europäischen Ländern geschriebene Handbuch soll als zentrales Referenzmedium für die historische Dimension aller Aspekte der Streitentscheidung dienen. Der Aufbau des Werks orientiert sich an den vier Epochen Antike, Mittelalter, Frühe Neuzeit und 19./20. Jahrhundert. Nach einer Einführung in die jeweilige Epoche werden die für den Zeitabschnitt kennzeichnenden Akteure, Verfahren und Institutionen vorgestellt sowie Kernfragen und Zentralprobleme der Streitentscheidung in zeittypischen Konfliktfeldern behandelt. Die europäische Perspektive des Handbuchs schließt sich in der Betrachtung einzelner Länder, Regionen und Rechtskulturen nieder. Ausführliche Hinweise auf die weiterführende Literatur runden die Darstellung ab. Band 4 umfasst Beiträge zum 19. und 20. Jahrhundert.

**Staat, Schafott und Schuldgefühl** Dieter Reicher, 2013-03-09 Das Buch erklärt, welche sozialen Mechanismen hinter der Entwicklung der Todesstrafe stehen. Dies geschieht anhand der zwei Fallstudien Österreich und England in der Zeit von 1700 bis 1914. Während des 18. und des ersten Hälfte des 19. Jahrhunderts wurden in England wesentlich mehr Menschen zum Tode verurteilt oder hingerichtet als im Habsburgerreich. Dieser Befund überrascht und stellt ein soziologisches Rätsel dar. Weshalb besaß das damals fortschrittliche und liberale England ein derart blutiges Strafrecht, wohingegen das vergleichsweise rückständige und polizeistaatlich organisierte Österreich nur sehr wenige Hinrichtungen aufwies?

Criminal Law, Tradition and Legal Order Lindsay Farmer, 2005-11-17 This book examines the relationship between legal tradition and national identity to offer a critical and historical perspective on the study of criminal law. Developing a radically different approach to questions of responsibility and subjectivity, it combines appreciation of the institutional and historical context in which criminal law is practiced with an informed understanding of the law itself. Drawing on original research into the development of Scottish criminal justice, it offers the first full-length critique of modern criminal law theory.

**Scots Criminal Law** Pamela R. Ferguson, 2015-01-01 Scots Criminal Law: A Critical Analysis provides a clear statement of the current law for students and practitioners with a theoretical and critical focus. This new edition has been updated to reflect changes in the law since the first edition published.

**Police Courts in Nineteenth-Century Scotland, Volume 1** Dr David G. Barrie, Professor Susan Broomhall, 2014-12-28 Taking the form of two companion volumes, *Police Courts in Nineteenth-Century Scotland* represents the first major investigation into summary justice in Scottish towns c. 1800 to 1892. Volume 1, with the subtitle *Magistrates, Media and the Masses*, provides an institutional, social and cultural history of the establishment, development and practice of police courts. It explores their rise, purpose and internal workings and how justice was administered and experienced by those who attended them in a variety of roles.

Police Courts in Nineteenth-Century Scotland, Volume 1 David G. Barrie, Susan Broomhall, 2016-04-22 Taking the form of two companion

volumes *Police Courts in Nineteenth Century Scotland* represents the first major investigation into the administration experience impact and representation of summary justice in Scottish towns c 1800 to 1892 Each volume explores diverse but complementary themes relating to judicial practices relationships experiences and discourses through the lens of the same subject matter the police court Volume 1 with the subtitle *Magistrates Media and the Masses* provides an institutional social and cultural history of the establishment development and practice of police courts It explores their rise purpose and internal workings and how justice was administered and experienced by those who attended them in a variety of roles Special attention is given to examining how courtroom discourse was represented in print culture the role of the media in providing a discursive commentary on summary justice and the ways in which magistrates and the police engaged in a law and order dialogue with the press Throughout consideration is given to uncovering the relationship between magistrates the courts the police and the wider community and to charting the implications of the rise of summary justice and the police man state for the urban masses as evidenced through prosecution conviction and punishment patterns Volume 2 with the subtitle *Boundaries Behaviours and Bodies* explores through themed case studies how police courts shaped conceptual spatial temporal and commercial boundaries by regulating every day activities pastimes and cultures

*Police Courts in Nineteenth-Century Scotland, 2-volume set* David G. Barrie, Susan Broomhall, 2022-07-30 Taking the form of two companion volumes *Police Courts in Nineteenth Century Scotland* represents the first major investigation into the administration experience impact and representation of summary justice in Scottish towns c 1800 to 1892 Each volume explores diverse but complementary themes relating to judicial practices relationships experiences and discourses through the lens of the same subject matter the police court Volume 1 subtitled *Magistrates Media and the Masses* provides an institutional social and cultural history of the establishment development and practice of police courts It explores their rise purpose and internal workings and how justice was administered and experienced by those who attended them in a variety of roles Special attention is given to examining how courtroom discourse was represented in print culture the role of the media in providing a discursive commentary on summary justice and the ways in which magistrates and the police engaged in a law and order dialogue with the press Throughout consideration is given to uncovering the relationship between magistrates the courts the police and the wider community and to charting the implications of the rise of summary justice and the police man state for the urban masses as evidenced through prosecution conviction and punishment patterns Volume 2 subtitled *Boundaries Behaviours and Bodies* examines through themed case studies how these civic and judicial institutions shaped conceptual spatial temporal and commercial boundaries by regulating every day activities pastimes and cultures As with Volume 1 *Boundaries Behaviours and Bodies* is attentive to the relationship between magistrates the police the media and the wider community but here the main focus of analysis is on the role and impact of the police courts through their practice on cultural ideas social behaviours and environments in the nineteenth century city

*Treason and Rebellion in the British*

*Atlantic, 1685-1800* Peter Rushton, Gwenda Morgan, 2020-07-23 This book examines internal political conflicts in the British Empire within the legal framework of treason and sedition The threat of treason and rebellion pervaded the British Atlantic in the 17th and 18th centuries Britain's control of its territories was continually threatened by rebellion and war both at home and in North America Even after American independence Britain and its former colony continued to be fearful that opposition and revolution might follow the French example and both took legal measures to control both speech and political action This study places these conflicts within a political and legal framework of the laws of treason and sedition as they developed in the British Atlantic The treason laws originated in the reign of Edward III and were adapted and modified in the 16th and 17th centuries They were exported to the colonies where they underwent both adaptation and elaboration in application in the slave societies as well as those dominated by free settlers Relationships with natives and European rivals in the Americas affected the definitions of treason in practice and the divided loyalties of the American revolutionary war added further problems of defining loyalty and treachery *Treason and Rebellion in the British Atlantic 1685-1800* offers a new study of treason and sedition in the period by placing them in a truly transatlantic perspective making it a valuable study for those interested in the legal and political of Britain's empire and 18th century revolutions

*Policing the Metropolis of Scotland: A History of the Police and Systems of Police in Edinburgh & Edinburghshire, 1770-1833*, **Criminal Law for Criminologists** Noel Cross, 2020-03-09 Criminal Law for Criminologists uses theoretical and practical research to bridge the gap between the law in the books criminal law doctrine and the law in action criminal justice process It introduces the key policies and principles that drive criminal law in England and then explains the law itself in terms of relevant statute and case law Starting with an outline of the basic principles and theories of criminal law and criminal justice the author goes on to discuss Criminal law and criminal justice in historical perspective General principles of criminal law including actus reus and mens rea Specific types of criminal offence including property homicide sexual public order and drug offences An overview of defences to crime An appendix outlining essential legal skills In examining the links between the worlds of criminal law and criminal justice Criminal Law for Criminologists brings a fresh perspective to this field of research Written in a clear and direct style this book will be essential reading for students of criminology criminal justice law cultural studies social theory and those interested in gaining an introduction to criminal law

*Police Courts in Nineteenth-Century Scotland, Volume 1* Professor Susan Broomhall, Dr David G Barrie, 2015-01-28 Taking the form of two companion volumes *Police Courts in Nineteenth Century Scotland* represents the first major investigation into summary justice in Scottish towns c 1800 to 1892 Volume 1 with the subtitle *Magistrates Media and the Masses* provides an institutional social and cultural history of the establishment development and practice of police courts It explores their rise purpose and internal workings and how justice was administered and experienced by those who attended them in a variety of roles

**Intoxication and Society** Jonathan Herring, Ciaran Regan, Darin Weinberg, Philip Withington, 2012-12-21 Intoxicants substances that alter a

person's mental and physiological state are a continuing obsession. In their effect on the mind and body, intoxicants go to the heart of what it means to be human. In the tensions between free and uninhibited consumption on the one hand and the pressures of social regulation and personal responsibility on the other, they also illuminate the daily paradoxes and sheer complexity of living in modern Western societies. Yet this complexity and the rich history that underpins it is often lost in the current debates over public policy. *Intoxication and Society* sets out to supplement the contemporary discourse surrounding intoxication with a more nuanced appreciation of the history and nature of what is very much a multidimensional problem. It does so by employing an interdisciplinary framework that includes contributions from leading academics in law, sociology, anthropology, history, literature, neuroscience, and social psychology. The result is a subtle historical and contemporary rereading of the social construction of intoxication that will provide a secure basis for analysis as society continues to respond to the problematic pleasures of intoxication.

*Hooligans, Harlots, and Hangmen* David Taylor, 2010-02-09 This detailed study of the criminal justice system in Victorian Britain highlights the dilemmas facing those responsible for administering justice and protecting society from the criminal. Encompassing the crimes of the never identified Jack the Ripper as well as many other equally intriguing criminals, *Hooligans, Harlots, and Hangmen* is a detailed study of the criminal justice system as it evolved from the accession of Queen Victoria in 1837 to the outbreak of the Great War in 1914. The first section of the book considers crimes and criminals, while the second looks at the ways in which the Victorians sought to explain this deviant behavior. The third section focuses on the creation of criminals through the work of the constabulary and the courts. The final section considers the changing ways in which criminals were punished as the scaffold gave way to the prison as the dominant means of punishment. A brief introduction and conclusion set Victorian crime into its broader sociopolitical context and relates the issues society grappled with then to those of the present day.

**Juvenile Justice in Victorian Scotland** Kelly Christine Kelly, 2019-07-17 How did Scotland's criminal justice system respond to marginalised street children who found themselves on the wrong side of the law, often for simple vagrancy or other minor offences? This book examines the historical criminalisation of Scotland's Victorian children as well as revealing the history and early success of the Scottish day industrial school movement, a philanthropic response to juvenile offending hailed as magic in Charles Dickens's *Household Words*. With case studies ranging from police courts to the High Court of Justiciary, the book offers a lively account of the way children experienced Scotland's early juvenile justice system.

Banishment in the Early Atlantic World Peter Rushton, Gwenda Morgan, 2013-06-20 Banishing troublesome and deviant people from society was common in the early modern period. Many European countries removed their paupers, convicted criminals, rebels, and religious dissidents to remote communities or to their colonies where they could be simultaneously punished and perhaps contained and reformed. Under British rule, poor Irish, Scottish Jacobites, English criminals, Quakers, gypsies, Native Americans, the Acadian French in Canada, rebellious African slaves, or vulnerable minorities

like the Jews of St Eustatius were among those expelled and banished to another place This book explores the legal and political development of this forced migration focusing on the British Atlantic world between 1600 and 1800 The territories under British rule were not uniform in their policies and not all practices were driven by instructions from London or based on a clear legal framework Using case studies of legal and political strategies from the Atlantic world and drawing on accounts of collective experiences and individual narratives the authors explore why victims were chosen for banishment how they were transported and the impact on their lives The different contexts of such banishment internal colonialism ethnic and religious prejudice suppression of religious or political dissent or the savageries of war in Europe or the colonies are examined to establish to what extent displacement exile and removal were fundamental to the early British Empire

**Regional Identities in North-East England, 1300-2000** Adrian Gareth Green,A. J. Pollard,2007 Is North East England really a coherent and self conscious region The essays collected here address this topical issue from the middle ages to the present day     The New Police Science Markus Dirk Dubber,Mariana Valverde,2006 This interdisciplinary and international volume provides a critical analysis of the power to police as a basic technology of modern government found in a vast array of sites of governance including not only the state but also the household the factory the military and most recently the global realm of war police actions and peace keeping     **A Higher World** Michael Fry,2014-11-01 This new and compelling history of eighteenth century Scotland paints a rich and detailed portrait of the country at a time when it was of truly global significance This journey from the Union of 1707 to its centenary and beyond takes in vivid scenes from all over the country and ranges up and down the social scale from peeresses to prostitutes from lairds to lunatics and covers every major aspect of national life from agriculture to philosophy Whilst most other Scottish histories published in recent times concentrate on social and economic history Michael Fry demonstrates that any true understanding of the nation in the past as in the present needs to pay at least as much attention to politics and culture The social and the economic history show us how Scotland was integrated into Britain whilst the political history and the cultural history show us why the integration was never complete In this book both sides are surveyed offering new perspectives on Scotland s experience within the Union     **Lord Kames** Andreas Rahmatian,2015-05-20 Andreas Rahmatian explains Kames conceptions of legal philosophy including black letter law legal science legal theory legal sociology and anthropology in its early stages setting them in the context of the Scottish Enlightenment     Corporate Criminality and Liability for Fraud Alison Cronin,2018-03-14 Through a rational reconstruction of orthodox legal principles and reference to cutting edge neuro science this book reveals some startling truths about the criminal law its history and the fundamental doctrines that underpin the attribution of criminal fault While this has important implications for the criminal law generally the focus of this work is the development of a theory of corporate criminality that accords with modern theory of group agency itself informed by advancements in contemporary philosophy and social science The innovation it proposes is the theoretical and practical means by which criminal fault can be attributed directly to the

corporate actor where liability cannot or should not be reduced to its individual members



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