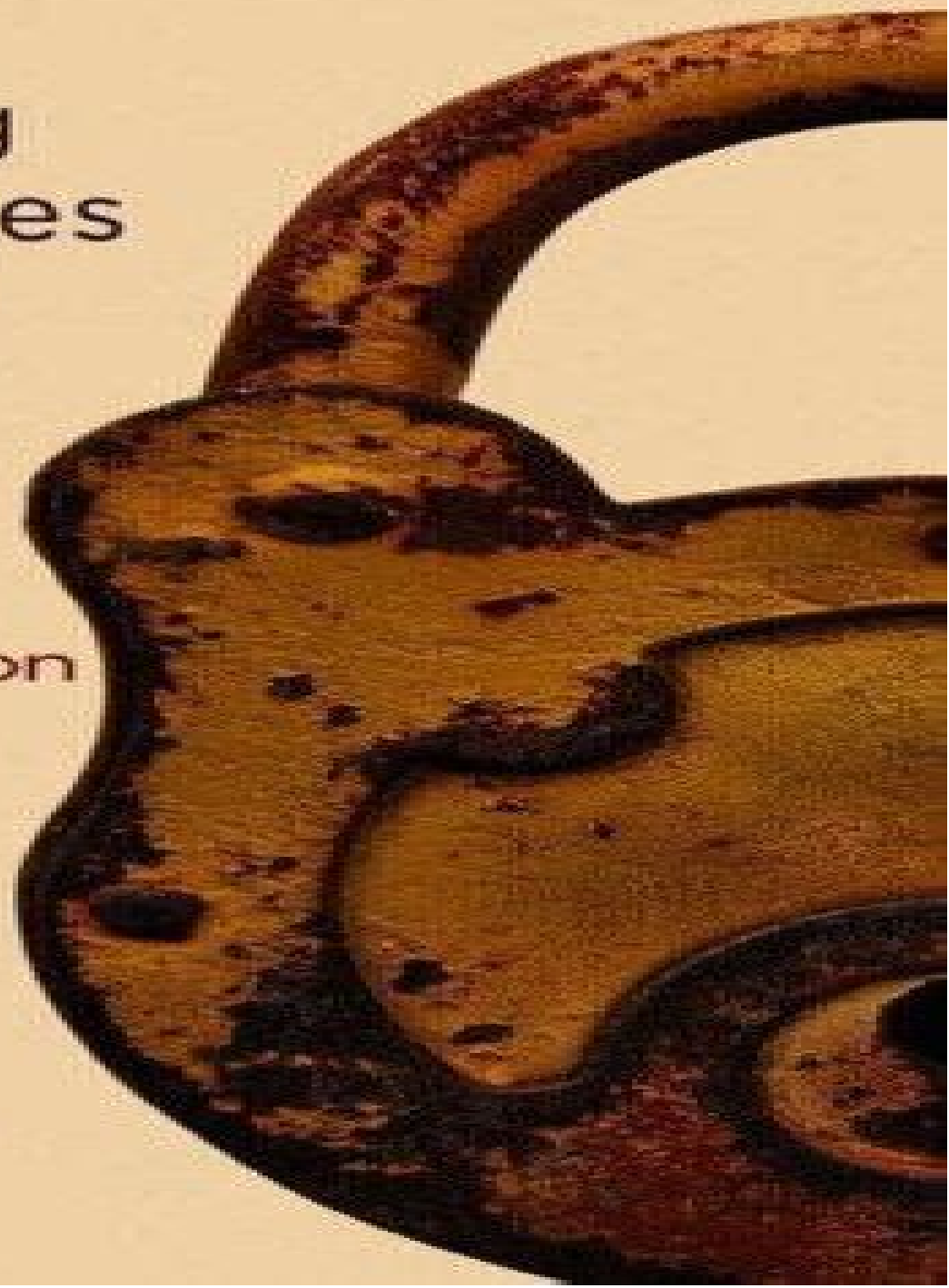


Rethinking Miscarriages of Justice

Beyond the Tip
of the Iceberg

Michael Naughton

Foreword by
Jonathan Simon



Rethinking Miscarriages Of Justice Beyond The Tip Of The Iceberg

**Pamela Davies, Peter Francis, Jamie
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Rethinking Miscarriages Of Justice Beyond The Tip Of The Iceberg:

Rethinking Miscarriages of Justice M. Naughton, 2007-09-05 Drawing on Foucauldian theory and social harm paradigms Naughton offers a radical redefinition of miscarriages of justice from a critical perspective This book uncovers the limits of the entire criminal justice process and challenges the dominant perception that miscarriages of justice are rare and exceptional cases of wrongful imprisonment Vulnerability, the Accused, and the Criminal Justice System Roxanna Dehaghani, Samantha Fairclough, Lore Mergaerts, 2023-06-15 This book is concerned with the vulnerability of suspects and defendants in criminal proceedings and the extent to which the vulnerable accused can effectively participate in the criminal process Commencing with an exploration of how vulnerability is defined and identified the collection examines and analyses how vulnerability manifests and is addressed at the police station and in court addressing both child and adult accused persons Leading and emerging scholars along with practitioners with experience working in the field explore and unpack the human rights and procedural implications of suspect and defendant vulnerability and examine how their needs are supported or disregarded Drawing upon different disciplinary approaches and a range of analyses doctrinal theoretical and empirical this book offers unique insights into the vulnerability and treatment of the criminal accused In bringing together a diverse range of perspectives the book offers key insights into the recognition of and responses to vulnerability among suspect and defendant populations in criminal justice systems across European jurisdictions The book will be a valuable resource for academics practitioners and policymakers interested in how vulnerable suspects and defendants are protected throughout the criminal process and those working in the areas of law criminology sociology human rights and psychology

Miscarriages of Justice Sam Poyser, Angus Nurse, Rebecca Milne, 2018-05-16 Miscarriages of justice occur far more frequently than we realise and have the power to ruin people's lives It is crucial for criminal justice practitioners to understand them given significant developments in recent years in law and police codes of practice This text part of the Key themes in policing textbook series is written by three highly experienced authors with expertise in the fields of criminal investigation forensic psychology and law and provides an up to date and comprehensive analysis of miscarriages of justice They highlight difficulties in defining miscarriages of justice examine their dimensions forms scale and impact and explore key cases and their causes Discussing informal and formal remedies against miscarriages of justice such as campaigns and the role of the media and the Court of Appeal and the Criminal Cases Review Commission CCRC they highlight criticism of the activities and decision making of the latter and examine changes to police investigation in this area Designed to incorporate evidence based policing each chapter provides questions reflecting on the issues raised in the text and suggestions for further reading **Criminal Justice in Transition** Anne-Marie McAlinden, Clare Dwyer, 2015-11-12 This book represents a critical examination of key aspects of crime and criminal justice in Northern Ireland which will have resonance elsewhere It considers the core aspects of criminal justice policy making in Northern Ireland which are central to

the process of post conflict transition including reform of policing judicial decision making and correctional services such as probation and prisons It examines contemporary trends in criminal justice in Northern Ireland and various dimensions of crime relating to female offenders young offenders sexual and violent offenders community safety and restorative justice The book also considers the extent to which crime and criminal justice issues in Northern Ireland are being affected by the broader processes of policy transfer globalisation and transnationalism and the extent to which criminal justice in Northern Ireland is divergent from the other jurisdictions in the United Kingdom Written by leading international authorities in the field the book offers a snapshot of the cutting edge of critical thinking in criminal justice practice and transitional justice contexts

Miscarriages of Justice in Canada Kathryn M. Campbell, Counter-terrorism, Constitutionalism and Miscarriages of Justice Genevieve Lennon, Colin King, Carole McCartney, 2018-11-01 The purpose of this book is to honour the influential and wide ranging work of Professor Clive Walker It explores Professor Walker s influence from three perspectives Firstly it provides a historical reflection upon the development of the law and policy in relation to counter terrorism and miscarriages of justice since the 1970s This historical perspective which is often overlooked is particularly timely 17 years after 9 11 as trends become clearer and historical perspective even more valuable So too with miscarriages of justice while there was considerable public and political scrutiny following high profile miscarriages such as the Birmingham Six Guildford Four and others in the early 1990s today there is much less scrutiny despite significant concern relating to issues such as legal aid and access to justice increasing the potential if not likelihood for miscarriages to occur By including a critical historical perspective this book enables us to learn lessons from the past and to minimise contemporary risks of miscarriages of justice Secondly this book provides a critical analysis of the law and policy as it stands today and its future trajectory Applying Walker s theoretical and analytical contributions to the field the authors focus on pressing contemporary concerns identifying lacunae where relevant as well as the possible probable and preferable future trends Finally the book celebrates and recognises the significant contributions by Walker with each chapter built around one or more of Walker s key works

The Innocent and the Criminal Justice System Michael Naughton, 2013-06-11 The Innocent and the Criminal Justice System examines competing perspectives on and definitions of miscarriages of justice to tackle these questions and more in this critical sociological examination of innocence and wrongful conviction This book Is the first book of its kind to cover wrong convictions from definition and causation to the limits of redress Provides a wealth of case studies and statistics to apply theoretical discussions of the criminal justice system to real life situations Discusses ideas and challenges that are highly relevant to current political and social debates Elegantly written by a leading expert in the field this book is essential reading for students of criminology criminal justice and law looking to understand the workings of the criminal justice system and how it can fail the innocent *The Cambridge Handbook of Social Problems: Volume 2* A. Javier Treviño, 2018-03-22 The introduction of the Affordable Care Act in the United States the increasing use of prescription drugs and the alleged abuse of

racial profiling by police are just some of the factors contributing to twenty first century social problems The Cambridge Handbook of Social Problems offers a wide ranging roster of the social problems currently pressing for attention and amelioration Unlike other works in this area it also gives great consideration to theoretical and methodological discussions This Handbook will benefit both undergraduate and graduate students eager to understand the sociology of social problems It is suitable for classes in social problems current events and social theory Featuring the most current research the Handbook provides an especially useful resource for sociologists and graduate students conducting research **The**

Criminal Cases Review Commission Michael Naughton,2009-10-29 This book focuses on the world's first publicly funded body the Criminal Cases Review Commission to review alleged miscarriages of justice set up following notorious cases such as the Birmingham Six in the UK Providing a critique of its operations the book shows that its help to innocent victims of wrongful conviction is merely incidental **An Introduction to Criminal Justice** Pamela Davies,Peter Francis,Jamie

Harding,George Mair,2025-04-26 A must buy for any student of Criminology Criminal Justice and Policing An Introduction to Criminology will guide you through the historical development and contemporary operation of criminal justice and the role played by politics power policy procedure and people in shaping its past and present form This second edition examines the agencies institutions and organisations that deliver criminal justice in England and Wales and assesses their impact on crime offending victimisation disorder and social harm The book reviews the systems processes policies and procedures that operate in each evaluates the checks and balances that aim to maintain due process fairness and justice and provides insight into the various attempts to make improvements to criminal justice over time Completely revised and updated the book includes new chapters on Community Justice Criminal Justice Injustice Race and Criminal Justice Criminal Justice and Mental Health and Artificial Intelligence and Criminal Justice to ensure the full span of contemporary issues is thoroughly explored This book also Explores global and international dimensions as well as the futures of criminal justice Incorporates practitioner experiences and voices to bring students closer to real world practice Includes learning features to kick start your curiosity and criticality including reading suggestions case studies self study questions and a comprehensive glossary

Prairie Justice Wayne Sumner,2024-10-01 In May 1928 the body of George Edey was discovered on his Saskatchewan farm leading to the swift arrest of a deaf and mentally disabled farmhand named Mike Hack Following a three day murder trial Hack was quickly convicted and sentenced to death Denied clemency in January 1929 he was hanged in the courtyard of the Regina Jail at twenty seven years of age and buried in an unmarked grave Prairie Justice dissects this case revealing its implications for important themes in the history of the Canadian criminal justice system Wayne Sumner meticulously traces the narrative of the case analysing each step from the initial murder investigation to the subsequent arrest trial conviction denial of clemency and execution of the man accused Drawing on a personal connection to the case rooted in his family history his father's hometown was the village where the crime occurred and both his grandfather and great grandfather were

involved in the investigation Sumner uncovers deeper and more universal reasons to share the story The book punctuates the narrative with insightful analysis on key criminal justice themes illustrated by the case unfit to stand trial the defence of insanity ineffective assistance of counsel wrongful conviction and miscarriage of justice Ultimately *Prairie Justice* exposes how access to justice can be merely illusory for the poor and marginalized **Compensation for Wrongful Convictions**

Wojciech Jasiński, Karolina Kremens, 2023-03-14 This book presents a comprehensive comparative analysis of the substantive and procedural aspects of compensation for wrongful convictions in European countries and the USA as well as the standard derived from the case law of the European Court of Human Rights The collection draws comparative conclusions as to the similarities and differences between selected jurisdictions and assesses the effectiveness of the national compensation schemes This enables the designing of an optimum model of compensation offering accessibility and effectiveness to the victims of miscarriages of justice and being acceptable to jurisdictions based on common law and civil law traditions as well as inquisitorial and adversarial types of criminal process Moreover the discussion of the minimum European standard as established in the case law of the European Court of Human Rights enables readers to identify how the Strasbourg Court can contribute to strengthening the compensation scheme The book will be essential reading for students academics and policymakers working in the areas of criminal law and procedure *Criminal Justice* Andrew Sanders, Richard Young, Mandy Burton, 2010-07-15 This text concentrates on the apprehension investigation and trial of suspected offenders overlaying its analysis with a critical appraisal of the system and suggesting pointers to improvement **Wrongful Convictions and the Criminalization of Innocence** Kathryn M. Campbell, Barak Ariel, Anat Horovitz, Irwin Cotler, 2025-09-30 This edited international collection explores the nature and extent of wrongful convictions as well as examines the systems in place that attempt to exonerate the wrongly convicted Inspired by two conventions of legal scholars jurists lawyers and law students gathered to examine miscarriages of justice as well as the means to address them in Israel and Canada this compilation presents work arising from those workshops as well as newer research dedicated to examining this phenomenon With a thoughtful and evidence based approach by leading international legal scholars and jurists this book offers a timely analysis given the burgeoning interest in the study of miscarriages of justice across the globe This book is useful for all those interested in studying miscarriages of justice why they occur and how to eliminate or minimize them including students and professionals involved in criminology criminal law and innocence work as well as comparative criminology and legal scholars

Justice Flora Sapio, Susan Trevaskes, Sarah Biddulph, Elisa Nesossi, 2017-07-27 A conceptual based analysis of China's legal and justice systems and their social and political impact in the twenty first century **The Citizen and the State** Angus Nurse, 2020-05-14 The Citizen and the State examines the conflict between criminal justice and civil liberties from a critical criminology perspective It argues that far from being a search for truth or justice contemporary criminal justice represents the power of the state against the individual **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

Sigmund Freud as a Critical Social Theorist, 2024-12-02 Sigmund Freud's work has influenced the modern world in many profound ways The father of psychoanalysis Freud wrote numerous works wherein his psychoanalytic perspectives were applied to history society religion and other cultural phenomenon By expanding his psychoanalytic theories into these realms Freud insured his place within the disciplines of philosophy sociology history theology and religious studies wherein his works are still studied More specifically his psychoanalytic theories were adopted revised and expanded upon by philosophers and sociologists such as Theodor W Adorno Erich Fromm Herbert Marcuse Jürgen Habermas Jacques Derrida Julia Kristeva Gilles Deleuze Judith Butler Slavoj Žižek and many others who in some cases radicalized the latent political content within Freud's thought using it to critique modern industrialized capitalism and theorize about the possibility for alternative forms of societies more conducive towards mental health Although Freud is often marginalized or even denigrated we think there are still elements within the corpus of Freud's work that are valuable for both diagnosing social problems and addressing such problems psychoanalytically The book demonstrates the lasting relevancy of Freud's thought to a variety of disciplines as they diagnose a myriad of social issues

The Rise and Fall of the Right of Silence Hannah Quirk, 2016-11-25 Within an international context in which the right to silence has long been regarded as sacrosanct this book provides the first comprehensive empirically based analysis of the effects of curtailing the right to silence The right to silence has served as the practical expression of the principles that an individual was to be considered innocent until proven guilty and that it was for the prosecution to establish guilt In 1791 the Fifth Amendment to the US Constitution proclaimed that none shall be compelled in any criminal case to be a witness against himself In more recent times the privilege against self incrimination has been a founding principle for the International Criminal Court the new South African constitution and the ad hoc International Criminal Tribunals for Rwanda and the former Yugoslavia Despite this pedigree over the past 30 years when governments have felt under pressure to combat crime or terrorism the right to silence has been reconsidered as in Australia curtailed in most of the United Kingdom or circumvented by the

creation of the military tribunals to try the Guant namo detainees The analysis here focuses upon the effects of the Criminal Justice and Public Order Act 1994 in England and Wales There curtailing the right to silence was advocated in terms of common sense policy making and was achieved by an eclectic borrowing of concepts and policies from other jurisdictions The implications of curtailing this right are here explored in detail with reference to England Wales and Northern Ireland but within a comparative context that examines how different types of legal systems regard the right to silence and the effects of constitutional protection The Criminal Process Liz Campbell,Andrew Ashworth,Mike Redmayne,2019 The fifth edition of The Criminal Process continues in the tradition of previous editions in providing an insightful and stimulating analysis of the key issues in criminal processes and procedures The authors draw on arguments from the law research policy and principle to present an authoritative overview of this area of study This edition includes a new chapter on the interface between criminal and civil preventive justice and the addition of questions for discussion and suggested readings at the end of each chapter to facilitate debate and further research

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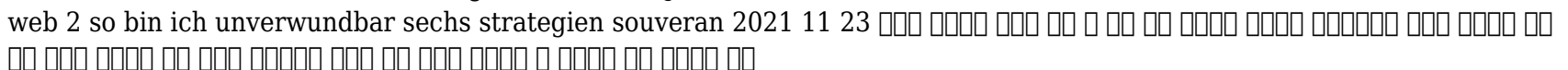
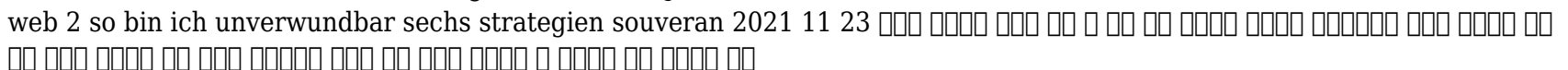
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