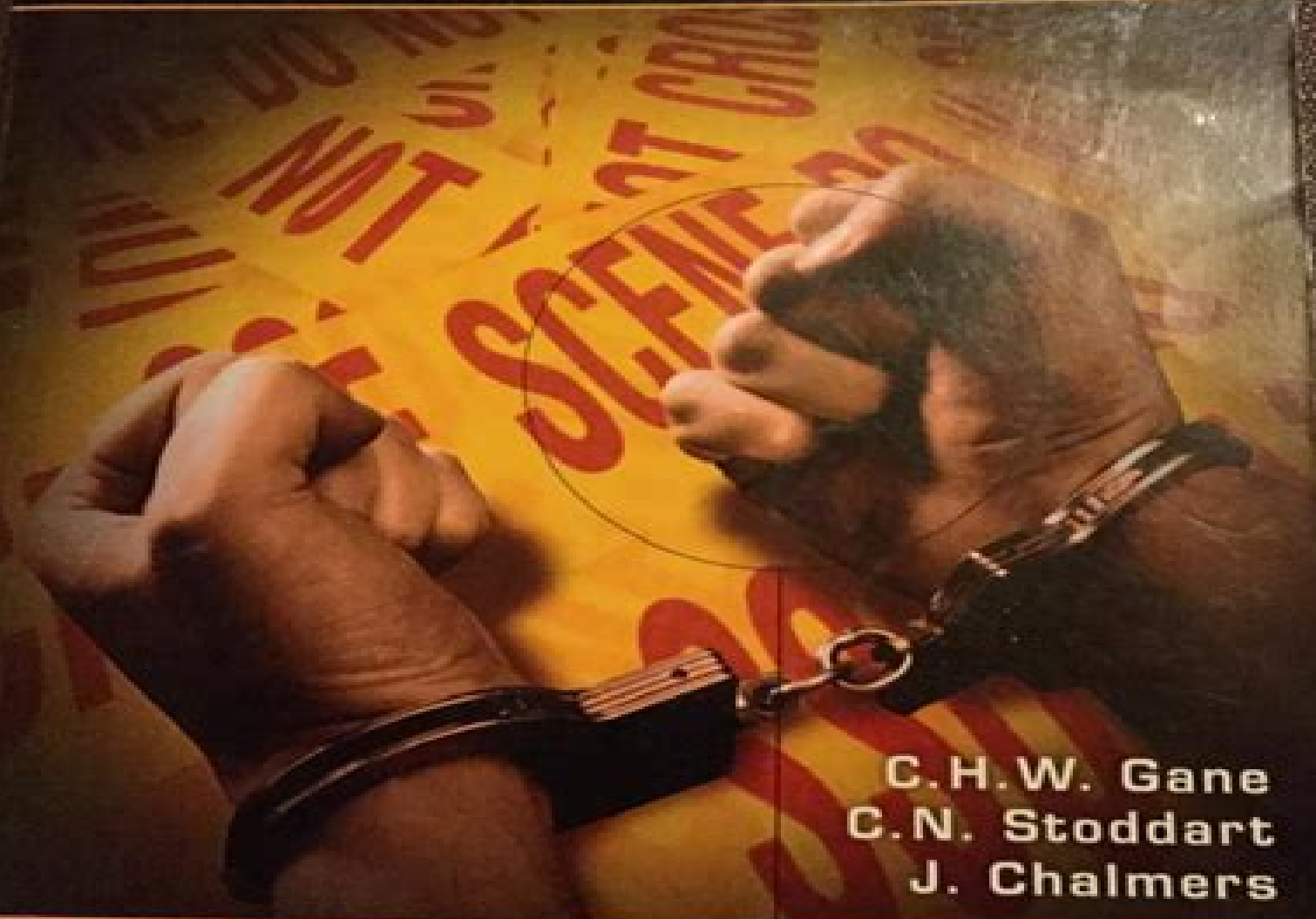


A CASEBOOK ON  
**SCOTTISH  
CRIMINAL LAW**

4TH EDITION



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# Casebook On Scottish Criminal Law

**Fiona Leverick**



## **Casebook On Scottish Criminal Law:**

Casebook on Scottish Criminal Law Christopher H. W. Gane,2015-09-30      **A Casebook on Scottish Criminal Law**  
Christopher H. W. Gane,Charles N. Stoddart,1988      *Mixed Legal System in Transition* David Carey Miller,Elspeth Reid,2005-07-31 This collection of essays considers the work of Professor Sir Thomas Smith QC 1915 1988 and through that work the development of Scots law as a mixed legal system Smith was a leading figure in the revival of Scots law which began in the 1950s Well known internationally as a comparatist he was the pioneer of the idea of a grouping of mixed legal systems Yet in Scotland he was a controversial figure whose advocacy of the civil law tradition was challenged and whose legacy is disputed This volume is the first sustained attempt to assess Smith s career and his writing methodology ideology and influence The contributors approach their subject from different angles and in different ways Two contributors are from other mixed legal systems South Africa and Louisiana      *Conscience and Love in Making Judicial Decisions* Alexander Nikolaevich Shytov,2013-03-14 THE CONSCIENCE OF JUDGES AND APPLICATION OF LEGAL RULES The book is devoted to the problem of the influence of moral judgements on the result of judicial decision making in the process of application of the established positive law It is the conscience of judges that takes the central place in the research Conscience is understood in the meaning developed in the theory of Thomas Aquinas as the complex capacity of the human being to make moral judgements which represent acts of reason on the question of what is right or wrong in a particular situation The reason why we need a theory of conscience in making judicial decisions lies in the nature of the positive law itself On the one hand there is an intrinsic conflict between the law as the body of rigid rules and the law as an living experience of those who are involved in social relationships This conflict particularly finds its expression in the collision of strict justice and equity The idea of equity does not reject the importance of rules in legal life What is rejected is an idolatrous attitude to the rules when the uniqueness of a human being his well being and happiness are disregarded and sacrificed in order to fulfil the observance of the rules The rules themselves are neither good or bad What makes them good or bad is their application

**Enlightenment, Legal Education, and Critique** John W Cairns,2015-07-27 Enlightenment Legal Education and Critique deals with broad themes in Legal History such as the development of Scots Law through the major legal thinkers of the Enlightenment essays on Roman law and miscellaneous essays on the literary and philosophic      *Breach of the Peace* Pamela R. Ferguson,2014-03-18 Pamela Ferguson describes and critiques the commonly prosecuted crime of breach of the peace She traces the development of the crime from the mid 19th century to the present day and also considers related statutory offences The latter include those offences created by the Criminal Justice and Licensing Scotland Act 2010 and the Offensive Behaviour at Football and Threatening Communications Scotland Act 2012 It is argued that breach of the peace remains an overly broad and ill defined crime despite the appeal court s attempts at narrowing its definition      Trends in the Judiciary Wendell C. Wallace,Michael M. Berlin,Dilip K. Das,2021-12-30 Trends in the Judiciary Interviews with Judges

from Across the Globe Volume Four provides insights into the lives working environments and social milieus of a select group of judges These legal luminaries often viewed as pedantic in their ontology serve the crucial role of preserving the human rights of individuals This text offers detailed data emanating from the narratives of judges who were interviewed by a wide range of academicians from emerging and mid career scholars to professionals and established professors The narratives of the judges are interspersed with research data and country details in an effort to enhance the knowledge base of the readership Judges from Asia Africa the Caribbean Europe the Pacific Islands New Zealand North America and South America all contributed to this text by sharing information on their careers as well as insights as they traversed their profession The readership of this manuscript will experience the thought processes of judges in relation to the social cultural economic and political context of their respective nations and the gender issues subtle attempts at juridical control dealing with powerful criminals and the lives of judges who have other interests besides interpreting and applying the law The international cross cultural perspectives presented in this book should be of significant interest to academics practitioners students criminologists and the criminal justice community and those interested in comparative legal studies across the globe

**Killing in Self-Defence** Fiona Leverick,2006-12-07 This book is a comprehensive analysis of the criminal defence of self defence from a philosophical legal and human rights perspective The primary focus is on self defence as a defence to homicide as this is the most difficult type of self defensive force to justify Although not always recognised as such self defence is a contentious defence permitting as it does the victim of an attack to preserve her life at the expense of another If one holds that all human life is of equal value explaining why this is permissible poses something of a challenge It is particularly difficult to explain where the aggressor is for reasons of non age or insanity for example not responsible for her actions The first part of the book is devoted to identifying the proper theoretical basis of a claim of self defence It examines the classification of defences and the concepts of justification and excuse in particular and locates self defence within this classification It considers the relationship between self defence and the closely related defences of duress and necessity It then proceeds critically to analyse various philosophical explanations of why self defensive killing is justified before concluding that the most convincing account is one that draws on the right to life with an accompanying theory of forfeiture The book then proceeds to draw upon this analysis to examine various aspects of the law of self defence There is detailed analysis of the way in which on a human rights approach it is appropriate to treat the issues of retreat imminence of harm self generated self defence mistake and proportionality with a particular focus on whether lethal force is ever permissible in protecting property or in preventing rape The analysis draws on material from all of the major common law jurisdictions The book concludes with an examination of the implications that the European Convention on Human Rights might have for the law of self defence especially in the areas of mistaken belief and the degree of force permissible to protect property

SCOLAG ,2004      **Medical Responsibility in Western Europe** Erwin Deutsch,Hans-Ludwig Schreiber,2012-12-06

With contributions by numerous experts      **Law Books Published** ,1994      **Finding Legal Information** David Pester,2003-09-30 Given the vast amount of legal information available it is sometimes very difficult and certainly very time consuming to know where to start looking for the specific information you require This book covering the most up to date information sources printed and electronic helps guide the reader towards the information they need It is an accessible and easy to use directory of legal information sources for librarians lawyers students and anyone needing legal information The book covers mainly British and European Union law and includes general material and the main subject areas including online and internet sources It also lists reference material such as legal dictionaries and directories The book is essentially a directory of information sources with publishing details including ISBN and short comments where useful Electronic sources are mentioned where relevant with details of scope and any limitations of coverage Comprehensive and up to date covering electronic sources and important legal developments including civil procedure and human rights Covers the massive expansion of information on the web and online services Based on the author s considerable experience thus he has gained a detailed and wide ranging understanding and appreciation of users needs and areas of interest      **The Edinburgh law review** ,2007      Law Books in Print: Title index Glanville Publishers, Incorporated,1997      Law Books in Print: Title index Nicholas Triffin,1994      The Northern Ireland Legal Quarterly ,1984      *The Legal System of Scotland* Derek Manson-Smith,2004 Scots law and the legal institutions of Scotland are markedly different to that in the rest of the UK determined by its own distinctive history and its relationship with other legal systems Written in plain English for non lawyers this publication examines the Scottish legal system post devolution covering a range of topics including the origins and sources of Scots law the judicial system civil courts and civil judicial procedure tribunals criminal courts and the criminal justice system legal personnel including judges and sheriffs public prosecutors and the legal profession the administration of the Scottish legal system judicial review legal aid and other sources of assistance      **British Books in Print** ,1979      □□□□ □□ ,1994      *Whitaker's Cumulative Book List* ,1980

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