Criminal Law Theory

This book arises from a three-year study of Preventive Justice directed by Professor Andrew Ashworth and Professor Lucia Zedner at the University of Oxford. The study seeks to develop an account of the principles and values that should guide and limit the state's use of preventive techniques that involve coercion against the individual. States today are increasingly using criminal law or criminal law-like tools to try to prevent or reduce the risk of anticipated future harm. Such measures include criminalizing conduct at an early stage in order to allow authorities to intervene; incapacitating suspected future wrongdoers; and imposing extended sentences or indefinite on past wrongdoers on the basis of their predicted future conduct - all in the name of public protection and security. The chief justification for the state's use of coercion is protecting the public from harm. Although the rationales and justifications of state punishment have been explored extensively, the scope, limits and principles of preventive justice have attracted little doctrinal or conceptual analysis. This book re-assesses the foundations for the range of coercive measures that states now take in the name of prevention and public protection, focussing particularly on coercive measures involving deprivation of liberty. It examines whether these measures are justified, whether they distort the proper boundaries between criminal and civil law, or whether they signal a larger change in the architecture of security. In so doing, it sets out to establish a framework for what we call 'Preventive Justice'.

Monitoring Bathing Waters

In this consultation paper, the Law Commission sets out the case for reducing the scope for criminal law to be used in regulated fields such as farming, food safety, banking and retail sales. Criminal sanctions should only be used to tackle serious wrongdoing and it is out of proportion for regulators to rely wholly on the criminal law to punish and deter activities that are merely 'risky', unless the risk involved is a serious one. There has been a steep increase in the number of criminal offences created since the late 1980s to penalise risk-taking. The areas regulated cover a wide range of risk-posing activities, and involve millions of people and thousands of businesses. By turning to civil penalties for minor breaches, regulators could reduce costs to themselves and the criminal justice system by £11 million a year. In some cases, criminal prosecution can cost almost twice what the courts obtain in fines. The paper proposes that: (i) regulatory authorities should make more use of cost-effective, efficient and fairer civil measures to govern standards of behaviour; (ii) a set of common principles should be established to help agencies consider whether and how to use the criminal law to tackle serious wrongdoing, and (iii) existing low-level criminal offences should be repealed where civil penalties
could be as effective. Where criminal offences are created in regulatory contexts, they should require proof of fault elements such as intention, knowledge, or a failure to take steps to avoid harm being done or serious risks posed.

**Philosophical Foundations of Criminal Law**

Accessory liability in the private law is of great importance. Claimants often bring claims against third parties who participate in wrongs. For example, the 'direct wrongdoer' may be insolvent, so a claimant might prefer a remedy against an accessory in order to obtain satisfactory redress. However, the law in this area has not received the attention it deserves. The criminal law recognises that any person who 'aids, abets, counsels or procures' any offence can be punished as an accessory, but the private law is more fragmented. One reason for this is a tendency to compartmentalise the law of obligations into discrete subjects, such as contract, trusts, tort and intellectual property. This book suggests that by looking across such boundaries in the private law, the nature and principles of accessory liability can be better understood and doctrinal confusion regarding the elements of liability, defences and remedies resolved. Winner of the Joint Second SLS Peter Birks Prize for Outstanding Legal Scholarship 2015.

**Accessory Liability**

This book reveals what happens to applications for post-conviction review when those in England, Wales, and Northern Ireland who believe they are wrongfully convicted apply to the Criminal Cases Review Commission, the only body that can refer a case back to the Court of Appeal once appellants opportunities for direct appeal are exhausted. While the Court is obliged to hear all such referrals, the Commission can only refer a case where it believes there is a real possibility that the Court will quash the conviction. The first empirical study of all stages of decision-making within the Commission, this book starts from the premise that the test applied by the Commission (the real possibility test) is not inflexible. Though created by statute and refined through case law, it must be determined on a case-by-case basis, drawing too on cultural and structural variables, alongside fresh evidence gathered by the Commission. Through in-depth analysis of case files and interviews, Hoyle and Sato scrutinize the Commissions operational practices, its working rules and assumptions, considering how these influence its understanding of the real possibility test. Situating their rich empirical data within a framework of the Commissions social, organizational, and legal contexts, this book demonstrates that in its open-ended investigations there is considerable scope for discretion; for thorough exploration of all possible avenues or for choosing a more superficial consideration of a case. It emerges that while structured internal guidance, drawing heavily on Court jurisprudence, shapes decision-making, creating consistency in approach, there remains some variability across cases, over time, that can be accounted for by the different professional backgrounds and personalities of Commission staff.

**Safe Management of Wastes from Health-care Activities**

**A History of Civil Litigation**

How should we make decisions when we're uncertain about what we ought, morally, to do? Decision-making in the face of fundamental moral uncertainty is underexplored terrain: MacAskill, Bykvist, and Ord argue that there are distinctive norms by which it is governed, and which depend on the nature of one's moral beliefs.

**Prosecuting Domestic Violence**

A collection of essays on the theory of criminal law by philosophers from the UK, USA and Canada. Covering such central issues as moral luck,
Practical Teaching in Emergency Medicine

What makes someone responsible for a crime and therefore liable to punishment under the criminal law? Modern lawyers will quickly and easily point to the criminal law's requirement of concurrent actus reus and mens rea, doctrines of the criminal law which ensure that someone will only be found criminally responsible if they have committed criminal conduct while possessing capacities of understanding, awareness, and self-control at the time of offense. Any notion of criminal responsibility based on the character of the offender, meaning an implication of criminality based on reputation or the assumed disposition of the person, would seem to today's criminal lawyer a relic of the 18th Century. In this volume, Nicola Lacey demonstrates that the practice of character-based patterns of attribution was not laid to rest in 18th Century criminal law, but is alive and well in contemporary English criminal responsibility-attribution. Building upon the analysis of criminal responsibility in her previous book, Women, Crime, and Character, Lacey investigates the changing nature of criminal responsibility in English law from the mid-18th Century to the early 21st Century. Through a combined philosophical, historical, and socio-legal approach, this volume evidences how the theory behind criminal responsibility has shifted over time. The character and outcome responsibility which dominated criminal law in the 18th Century diminished in ideological importance in the following two centuries, when the idea of responsibility as founded in capacity was gradually established as the core of criminal law. Lacey traces the historical trajectory of responsibility into the 21st Century, arguing that ideas of character responsibility and the discourse of responsibility as founded in risk are enjoying a renaissance in the modern criminal law. These ideas of criminal responsibility are explored through an examination of the institutions through which they are produced, interpreted and executed; the interests which have shaped both doctrines and institutions; and the substantive social functions which criminal law and punishment have been expected to perform at different points in history.

In Search of Criminal Responsibility

Law's Judgement elucidates and defends a feature of contemporary law that is currently either overlooked or too glibly dismissed as morally troublesome or historically anachronistic. That feature is the abstract nature of law's judgement and its three components show that, when law judges us, it often does so in ignorance of our particular characters and abilities, on the one hand, and in ignorance of our context and circumstances, on the other. Law's judgement is thus insensitive to all or much that makes us the particular people we are. The book explores various connections between this mode of judgement and some of our most important legal and political values. It shows that law's abstract judgement is closely related to important juristic conceptions of personhood, responsibility and impartiality, and that these notions are not without moral significance. The book also examines the connections between modern law's judgement and three of our most important political values, namely, dignity, equality and community. It argues that, if we value particular conceptions of dignity, equality and community, then we must also value law's judgement. Illuminating these connections therefore serves a double purpose: first, it makes a case against those who counsel liberation from law's abstract judgement and, second, it redirects attention to the task of morally evaluating law's abstract judgement in its own terms.

Criminal Misconduct in Office

In this work, the author examines the case of the Rondonia Natural Resource Management Project (PLANAFLORO) in the Amazon, funded by the World Bank, and considers the frustrations created when local NGOs and communities were effectively excluded from decisions about a project that claimed to be participatory.

Responsive Regulation
This addition to the Handbook series is presented in five sections. The first sections covers basic and applied science, including biomechanics, the physiologic demands of volleyball, conditioning and nutrition. The second section looks at the role of the medical professional in volleyball, covering team physicians, pre-participation examination, medical equipment at courtside and emergency planning. The third section looks at injuries - including prevention, epidemiology, upper and lower limb injuries and rehabilitation. The next section looks at those volleyball players who require special consideration: the young, the disabled, and the elite, as well as gender issues. Finally, section five looks at performance enhancement.

**Culpable Carelessness**

The purpose of this publication is to provide the background rationale and support for WHO's working paper Dealing with uncertainty - how can the precautionary principle help protect the future of our children?, prepared for the Fourth Ministerial Conference on Environment and Health held in Budapest, Hungary, in June 2004. The debate around the precautionary principle has provided many insights into how to improve public health decision-making under conditions of uncertainty. This publication should further support approaches to attaining the concurrent goals of protecting adults, children and future generations and the ecosystems on which we depend and enhancing economic development, sustainability and innovation in science, research and policy. [Ed.]

**Killing in Self-defence**

This book provides the first serious, sustained philosophical investigation of the criminal prosecution of domestic violence. It provides a theoretical framework for understanding ongoing debates regarding the criminal justice system's response to domestic violence.

**Accountable Aid**

Business corporations wield enormous economic power, and legal structures largely serve their interests. This book analyses the background to the demands to use criminal law sanctions against corporations, including demand for corporate manslaughter.

**Preventive Justice**

One of the most vexing issues that has faced the international community since the end of the Cold War has been the use of force by the United Nations peacekeeping forces. UN intervention in civil wars, as in Somalia, Bosnia and Herzegovina, and Rwanda, has thrown into stark relief the difficulty of peacekeepers operating in situations where consent to their presence and activities is fragile or incomplete and where there is little peace to keep. Complex questions arise in these circumstances. When and how should peacekeepers use force to protect themselves, to protect their mission, or, most troublingly, to ensure compliance by recalcitrant parties with peace accords? Is a peace enforcement role for peacekeepers possible or is this simply war by another name? Is there a grey zone between peacekeeping and peace enforcement? Trevor Findlay reveals the history of the use of force by UN peacekeepers from Sinai in the 1950s to Haiti in the 1990s. He untangles the arguments about the use of force in peace operations and sets these within the broader context of military doctrine and practice. Drawing on these insights the author examines proposals for future conduct of UN operations, including the formulation of UN peacekeeping doctrine and the establishment of a UN rapid reaction force.

**Dying in America**

This book, which has been prepared by an international group of experts, provides comprehensive guidance for the design, planning and
implementation of assessments and monitoring programmes for water bodies used for recreation. It addresses the wide range of hazards which may be encountered and emphasizes the importance of linking monitoring progra

Corporations and Criminal Responsibility

Twenty-five leading contemporary theorists of criminal law tackle a range of foundational issues about the proper aims and structure of the criminal law in a liberal democracy. The challenges facing criminal law are many. There are crises of over-criminalization and over-imprisonment; penal policy has become so politicized that it is difficult to find any clear consensus on what aims the criminal law can properly serve; governments seeking to protect their citizens in the face of a range of perceived threats have pushed the outer limits of criminal law and blurred its boundaries. To think clearly about the future of criminal law, and its role in a liberal society, foundational questions about its proper scope, structure, and operations must be re-examined. What kinds of conduct should be criminalized? What are the principles of criminal responsibility? How should offences and defences be defined? The criminal process and the criminal trial need to be studied closely, and the purposes and modes of punishment should be scrutinized. Such a re-examination must draw on the resources of various disciplines—notably law, political and moral philosophy, criminology and history; it must examine both the inner logic of criminal law and its place in a larger legal and political structure; it must attend to the growing field of international criminal law, it must consider how the criminal law can respond to the challenges of a changing world. Topics covered in this volume include the question of criminalization and the proper scope of the criminal law; the grounds of criminal responsibility; the ways in which offences and defences should be defined; the criminal process and its values; criminal punishment; the relationship between international criminal law and domestic criminal law. Together, the essays provide a picture of the exciting state of criminal law theory today, and the basis for further research and debate in the coming years.

Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation

This book arises from a three-year study of Preventive Justice directed by Professor Andrew Ashworth and Professor Lucia Zedner at the University of Oxford. The study seeks to develop an account of the principles and values that should guide and limit the state's use of preventive techniques that involve coercion against the individual. States today are increasingly using criminal law or criminal law-like tools to try to prevent or reduce the risk of anticipated future harm. Such measures include criminalizing conduct at an early stage in order to allow authorities to intervene; incapacitating suspected future wrongdoers; and imposing extended sentences or indefinable on past wrongdoers on the basis of their predicted future conduct - all in the name of public protection and security. The chief justification for the state's use of coercion is protecting the public from harm. Although the rationales and justifications of state punishment have been explored extensively, the scope, limits and principles of preventive justice have attracted little doctrinal or conceptual analysis. This book re-assesses the foundations for the range of coercive measures that states now take in the name of prevention and public protection, focussing particularly on coercive measures involving deprivation of liberty. It examines whether these measures are justified, whether they distort the proper boundaries between criminal and civil law, or whether they signal a larger change in the architecture of security. In so doing, it sets out to establish a framework for what we call 'Preventive Justice'.

Criminal liability in regulatory contexts

Strict liability is a controversial phenomenon in the criminal law because of its potential to convict blameless persons. Offences are said to impose strict liability when, in relation to one or more elements of the actus reus, there is no need for the prosecution to prove a corresponding mens rea or fault element. For example, in the 1986 case of Storkwain, the defendant chemists were convicted of selling controlled medicines without prescription simply upon proof that they had in fact done so. It was irrelevant that they neither knew nor had reason to suspect that the 'prescriptions' they fulfilled were forgeries. Thus strict liability offences have the potential to generate criminal convictions of persons who are morally innocent. Appraising Strict Liability is a collection of original contributions offering the first full-length consideration of the problem of strict liability in the criminal law. The chapters, including European and Anglo-American perspectives, provide a sustained and wide-ranging
examination of the fundamental issues. They explore the definition of strict liability; the relationship between strict liability and blame, and its implications for the requirement for culpability in criminal law; the relevance of European and human rights jurisprudence; and the interaction between substantive rules of strict liability and evidential presumptions. The breadth and depth of the contributions combine to present readers with a sophisticated analysis of the place and legitimacy of strict liability in the criminal law.

Measurement in Nursing and Health Research

Constitutions serve to delineate state powers and enshrine basic rights. Such matters are hardly uncontroversial, but perhaps even more controversial are the questions of who (should) uphold(s) the Constitution and how constitutional review is organised. These two questions are the subject of this book by Maartje de Visser, which offers a comprehensive, comparative analysis of how 11 representative European countries answer these questions, as well as a critical appraisal of the EU legal order in light of these national experiences. Where possible, the book endeavours to identify Europe’s common and diverse constitutional traditions of constitutional review. The raison d’être, jurisdiction and composition of constitutional courts are explored and so too are core features of the constitutional adjudicatory process. Yet, this book also deliberately draws attention to the role of non-judicial actors in upholding the Constitution, as well as the complex interplay amongst constitutional courts and other actors at the national and European level. The Member States featured are: Belgium, the Czech Republic, Finland, France, Germany, Italy, Hungary, the Netherlands, Spain, Poland, and the United Kingdom. This book is intended for practitioners, academics and students with an interest in (European) constitutional law.

Reasons to Doubt

Should the criminal law be used to deter and punish corruption in politics: from employing family members at public expense to improper spending on elections, lobbying, and cronyism? How did so many MPs avoid facing charges after the 2009 government expenses scandal? In this book, Jeremy Horder tackles these questions and more. As well as offering the first treatment of the history, philosophy, and politics of the application of the offence of misconduct in office to Members of Parliament in England and Wales, Horder explains how political corruption might be dealt with in future, and how politicians could be held accountable for their actions so that they are deterred from betraying the public’s trust. Use of the criminal law should not be the sole or even the main way to remedy all corruption in politics. Nevertheless, for too long the offence of misconduct in a public office has had an ambiguous status in the political realm. If we are to preserve the good health of government it must be seen as a constitutional fundamental. A charge of misconduct provides a way in which corrupt conduct on the part of legislators can be punished with an appropriate label, holding them to account for the misuse of power by reference to the standards of ordinary people. When other - civil law or regulatory - means prove insufficient, it should be possible for ordinary members of a jury, and not for Parliamentarians or other officials, to decide whether, for example, the expenditure of public money on legislators’ private income and benefits amounts to a criminal abuse of the public’s trust. This book offers an authoritative and accessible account of a ‘bottom-up’ (jury standards-led), as opposed to a ‘top-down’ (officials applying their own standards), approach to the role of the criminal law in constitutional contexts.

Appraising Strict Liability

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.

Access to Knowledge in Africa

Designated a Doody's Core Title! "This is a valuable resource for readers seeking basic to advanced information on measurement. It should be on the bookshelf of all researchers, and a requirement for graduate nursing students." Score: 100, 5 stars--Doody's Medical Reviews "this book is a wonderful shelf reference for nurse researcher mentors and investigators who may need to explore content or use content to design, test, select, and evaluate instruments and methods used in measuring nurse concepts and outcomes."--Clinical Nurse Specialist This fourth edition presents everything nurses and health researchers need to know about designing, testing, selecting, and evaluating instruments and methods for measuring in nursing. Thoroughly updated, this fourth edition now contains only the latest, most cutting-edge measurement instruments that have direct applicability for nurses and health researchers in a variety of roles, including students, clinicians, educators, researchers, administrators, and consultants. Using clear and accessible language, the authors explain in detail, and illustrate by example, how to conduct sound measurement practices that have been adequately tested for reliability and validity. This edition is enriched with topics on the leading edge of nursing and health care research, such as measurement in the digital world, biomedical instrumentation, new clinical data collection methods, and methods for measuring quality of care. Key features: Provides new and emerging strategies for testing the validity of specific measures Discusses computer-based testing: the use of Internet research and data collection Investigates methods for measuring physiological variables using biomedical instrumentation Includes information on measurement practices in clinical research, focusing on clinical data collection methods, such as clinimetrics Identifies the challenges of measuring quality of care and how to address them

The Precautionary Principle

Constitutional Review in Europe

Preventive Justice

The law relating to fitness to plead is an increasingly important area of the criminal law. While criminalization may be justified whenever an offender commits a sufficiently serious moral wrong requiring that he or she be called to account, the doctrine of fitness to plead calls this principle into question in the case of a person who lacks the capacity or ability to participate meaningfully in a criminal trial. In light of the emerging focus on capacity-based approaches to decision-making and the international human rights requirement that the law should treat defendants fairly, this volume offers a benchmark for the theory and practice of fitness to plead, providing readers with a unique opportunity to consider differing perspectives and debate on the future development and direction of a doctrine which has up till now been under-discussed and under-researched. The fitness to plead rules stand as an exception to notions of public accountability for criminal wrongdoing yet, despite the doctrine's long-standing function in criminal procedure, it has proven complex to apply in practice and has given rise to many varied legislative models and considerable litigation in different jurisdictions. Particularly troublesome is the question of what is to be done with someone who has
been found unfit to stand trial. Here the law is required to balance the need to protect those defendants who are unable to participate effectively in their own trial, whether permanently or for a defined period, and the need to protect the public from people who may have caused serious social harm as a result of their antisocial behaviour. The challenge for law reformers, legislators, and judges, is to create rules that ensure that everyone who can properly be tried is tried, while seeking to preserve confidence in the fairness of the legal system by ensuring that people who cannot properly engage in the criminal trial process are not forced to endure it.

Current Publications in Legal and Related Fields

Alcohol use disorder (AUD) is a major public health problem in the United States. The estimated 12-month and lifetime prevalence values for AUD are 13.9% and 29.1%, respectively, with approximately half of individuals with lifetime AUD having a severe disorder. AUD and its sequela attributable account for significant excess mortality and cost the United States more than $200 billion annually. Despite its high prevalence and numerous negative consequences, AUD remains undertreated. In fact, fewer than 1 in 10 individuals in the United States with a 12-month diagnosis of AUD receive any treatment. Nevertheless, effective and evidence-based interventions are available, and treatment is associated with reductions in the risk of relapse and AUD-associated mortality. The American Psychiatric Association Practice Guideline for the Pharmacological Treatment of Patients With Alcohol Use Disorder seeks to reduce these substantial psychosocial and public health consequences of AUD for millions of affected individuals. The guideline focuses specifically on evidence-based pharmacological treatments for AUD in outpatient settings and includes additional information on assessment and treatment planning, which are an integral part of using pharmacotherapy to treat AUD. In addition to reviewing the available evidence on the use of AUD pharmacotherapy, the guideline offers clear, concise, and actionable recommendation statements, each of which is given a rating that reflects the level of confidence that potential benefits of an intervention outweigh potential harms. The guideline provides guidance on implementing these recommendations into clinical practice, with the goal of improving quality of care and treatment outcomes of AUD.

The American Psychiatric Association Practice Guideline for the Pharmacological Treatment of Patients With Alcohol Use Disorder

Concentrating upon those doctrines that make up the general part of the criminal law this collection of essays by leading American and British legal experts sheds theoretical light on key issues of contemporary relevance.

Moral Uncertainty

For patients and their loved ones, no care decisions are more profound than those made near the end of life. Unfortunately, the experience of dying in the United States is often characterized by fragmented care, inadequate treatment of distressing symptoms, frequent transitions among care settings, and enormous care responsibilities for families. According to this report, the current health care system of rendering more intensive services than are necessary and desired by patients, and the lack of coordination among programs increases risks to patients and creates avoidable burdens on them and their families. Dying in America is a study of the current state of health care for persons of all ages who are nearing the end of life. Death is not a strictly medical event. Ideally, health care for those nearing the end of life harmonizes with social, psychological, and spiritual support. All people with advanced illnesses who may be approaching the end of life are entitled to access to high-quality, compassionate, evidence-based care, consistent with their wishes. Dying in America evaluates strategies to integrate care into a person- and family-centered, team-based framework, and makes recommendations to create a system that coordinates care and supports and respects the choices of patients and their families. The findings and recommendations of this report will address the needs of patients and their families and assist policy makers, clinicians and their educational and credentialing bodies, leaders of health care delivery and financing organizations, researchers, public and private funders, religious and community leaders, advocates of better care, journalists, and the public to provide the best care possible for people nearing the end of life.
The Use of Force in UN Peace Operations

Based on the work of the African Copyright and Access to Knowledge (ACA2K) research network, this book describes the legal and practical issues posed by copyright for access to learning materials in eight countries in Africa—Egypt, Ghana, Kenya, Morocco, Mozambique, Senegal, South Africa and Uganda. It identifies the policies and practices that would broaden this access.

The International Law of State Responsibility

A History of Civil Litigation: Political and Economic Perspectives, by Frank J. Vandall, studies the expansion of civil liability from 1466 to 1980, and the cessation of that growth in 1980. It evaluates the creation of tort causes of action during the period of 1400-1980. Re-evaluation and limitation of those developments from 1980, to the present, are specifically considered. The unique focus of the book is first, to argue that civil justice no longer rests on historic foundations, such as, precedent, fairness and impartiality, but has shifted to power and influence. Reform in the law (legislative, judicial, and regulatory) is today driven by financial interests, not precedent, not a neutral desire for fairness, and not to "make it better." It uses products, cases and policies for much of its argument. These policies can be summarized as a shift from a balanced playing field, negligence, to one that favors injured consumers. The strict liability foreshadowed by Judge Traynor, in Escola v. Coca Cola (1944), was not adopted until 1962, when Traynor wrote the majority opinion in Greenman v. Yuba Power Products for the California Supreme Court. Second, the book examines the role of persuasive non-governmental agencies, such as the American Law Institute, in reforming and shaping civil justice. Never has it been less true that we live under the rule of law. Congress, agencies and the courts make the law, but they are driven by those who have a large financial stake in the outcome. Today, those with power shape the character of products liability law, at every turn.

Fitness to Plead

Action and Value in Criminal Law

This highly readable book examines the law of State responsibility, presenting it as a fundamental aspect of public international law. Covering the key aspects of the topic, it combines a clear overview with use of specific case studies in order to provide a deeper understanding.

Law's Judgement

This book transcends current debate on government regulation by lucidly outlining how regulations can be a fruitful combination of persuasion and sanctions. The regulation of business by the United States government is often ineffective despite being more adversarial in tone than in other nations. The authors draw on both empirical studies of regulation from around the world and modern game theory to illustrate innovative solutions to this problem. Their ideas include an argument for the empowerment of private and public interest groups in the regulatory process and a provocative discussion of how the government can support and encourage industry self-regulation.

Records, Computers, and the Rights of Citizens

Governance is a word that is increasingly heard and read in modern times, be it corporate governance, global governance, or investment governance. Investment governance, the central concern of this modest volume, refers to the effective employment of resources—people, policies, processes, and systems—by an individual or governing body (the fiduciary or agent) seeking to fulfill their fiduciary duty to a principal (or beneficiary) in addressing an underlying investment challenge. Effective investment governance is an enabler of good stewardship, and for this
reason it should, in our view, be of interest to all fiduciaries, no matter the size of the pool of assets or the nature of the beneficiaries. To
emphasize the importance of effective investment governance and to demonstrate its flexibility across organization type, we consider our
investment governance process within three contexts: defined contribution (DC) plans, defined benefit (DB) plans, and endowments and
foundations (E&Fs). Since the financial crisis of 2007–2008, the financial sector’s place in the economy and its methods and ethics have (rightly, in
many cases) been under scrutiny. Coupled with this theme, the task of investment governance is of increasing importance due to the sheer weight
of money, the retirement savings gap, demographic trends, regulation and activism, and rising standards of behavior based on higher expectations
from those fiduciaries serve. These trends are at the same time related and self-reinforcing. Having explored the why of investment governance,
we dedicate the remainder of the book to the question of how to bring it to bear as an essential component of good fiduciary practice. At this point,
the reader might expect investment professionals to launch into a discussion about an investment process focused on the best way to capture
returns. We resist this temptation. Instead, we contend that achieving outcomes on behalf of beneficiaries is as much about managing risks as it is
about capturing returns—and we mean “risks” broadly construed, not just fluctuations in asset values.

New Private Law Theory

New Private Law Theory is pluralist, comparative, application-oriented, transnational and reflects critical approaches.

Handbook of Sports Medicine and Science, Volleyball

Emergency medicine attendings who wish to hone their teaching skills can find a number of books on educational strategies written by physicians
from other disciplines. However, until the publication of the first edition of this book, they did not have access to a text written by emergency
medicine physicians on methods of teaching that are directly applicable to teaching EM. This book was compiled to meet that need. Following the
introductory section, which provides important background information, the book’s contents are organized into 4 sections that correspond to the
core needs and interests of EM educators: Section 2 focuses on practical and ethical considerations of teaching in the ED; Section 3 provides
strategies for teaching specific groups of learners; Section 4 looks at the skills that are characteristic of the best EM educators; and Section 5 looks
in depth at specific teaching techniques and strategies. Now more than ever this book addresses the needs of physician educators from all over the
world. New chapters discuss lecturing to an international audience; using simulation as a teaching tool; how to make journal club work for you, and
other topics that are of broad interest to medical educators in this field. In general, each chapter has been updated and reviewed to make sure the
content was something that emergency physician educators could use in any country. The chapter contributors are widely regarded as leaders in
the field of emergency medicine education and faculty development. Authors were given free rein to develop their chapters and write in their own
style. They were asked to present their personal views on how to successfully teach the art of emergency medicine, rather than review evidence-
based guidelines regarding medical education. As a result, most of the chapters have fewer references. This first-person approach to a multi-authored
textbook yields an compilation that varies in style from chapter to chapter and exposes the reader to a variety of communication techniques.

In The Name of Justice

The definitive and essential source of reference for all laboratories involved in the analysis of human semen.

WHO Laboratory Manual for the Examination of Human Semen and Sperm-Cervical Mucus Interaction

America’s criminal codes are so voluminous that they now bewilder not only the average citizen but also the average lawyer. Our courthouses are
so clogged that there is no longer adequate time for trials. And our penitentiaries are overflowing with prisoners. In fact, America now has the
highest per capita prison population in the world. This situation has many people wondering whether the American criminal justice system has
set forth certain fundamental principles concerning criminal justice. In this book, leading scholars, lawyers, and judges critically examine Hart’s ideas, current legal trends, and whether the “first principles” of American criminal law are falling by the wayside. Policymakers, academics, and citizens alike will enjoy this lively discussion on the nature of crime and punishment, and how the choices we make in formulating criminal laws can impact liberty, security, and justice.

**Investment Governance for Fiduciaries**

This Intergovernmental Panel on Climate Change Special Report (IPCC-SREX) explores the challenge of understanding and managing the risks of climate extremes to advance climate change adaptation. Extreme weather and climate events, interacting with exposed and vulnerable human and natural systems, can lead to disasters. Changes in the frequency and severity of the physical events affect disaster risk, but so do the spatially diverse and temporally dynamic patterns of exposure and vulnerability. Some types of extreme weather and climate events have increased in frequency or magnitude, but populations and assets at risk have also increased, with consequences for disaster risk. Opportunities for managing risks of weather- and climate-related disasters exist or can be developed at any scale, local to international. Prepared following strict IPCC procedures, SREX is an invaluable assessment for anyone interested in climate extremes, environmental disasters and adaptation to climate change, including policymakers, the private sector and academic researchers.

Copyright code: 255be990c366bca33304e148a5a39b17