

CRIMINALISATION
and
CRIMINAL RESPONSIBILITY
in AUSTRALIA

edited by

Thomas Crofts and Arlie Loughnan



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The Routledge International Handbook of Criminal Responsibility Thomas Crofts, Louise Kennefick, Arlie Loughnan, 2024-12-23 Presenting cutting edge research and scholarship this extensive volume covers everything from abstract theorising about the meanings of responsibility and how we blame to analysing criminal law and justice responses and factors that impact individual responsibility Inviting exchanges across a burgeoning critical scholarship on criminal responsibility this Handbook showcases the diverse range of methodologies applied to the field including socio political approaches critical historical methods criminological and sociological perspectives and interdisciplinary studies bridging law and the mind sciences Spanning global networks of established and emerging scholars of responsibility for crime this book explores how we relate to one another as human beings under the spotlight of the criminal law In doing so it is hoped that the collection not only does justice to the vibrant landscape of criminal responsibility studies but inspires new directions and future synergies in this compelling field The Routledge International Handbook of Criminal Responsibility will appeal to scholars and students of criminal law criminal justice criminology sociology psychology neuroscience philosophy and socio legal studies as well as practitioners and policymakers working in related fields

Criminalizing Dissent Rob Watts, 2019-06-25 While liberal democratic states like America Britain and Australia claim to value freedom of expression and the right to dissent they have always actually criminalized dissent This disposition has worsened since 9 11 and the 2008 Great Recession This ground breaking study shows that just as dissent involves far more than protest marches so too liberal democratic states have expanded the criminalization of dissent Drawing on political and social theorists like Arendt Bourdieu and Isin the book offers a new way of thinking about politics dissent and its criminalization relationally Using case studies like the Occupy movement selective refusal by Israeli soldiers urban squatters democratic education and violence by anti Apartheid activists the book highlights the many forms dissent takes along with the many ways liberal democratic states criminalize it The book highlights the mix of fear and delusion in play when states privilege security to protect an imagined political order from difference and disagreement The book makes a major contribution to political theory legal studies and sociology Linking legal political and normative studies in new ways Watts shows that ultimately liberal democracies rely more on sovereignty and the capacity for coercion and declarations of legal states of exception than on liberal democratic principles In a time marked by a deepening crisis of democracy the book argues dissent is increasingly valuable

The Routledge Companion to Gender and Crime Francesca Spina, 2025-07-30 The Routledge Companion to Gender and Crime offers a comprehensive intersectional and global exploration of gender and crime addressing patterns of offending and victimization criminal justice system challenges and the evolving role of gender in criminal justice worldwide This edited collection will help readers gain an understanding of the intersectional and global dynamics of gender and crime including offending and victimization patterns justice system challenges and professional practices It examines gendered differences in

criminal processing sentencing and supervision and touches upon contemporary issues that practitioners face related to gender and sexuality such as gender and health in prisons The book delivers this through chapters written by experts integrating cutting edge research real world applications and diverse perspectives to address contemporary issues in criminology and criminal justice This handbook expands upon existing works to include a background on gender and crime theories related to gendered victimization and offending and the importance of intersectionality The Routledge Companion to Gender and Crime will be of interest to both undergraduate and graduate students in criminology and criminal justice programs as well as researchers and educators in gender politics and sociology

International Perspectives of

Neuroscience in the Youth Justice Courtroom Hannah Wishart, Ray Arthur, 2025-03-31 This collection presents international viewpoints on interdisciplinary problems that fall under the new and emerging field of neurojustice The chapters critically explore a wide range of legal problems in youth justice for children and young persons through a neuroscientific lens This comparative view is informed by analyses from academics and legal practitioners based in England and Wales Ireland the United States and New Zealand The work brings together a range of perspectives to discuss the use and relevance of neuroscience in the youth justice courtroom and how neuroscience is currently benefiting and impacting children and young persons in international youth justice trials The book makes a valuable contribution to the existing literature in this field by offering a thorough examination of the intersection between these disciplines for children and young individuals at different stages of the trial process including unfitness to plead sentencing and mens rea It will appeal to students academics and practitioners worldwide working in the areas of criminal law neurolaw neuroethics juvenile law and comparative law

Corporate Manslaughter and Corporate Homicide Shivam Goel, 2015-06-26 A corporation is an artificial legal person existing only in the contemplation of law having perpetual succession and common seal Can a corporation commit crime for its inability to form mens rea If yes then can it be accused of crimes as grave as homicide Even post the Bhopal Gas Tragedy and the Uphaar Cinema Tragedy absence of legislation such as the Corporate Manslaughter and Corporate Homicide Act 2007 UK is no less a pity Absolute liability theory coupled with deep pocket theory though is an improvisation over the strict liability theory but has failed to ensure corporate criminal deterrence This book is an attempt to ponder over issues relating to corporate criminal behaviour in particular corporate homicide and corporate manslaughter

Criminal Justice Ethics Cyndi Banks, 2024-05-08 Criminal Justice Ethics Sixth Edition examines the criminal justice system through an ethical lens by identifying ethical issues in practice and theory exploring ethical dilemmas and offering suggestions for resolving ethical issues and dilemmas faced by criminal justice professionals Bestselling author Cyndi Banks draws readers into a unique discussion of ethical issues by exploring moral dilemmas faced by professionals in the criminal justice system before examining the major theoretical foundations of ethics This distinct organization allows readers to understand real life ethical issues before grappling with philosophical approaches to the resolution of those issues

Nightlife and Crime Phil Hadfield,2009-03-05 Nightlife and Crime is a collection of scholarly reports on crime and disorder in the Night Time Economies NTEs of 17 countries It includes contributions from an international and interdisciplinary team of experts who reflect on the challenges such crimes present to the economic and social life of towns

The Protection of Cultural Heritage During Armed Conflict Noelle Higgins,2020-04-13 This book analyses the current legal framework seeking to protect cultural heritage during armed conflict and discusses proposed and emerging paradigms for its better protection Cultural heritage has always been a victim of conflict with monuments and artefacts frequently destroyed as collateral damage in wars throughout history In addition works of art have been viewed as booty by victors and stolen in the aftermath of conflict However deliberate destruction of cultural sites and items has also occurred and the Intentional destruction of cultural heritage has been a hallmark of recent conflicts in the Middle East and North Africa where we have witnessed unprecedented systematic attacks on culture as a weapon of war In Iraq Syria Libya Yemen and Mali extremist groups such as ISIS and Ansar Dine have committed numerous acts of iconoclasm deliberately destroying heritage sites and looting valuable artefacts symbolic of minority cultures This study explores how the international law framework can be fully utilised in order to tackle the destruction of cultural heritage and analyses various paradigms which have recently been suggested for its better protection including the Responsibility to Protect paradigm and the peace and security paradigm This volume will be an essential resource for scholars and practitioners in the areas of public international law especially international humanitarian law and cultural heritage law

Criminalisation and Criminal Responsibility in Australia Wayne Thomas Crofts,Arlie Loughnan,2015 Includes bibliographical references and index

Self, Others and the State Arlie Loughnan,2019-12-12 An original analysis and in depth historical examination of criminal responsibility in the context of Australian criminal law

Arguments for Raising the Minimum Age of Criminal Responsibility Chris Cunneen,2022 This paper provides arguments for raising the minimum age of criminal responsibility MACR Nationally the minimum age is 10 years old Some Australian states set the MACR at 10 years in the mid to late 1970s Queensland 1976 NSW 1977 and South Australia 1979 However only since the early 2000s has there been a uniform approach to the MACR in all Australian jurisdictions The paper provides a number of reasons for raising the age international comparisons the protection of children's rights the limited ability of the common law doctrine of *doli incapax* to protect young children child developmental arguments and issues of mental illness and cognitive impairment the over representation of children in out of home care among young children in the juvenile justice system criminological arguments relating to the failure of an approach that relies on criminalisation and imprisonment and the views of juvenile justice practitioners In addition this paper argues that a low MACR adversely affects Indigenous children who comprise the majority of children under the age of 14 years who come before youth courts in Australia and are sentenced to either youth detention or a community based sanction

Modern Criminal Law of Australia Jeremy Gans,2011-12-30 Modern Criminal Law of Australia is a comprehensive guide

to interpreting and understanding every statutory offence provision in every Australian jurisdiction. The text takes a unique approach to explaining Australian criminal law emphasising the importance of statutory interpretation, official discretion, element analysis and sentencing in order to appreciate the meaning and effect of any offence provision. This book sets out the rules and skills needed to advise clients on the potential application of the criminal law throughout Australia. Its scope extends to both serious and minor regulatory regimes as well as the entire contemporary breadth of the criminal law ranging from pollution to public order traffic to trafficking and domestic violence to work safety. It covers the common law, traditional code and model code systems and includes detailed examples from all states. As such this unique book provides students with the skills to practise law anywhere in Australia.

A Brighter Tomorrow Thomas Crofts, 2015 A report released by Amnesty International in May 2015 highlights the alarming overrepresentation of Indigenous young people in detention in Australia. It calls on the Australian Commonwealth Government to make a number of legislative changes to address this issue which the report argues are necessary to ensure Australia's compliance with its obligations under the UN Convention on the Rights of the Child. The foremost area in need of reform identified in the report is the low age of criminal responsibility in Australia. This note examines Amnesty International's arguments for an increase in the minimum age of criminal responsibility and agrees that the age should be raised to at least twelve.

The Age of Criminal Responsibility Australian Institute of Criminology, 2005 Since the year 2000 some jurisdictions have revised their legislation confirming a trend over the last 20 years to uniformity in age limits for criminal responsibility. This bulletin includes a table which sets out for each Australian jurisdiction the age up to which a child cannot be charged with a criminal offence, the age range within which children are considered doli incapax or incapable of committing crime and the maximum age for appearance in a children's juvenile or youth court. In the Australian Capital Territory the Criminal Code 2002 Div 2 3 1 now deals with the criminal responsibility of children. From 1 July 2005 in Victoria the age jurisdiction of the criminal division of the Children's Court has increased from 17 to 18 years. In Queensland for the purposes of the Juvenile Justice Act 1992 a child is a person who has not turned 17 years. Recent Australian reviews have discussed amending the doli incapax presumption including reversing the onus of proof and changing its application to ages twelve and under.

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