

1. Record Nr.	UNINA9910808125003321
Titolo	Shooting to kill : socio-legal perspectives on the use of lethal force / edited by Simon Bronitt, Miriam Gani and Saskia Hufnagel
Pubbl/distr/stampa	Oxford, United Kingdom ; Portland, Oregon, : Hart Publishing, 2012
ISBN	1-4725-6620-3 1-78225-042-5
Edizione	[1st ed.]
Descrizione fisica	1 online resource (343 p.)
Collana	Onati international series in law and society
Disciplina	363.232
Soggetti	Police shootings - Law and legislation Police shootings - Moral and ethical aspects Police shootings - Political aspects
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	; Pt. I. Theoretical and ethical perspectives -- The rule of law, legal positivism and states of emergency / Tom Campbell -- Civil emergencies and the claims of innocence / John Kleinig and Tziporah Kasachkoff -- The right of life between absolute and proportional protection / Kai Moller -- Can states commit crimes? / Andrew Vincent -- Law, death and denial in the 'Global War on Terror' / Russell Hogg -- ; pt. II. Legal frameworks for shooting to kill -- Shooting to kill innocents : necessity, self-defence and duress in the Commonwealth criminal code / Ian Leader-Elliott -- Regulating reasonable force : policing in the shadows of the law / Simon Bronitt and Miriam Gani -- When shooting to kill is authorised by the state : a feminist analysis / Kylie Weston-Scheuber -- Fundamental rights and fundamental difference : comparing the right to human dignity and criminal liability in Germany and Australia / Saskia Hufnagel -- pt. III. Shooting to kill in context : case studies -- The fatal police shooting of Jean Charles de Menezes : is anyone responsible? / Ian Gordon and Seumas Miller -- The use of lethal force in counter-piracy operations offi Somalia / Douglas Guilfoyle and Andrew Murdoch -- Unlawful killing with combat drones : a case study of Pakistan, 2004-2009 / Mary Ellen O'Connell -- Corporations that kill : prosecuting Blackwater / David Kinley and Odette Murray

PART I: THEORETICAL AND ETHICAL PERSPECTIVES -- Chapter 1 -- The Rule of Law, Legal Positivism and States of Emergency -- Tom Campbell -- Chapter 2 -- Civil Emergencies and the Claims of Innocence -- John Kleinig and Tziporah Kasachkoff -- Chapter 3 -- The Right to Life Between Absolute and Proportional Protection -- Kai Moller -- Chapter 4 -- Can States Commit Crimes? -- Andrew Vincent -- Chapter 5 -- Law, Death and Denial in the 'Global War on Terror' -- Russell Hogg -- PART II: LEGAL FRAMEWORKS FOR SHOOTING TO KILL -- Chapter 6 -- Shooting to Kill Innocents: Necessity, Self-Defence and Duress in the Commonwealth Criminal Code -- Ian Leader-Elliott -- Chapter 7 -- Regulating Reasonable Force: Policing in the Shadows of the Law -- Simon Bronitt and Miriam Gani -- Chapter 8 -- When Shooting to Kill is Authorised by the State: A Feminist Analysis -- Kylie Weston-Scheuber -- Chapter 9 -- Fundamental Rights and Fundamental Difference: Comparing the Right to Human Dignity and Criminal Liability in -- Germany and Australia -- Saskia Hufnagel -- Part III Shooting to Kill in Context: Case Studies -- Chapter 10 -- The Fatal Police Shooting of Jean Charles de Menezes: Is Anyone Responsible? -- Ian Gordon and Seumas Miller -- Chapter 11 -- The Use of Lethal Force in Counter-Piracy Operations off Somalia -- Douglas Guilfoyle and Andrew Murdoch -- Chapter 12 -- Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009 -- Mary Ellen O'Connell -- Chapter 13 -- Corporations that Kill: Prosecuting Blackwater -- David Kinley and Odette Murray

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Sommario/riassunto

The present book brings together perspectives from different disciplinary fields to examine the significant legal, moral and political issues which arise in relation to the use of lethal force in both domestic and international law. These issues have particular salience in the counter terrorism context following 9/11 (which brought with it the spectre of shooting down hijacked airplanes) and the use of force in Operation Kratos that led to the tragic shooting of Jean Charles de Menezes. Concerns about the use of excessive force, however, are not confined to the terrorist situation. The essays in this collection examine how the state sanctions the use of lethal force in varied ways: through the doctrines of public and private self-defence and the development of legislation and case law that excuses or justifies the use of lethal force in the course of executing an arrest, preventing crime or disorder or protecting private property. An important theme is how the domestic and international legal orders intersect and continually influence one another. While legal approaches to the use of lethal force share common features, the context within which force is deployed varies greatly. Key issues explored in this volume are the extent to which domestic and international law authorise pre-emptive use of force, and how necessity and reasonableness are legally constructed in this context

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