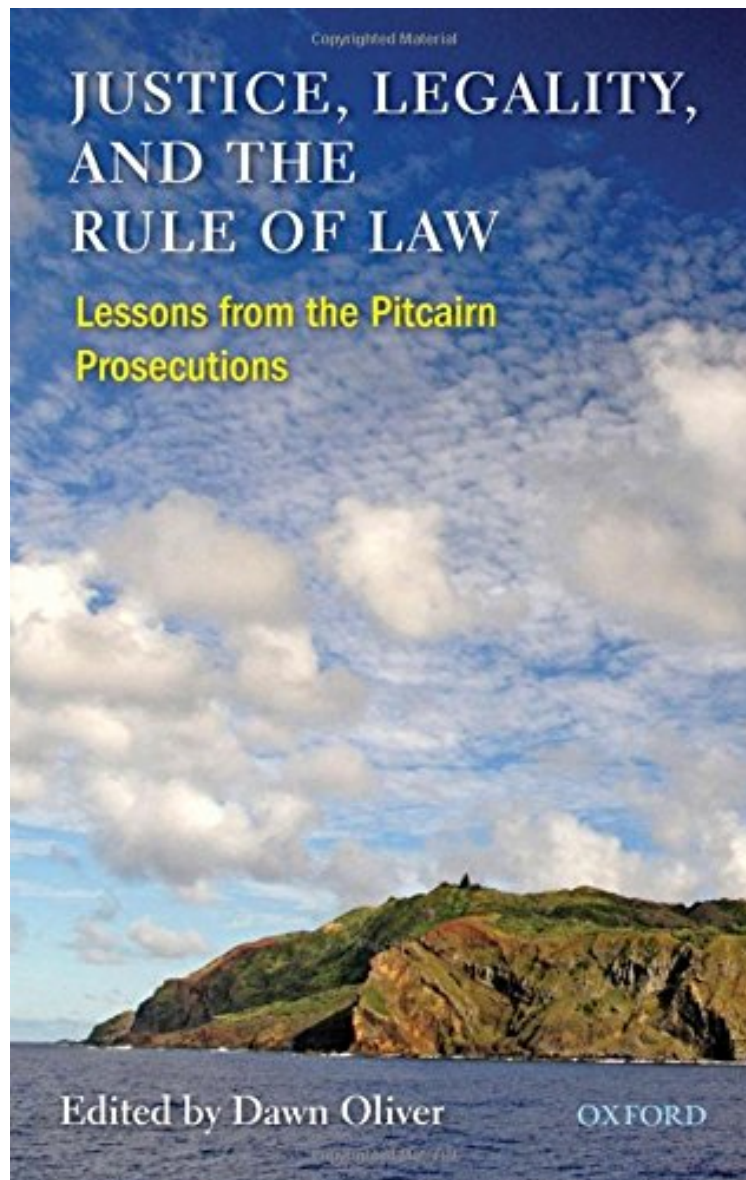


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Justice, Legality and the Rule of Law: Lessons from the Pitcairn Prosecutions

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A British colony of fifty souls in the Pacific Ocean, Pitcairn Island was settled by the Bounty mutineers and nineteen Polynesians in 1790. In 2004 six Pitcairn men were convicted of numerous offenses against girls and young women, committed over a thirty year period, in what appears to have been a culture of sexual abuse on the island. This case has raised many questions: what right did the British government have to initiate these prosecutions? Was it fair to prosecute the defendants, given that no laws had been published on the island? Indeed, what, if any, law was there on this island? This collection of essays explores the many important issues raised by the case and by the situation of a small, isolated community of this kind. It starts by looking at the background to the prosecutions, considering the dilemma that faced the British government when the abuse was uncovered, and discussing the ways in which the judges dealt with the case, as well as exploring the history of the settlement and how colonial law affects it. This background paves the way for an exploration of the philosophical, jurisprudential and ethical issues raised by the prosecutions: was it legitimate for the UK to intervene, given the absence of any common community between the UK and the Island? Was the positivist 'law on paper' approach adopted by the British government and the courts was appropriate, especially given the lack of promulgation of the laws under which the men were prosecuted? Would alternative responses such as payment of compensation to the female victims and provision of community support have been preferable? And should universal human rights claims justify the prosecutions, overriding any allegations of cultural relativism on the part of the UK?

Anyone interested in the concept of the state, and in the meaning of law and of the rule of law, will find much food for thought. * Ross Gilbert Anderson, *The Edinburgh Law* * The interest and reflection evident in these essays demonstrate a spirit of enquiry that should reach to all corners of the world, however small, however distant: what happens on islands can be central to mainstream concerns and relevant to all of us * Sue Farran, *Books* * ...a surpassingly thoughtful collection of essays on the constitutional, jurisprudential, and jurisdictional issues arising out of the Pitcairn trial and appeals * Bill Hodge, Associate Professor, University of Auckland, N2 Lawyer * The book is recommended New Year reading for all those who are curious about the Pitcairn trials and their ramifications and who are interested to read about the social, historical and jurisprudential issues which arose, or could have arisen, in the trials. * Professor Tony Angelo, *New Zealand Law Journal*, February 2010 *About the Author Dawn Oliver, FBA, is Emeritus Professor of Constitutional Law at University College London. Her research interests are in constitutional reform in the United Kingdom and in comparative constitutional law. Her publications include *Common Values and the Public-Private Divide* (1999); *Constitutional Reform in the UK* (2003); *The Changing Constitution* (6th edition, 2007, with co-editor Jeffrey Jowell), *Human Rights and the Private Sphere: A Comparative Study* (with co-editor Joerg Fedtke, 2007). She was a member of the Royal Commission on House of Lords Reform, 1999-2000 and of the Fabian Society Commission on the Future of the Monarchy, 2003.