The German Criminal Code A Modern English Translation Studies In International And Comparative Criminal Law

Die Frage, ob es ein Modell zur Aufarbeitung konfliktärer und autoritärer Vergangenheit geben kann, das universell anwendbar ist, bildete den Ausgangspunkt des jährlichen, internationalen Symposiums der Elisabeth-Käsemann-Stiftung, das im Oktober 2019 an der Universität Buenos Aires stattfand. Spezifische nationale Formen von Gewaltausübung, kulturelle Rechtsstradien sowie die historische und gegenwärtige Position von Staat und Zivilgesellschaft bestimmen die Prozesse von Vergangenheitsaufarbeitung. Argumentische, deutsche und kolumbianische Expert/innen aus Wissenschaft und Praxis analysieren und bewerten die argentinischen Strafverfahren und ihre Vorgeschichte, die Aufarbeitung der nationalsozialistischen Vergangenheit in Deutschland, den Friedensprozess in Kolumbien, Wahrheitskommissionen sowie Kronzeugenregelungen. Der Band ist in englischer Sprache verfasst. Mit Beiträgen von Dr. Gabriel Pérez Barberá, Dr. Natalia Barbero, Dr. Mariano Borinsky, Prof. Dr. Jörg Eisele, Prof. Dr. Hartmut Hamann, Prof. Dr. Bernd Heinrich, Prof. Dr. Cornelius Nestler, Fabián Martínez (LLM), Dr. Mónica Pinto, Dr. Daniel Rafecas, Dr. Alejandro Ramelli Arteaga, Jens Rommel, Dr. Valeria Thus, Alberto Yepes. This is Criminal Code of Germany. It is current through June 25, 2017. German criminal law doctrine, as one of the more influential ones over time and on a global scale, takes rather different approaches to many of the problems of substantive law from those of the common law family of countries like the UK, the US, Canada, New Zealand, Australia etc. It also differs markedly from the system which is most often used in Anglophone writing as a civil law comparison, the French law. German criminal law is a code-based model and has been for centuries. The influence of academic writing on its development has been far greater than in the judge-oriented common law models. The book will serve as a useful aid to debates about codification efforts in countries that are mostly based on a case law system, but who wish to re-structure their law in one or several criminal codes. The comparison will show that similar problems occur in all legal systems regardless of their provenance, and the attempts of individual systems at solving them, their successes and their failures, can provide a rich experience on which other countries can draw and on which they can build. The book provides an outline of the principles of German criminal law, mainly the so-called 'General Part' (eg actus reus, mens rea, defences, participation) and the core offence categories (homicide, offences against property, sexual offences). It sets out the principles, their development under the influence of academic writing and judicial decisions. The book is not meant as a textbook of German criminal law, but is a selection of interrelated in-depth essays on the central problems. Wherever it is apposite and feasible, comparison is offered to the approaches of English criminal law and the legal systems of other common and civil law countries in order to allow common lawyers to draw the pertinent parallels to their own jurisdictions. The German Criminal Code (Reichstrafgesetzbuch) was ratified by the newly-formed German Empire on 16 April 1871. It is a remarkable work of synthesis drawn mostly from the Constitutio Criminalis Carolina (1532), the Code Napoleon (1804), Feuerbach's Bavarian Criminal Code (1813) and the Prussian Penal Code (1851), which was influenced by the Code Napoleon. Its value lay not just in its establishment of uniform federal law but, as Drage notes in his excellent commentary, in its catholicity of historical and contemporary sources. Drawing on the idea of German unity, underscored in this case by the consensus-forming might of Prussian arms, the criminal code remained in force, despite various efforts at reform, until the triumph of National Socialism. The revised Criminal Code does not create a new administration of the criminal law, but it provides a framework within which the administration of justice can ensure the maintenance of law and the protection of society. German substantive criminal law has been influential in many civil law countries, most notably in the Hispanic world. In the common law countries, not surprisingly because of the systemic differences in approach, its impact has been much less, if not negligible. This may be largely explained as a result of the language barrier. An up-to-date and reliable English translation of the German Criminal Code has been conspicuously missing for some time. This book presents a new English translation of the Strafgesetzbuch, (the Criminal Code), in its most recent amended form of August 2007. The Code is the centrepiece of German substantive criminal law and informs the interpretation and application of any other criminal provisions which can be found in specific legislation. The translation thus affords an opportunity to profit from a legal tradition that has had a major influence over history and has a rich experience of doctrinal analysis. The translation adheres as closely as possible to the textual structure of the original, but has been made palatable to an English ear. It is intended as a companion to the author's Principles of German Criminal Law which was published in December 2008. Please click on the link below for further details. www.hartpub.co.uk/books/details.asp?isbn=9781841136301. "A systematic and comprehensive comparative analysis, of criminal law, focused on two major jurisdictions: the United States and Germany." --Jacket. The book aims to outline the fundamental aspects of the German approach to criminal procedure; it is meant as a companion volume to the author's earlier publications, 'The German Criminal Code - A Modern English Translation', and 'Principles of German Criminal Law', also with Hart. In appropriate cases, comparisons to English and Welsh law have been drawn. The chapters cover a wide range of issues from setting out the basic procedural principles to presenting the main players in the criminal justice system, pre-trial investigations, the path from indictment to trial judgment, rules of evidence, sentencing, and appeals and post-conviction review. As far as it is useful for an introductory text, the differences between proceedings against adults and juveniles are highlighted. The theoretical discussion of decision-making and style of judgment writing is supported by practical insights through specimen translations of an indictment, a trial judgment and an appellate judgment by the Federal Court of Justice. Increasingly, international governmental networks and organisations make it necessary to master the legal principles of other jurisdictions. Since the advent of international criminal tribunals this need has fully reached criminal law. A large part of their work is based on comparative research. The legal systems which contribute most to this systemic discussion are common law and civil
law, sometimes called continental law. So far this dialogue appears to have been dominated by the former. While there are many reasons for this, one stands out very clearly: Language. English has become the lingua franca of international legal research. The present book addresses this issue. Thomas Vormbaum is one of the foremost German legal historians and the book’s original has become a cornerstone of research into the history of German criminal law beyond doctrinal expositions; it allows a look at the system’s genesis, its ideological, political and cultural roots. In the field of comparative research, it is of the utmost importance to have an understanding of the law’s provenance, in other words its historical DNA.

This book analyses the implementation of UN and EU framework legislation on terrorism in six European states. Main issues are the concept of terrorist offences, the broad criminalisation of preparatory acts and the extraterritorial application of national law.