



Accepted Papers

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State Justice – Janus or Hydra?
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This paper examines the complexities of the increasingly fraught interplay between criminal justice and state security in the United Kingdom. As the culture of fear becomes endemic in the postmodern society the separate strands of crime and security are becoming ever more closely intertwined in the UK. Commentators highlight the blurring of the concepts of criminal justice and State security which is particularly relevant in the plethora of 'terrorist' offences produced in the last ten years. The concern of the criminal justice system is post crime and the application of due and equal justice. State security however, is concerned with suspicion without the need for charge, conviction or prosecution and the blending of criminal justice and state security expands the remit of the criminal law to include association or activities that precede the prohibited offence. This trend to 'pre crime' is central to this paper. The anticipatory logic of pre crime - it is argued - is the antithesis of criminal justice. The criminalisation of association and other inchoate offences which dictates earlier and earlier intervention (by the state) to reduce opportunity appears to give rise to a blurring of intelligence and evidence. Some of the 'new' laws give rise to status offences - the targeting of individuals on the basis of whom they know or associate with or what they have in their possession rather than what they have actually done, even to the overwhelming detriment to cherished legal principles such as privacy and freedoms of association and expression. This paper will expand upon these sentiments, backed by theoretical research into the jurisprudence of emerging State Justice and the practical application of English statute to identify and contextualise the problems that may be foreseen. This paper will ask whether the emerging phenomenon of State Justice will be a force for good with a face turned towards both our history and our future, or a raging monster that will continue to grow unchecked.