

Abstracts

Bingen, Bärlach – The Eternal Dialogue of Right

JYRI INHA

Dialogue sets the mirror of concepts between structures and the unreal substance behind their worlds. Hope finds its renewal in those reflections and time creates an illusion of distance, of differences between right and non-right – it is time for the just in words and their value. Law and its signs, its textual pictures, evident reflections of

limits, substance, have their dialectic examples in literature, in words which will be created and enslaved by timeless, subjective powers of impression. In the article, some rather delicious scherzos of these rhythms will be tasted – Bingen, Bärlach ...

Deliberative democracy or internal legal legitimacy A legal philosophical discussion of Kaarlo Tuori's theory of critical legal positivism

SIGURD LAURIDSEN

In this article I will discuss Kaarlo Tuori's critical legal positivistic thesis that law has an internal criterion of legitimacy located within its deep structure. I will demonstrate that the arguments in favour of this thesis are unclear. I will discuss the thesis from the perspective of a discourse theoretical and a communitarian theory of legitimacy and show that the thesis cannot be

justified by either of these theories. I will conclude by stating that I share Tuori's ambition of establishing a normative criterion for modern law. At the same time I shall, however, claim that this ambition is better fulfilled through a theory of deliberative democracy why I argue that Tuori should abandon his claim of an internal legal criterion of legitimacy.

Reasons in Rape Victims for not reporting to the Police

ANNALISE RUST

To decide on police reporting after a sexual assault is no simple matter for the victim. Many considerations have often been taken into account before a decision is made. In this study the victims themselves were asked about their reasons for refraining from police reporting. 23,4 % of 111 women, who in 2001 have received psychological treatment from the author, did not report to the police. The most frequently stated reasons for not reporting were: 1. The perpetrator was a close friend or relative, 2. Amnesia and 3. Fear of reprisals.

All the victims were asked, if they felt that they had resisted the perpetrator physically or verbally, and 67 % denied this.

The study was carried out at the Centre for Victims of Sexual Assault in Copenhagen, Denmark.

A comparison between records from the centre and records from the police and a private feminist organization indicate that acute support and treatment after the assault increase the likelihood of police reporting, especially concerning so called »Date Raping.«

Researching Law in Action: Evaluation economic crime control practice

ANNE ALVESALO AND STEVE TOMBS

Through a focus upon recent Finnish initiatives to control economic crime, this article illustrates how it is possible to study »law in action« – that is, to document how changes in law, policy and practices of control actually unfold, and in particular how these are reflected at a myriad of grassroots contexts and situations. Our illustration proceeds by discussing some of the main models of evaluation, an increasingly ubiquitous way of subjecting law in

action to scrutiny. Then the paper considers some of the problems associated with such models, and evaluation in general – though indicating that, such problems notwithstanding, critical and rigorous evaluation is possible. Finally, we argue that there are peculiar features of both economic crime and its control that demand that this area be subject to evaluation, perhaps more than any other area of criminal justice policy and practice.