interpretation of criminal justification defences that views them as an integral component of the structure of the
criminal law. A definition of criminal law is included in this book.

Justification and excuse Albin Eser 1987
Criminal Law in the USA D. Scott Broyles 2015-01-05 Derived from the renowned multi-volume International
Encyclopedia of Laws, this book provides a practical analysis of criminal law in the USA. An introduction presents
the necessary background information about the framework and sources of the criminal justice system, and then
proceeds to a detailed examination of the grounds for criminal liability, the justification of criminal offences, the
defences that diminish or excuse criminal liability, the classification of criminal offences, and the sanctions system.
Coverage of criminal procedure focuses on the organization of investigations, pre-trial proceedings, trial stage, and
legal remedies. A final part describes the execution of sentences and orders, the prison system, and the extinction
of custodial sanctions or sentences. Its succinct yet scholarly nature, as well as the practical quality of the
information it provides, make this book a valuable resource for criminal lawyers, prosecutors, law enforcement
officers, and criminal court judges handling cases connected with the USA. Academics and researchers, as well as
the various international organizations in the field, will welcome this very useful guide, and will appreciate its
value in the study of comparative criminal law.

Self-Defence in Criminal Law Boaz Sangero 2006-07-24 This book combines a careful philosophical discussion of the
rationale justifying self-defence with a detailed discussion of the range of statutory self-defence requirements, as
well as discussions of numerous other relevant issues (i.e. putative self-defence, excessive self-defence, earlier guilt
and battered women). The book argues that before formulating definitions for each aspect of self-defence (necessity,
proportionality, retreat, immediacy, mental element, etc.) it is imperative to determine the proper rationale for
self-defence and, only then to derive the appropriate solutions. The first part contains an in-depth discussion of
why society allows a justification for acts but does not excuse the actor from criminal liability, and the author
critically analyzes current theories (culpability of the aggressor; autonomy of the attacked person; protection of the
social-legal order; balancing interests; choice of the lesser evil) and points out the weaknesses of each theory before
proposing a new theory to explain the justification of self-defence. The new theory is that for the full justification
of self-defence, a balance of interests must be struck between the expected physical injury to the attacked person
and the expected physical injury to the aggressor, as well as the relevant abstract factors: the autonomy of the
attacked person, the culpability of the aggressor, and the social-legal order. The author demonstrates how ignoring
one or more of these factors leads to erroneous results and how the proposed rationale can be applied to develop
solutions to the complex questions raised.

The Oxford Handbook of Philosophy of Criminal Law John Deigh 2011-09-22 This title contains 17 original essays
by leading thinkers in the field and covers the field's major topics including limits to criminalization, obscenity and
hate speech, blackmail, the law of rape, attempts, accomplice liability, causation responsibility, justification and
excuse, duress, and more.

Criminal Law John Kaplan 2000 Before you select materials for your next Criminal Law course, review this major
revision of the popular casebook. Meticulously updated, fine-tuned, and improved for this Fourth Edition, previous
users will experience the same high quality they have come to depend on while new users will discover an
exceptionally well-balanced casebook that analyzes both the Model Penal Code and common law doctrine.
CRIMINAL LAW: Cases and Materials, Fourth Edition, stands out in a crowded field because of its distinguished
authors - Current co-authors Weisberg and Binder continue the tradition of excellence, relevance, and teachability
while maintaining the high standard of quality established by the late John Kaplan, a legendary teacher and
scholar, lively text enriched with vivid excerpts, and illuminated by the social, political, and criminological context
of criminal law. An interdisciplinary approach that fuels class discussion and enriches the course study, well-edited
cases, interesting materials, and clear-cut notes capture student attention, build their confidence, and prepare them
for progressively more sophisticated topics. The casebook's six logically organized parts encompass the purposes
and limits of punishment And The meaning and types of crimes: Just Punishment, The Criminal Offense, Homicide
Offenses, Justification and Excuse, attribution of Criminality, and Additional Major Substantive Crimes (including
Theft Offenses and Rape) the Fourth Edition reflect both user feedback and developments in law and society:
Chicago v. Morales - the significant U.S. Supreme Court decision which struck down a 'gang loitering ordinance' as
unconstitutionally vague and re-ignited a major debate over new innovations in urban policing more material on
RICO and other white collar crimes, including controversial new applications of the Hobbs Act and Mail Fraud
how the much-contested Federal Sentencing Guidelines have become an integral part of criminal law, especially
for drug crimes the growing importance of the federal death penalty, including the U.S. Supreme Court's first
major opinion reviewing the new federal death penalty law, Jones v. United States how controversies over gun
control legislation, especially the so-called 'straw-man purchase laws' are changing our doctrines of accomplice
liability dramatic new contexts in conspiracy law including the stunning verdict in the Terry Nichols case in
which he could be convicted of conspiracy but not murder For The Oklahoma City Bombing, And The First
Amendment implications of the conspiracy-terrorism conviction of the Omar Ahmad Ali Abdel Rahman bombing
case

Mistake of Law Annemieke van Verseveld 2012-08-28 When a perpetrator of an international crime argues in his
defence that he did not realise that he had violated the law, is this a reason not to punish him? International crimes
constitute serious offences and it could be argued that he who commits such an offence must know his act is
punishable. After all, everyone is presumed to know the law. However, convicting someone who is mistaken
about the wrongfulness of his act may be in violation of the principle 'no punishment without guilt'. This book
investigates when 'mistake of law' should be a reason to exculpate the perpetrator of an international crime. It
demonstrates that the issue of 'mistake of law' goes to the heart of individual criminal responsibility and therewith
contributes to the development of a more systematic approach toward the structure of international offences.
Valuable for academics and practitioners in the field of International Criminal Law.

The Fundamental Concept of Crime in International Criminal Law Iryna Marchuk 2013-07-29 This book examines
the rapid development of the fundamental concept of a crime in international criminal law from a comparative law
perspective. In this context, particular thought has been given to the catalyzing impact of the criminal law theory
that has developed in major world legal systems upon the crystallization of the substantive part of international
criminal law. This study offers a critical overview of international and domestic jurisprudence with regard to the
construal of the concept of a crime (actus reus, mens rea, defences, modes of liability) and exposes roots of confusion
in international criminal law through a comprehensive comparative analysis of substantive criminal laws in
selected legal jurisdictions.

Rethinking Criminal Law George P. Fletcher 2000 This is a reprint of a book first published by Little, Brown in
1978. George Fletcher is working on a new edition, which will be published by Oxford in three volumes, the first
of which is scheduled to appear in January of 2001. Rethinking Criminal Law is still perhaps the most influential
and often cited theoretical work on American criminal law. This reprint will keep this classic work available until
the new edition can be published.

Criminal Responsibility and Partial Excuses George Mousourakis 2018-12-17 Published in 1998, this book examines
the relationship between responsibility and criminal liability through an analysis of provocation and related
criminal defences. It begins by identifying fundamental questions about the role of justifications and excuses in the
criminal law as they emerge from the discussion of philosophical theories of responsibility. Following an outline
of the distinction between murder and manslaughter and its history, the basic doctrinal issues relating to the nature
and rationale of provocation and other partial defences are then identified and discussed in depth, together with the
circumstances under which these defences can be raised. Although the analysis focuses, for the most part, on
English law, the references to other legal systems which are included in the work add an important comparative
perspective to the discussion of the issues. The book should be of special interest to criminal lawyers, legal theorists
and students interested in comparative criminal law and jurisprudence.

Justification and Excuse in the Criminal Law
John Cyril Smith 1980

Rationale-based Defences in Criminal Law
Mark Dsouza 2014

On the Principles of Criminal Law
Caroline Frances Cornwalls 1846

Offences and Defences
John Gardner 2007-11-08 A selection of some of the author's best-known and most
provocative writings on criminal law. Although it discusses the legitimacy of criminal punishment, it proceeds on
the footing that the criminal law does many important things apart from punishing people.

The Structure and Limits of Criminal Law
Paul H. Robinson 2017-10-23 This volume brings together a collection of
essays, many of them scholarly classics, which form part of the debates on three questions central to criminal law
theory. The first of these questions is: what conduct should be necessary for criminal liability, and what sufficient?
The answer to this question has wider implications for the debate about morality enforcement given the concern
that the "harm principle" may have collapsed under its own weight. Secondly, essays address the question of what
culpability should be necessary for criminal liability, and what sufficient? Here, the battles continue over whether
the formulation of doctrines - such as the insanity defense, criminal negligence, strict liability, and others - should
ignore or minimize the extent of an offender's blameworthiness in the name of effective crime-control. Or, are
methods of accommodating the tension now in sight? Finally, essays consider the question of how criminal law
rules should be best organized into a coherent and clarifying doctrinal structure. The structure grown by the
common law process competes not only with that of modern comprehensive codifications, such as the America
Law Institute's Model Penal Code, but also with alternative structures imagined but not yet tried.

Answering for Crime
R. A. Duff 2007-11-16 In this long-awaited book, Antony Duff offers a new perspective on
the structures of criminal law and criminal liability. His starting point is a distinction between responsibility
(understood as answerability) and liability, and a conception of responsibility as relational and practice-based. This
focus on responsibility, as a matter of being answerable to those who have the standing to call one to account,
throws new light on a range of questions in criminal law theory: on the question of criminalisation, which can
now be cast as the question of what we should have to answer for, and to whom, under the threat of criminal
conviction and punishment; on questions about the criminal trial, as a process through which defendants are called
to answer, and about the conditions (bars to trial) given which a trial would be illegitimate; on questions about the
structure of offences, the distinction between offences and defences, and the phenomena of strict liability and strict
responsibility; and on questions about the structures of criminal defences. The net result is not a theory of criminal
law; but it is an account of the structure of criminal law as an institution through which a liberal polity defines a
realm of public wrongdoing, and calls those who perpetrate (or are accused of perpetrating) such wrongs to
account.

Harm and Culpability
Smith Stinnes 1996 This volume draws together essays, from a number of leading
authorities, which identify areas of the modern criminal law where there are significant conceptual difficulties.
The subjects covered include justification, excuses, coercion complicity, drug-dealing and criminal harm.

Philosophical Foundations of Criminal Law
R. A. Duff 2013-01-24 Twenty-five leading contemporary theorists of criminal law tackle a range of foundational issues about the proper aims and structure of the criminal law in a
liberal democracy. The challenges facing criminal law are many. There are crises of over-criminalization and over-
imprisonment; penal policy has become so politicized that it is difficult to find any clear consensus on what aims the
criminal law can properly serve; governments seeking to protect their citizens in the face of a range of perceived
threats have pushed the outer limits of criminal law and blurred its boundaries. To think clearly about the future
of criminal law, and its role in a liberal society, foundational questions about its proper scope, structure, and
operations must be re-examined. What kinds of conduct should be criminalized? What are the principles of
criminal responsibility? How should offences and defences be defined? The criminal process and the criminal trial
need to be studied closely, and the purposes and modes of punishment should be scrutinized. Such a re-examination
must draw on the resources of various disciplines-notably law, political and moral philosophy, criminology and
history; it must examine both the inner logic of criminal law and its place in a larger legal and political structure; it
must attend to the growing field of international criminal law, it must consider how the criminal law can respond
to the challenges of a changing world. Topics covered in this volume include the question of criminalization and the
proper scope of the criminal law; the grounds of criminal responsibility; the ways in which offences and
defences should be defined; the criminal process and its values; criminal punishment; the relationship between
international criminal law and domestic criminal law. Together, the essays provide a picture of the exciting state of
criminal law theory today, and the basis for further research and debate in the coming years.

Criminal Law in the Age of the Administrative State
Vincent Chiao 2018-11-12 What is the criminal law for? One influential answer is that the criminal law vindicates pre-political rights and condemns wrongdoing. On this
account, the criminal law has an intrinsic subject matter—certain types of moral wrongdoing—and it provides a
distinctive response to that wrongdoing, namely condemnatory punishment. In Criminal Law in the Age of the
Administrative State, Vincent Chiao offers an alternative, public law account. What the criminal law is for, Chiao
suggests, is sustaining social cooperation with public institutions. Consequently, we only have reason to support the
use of the criminal law insofar as its use is consistent with our reasons for valuing the social order established by
those institutions. By starting with the political morality of public institutions rather than the interpersonal
morality of private relationships, this account shows how the criminal law is continuous with the modern
administrative and welfare state, and why it is answerable to the same political virtues. Chiao sketches a
democratic egalitarian account of those virtues, one that is loosely consequentialist, egalitarian but not equalizing,
and centered on a form of freedom-effective access to central capabilities as its currency of evaluation. From this
point of view, the role of the criminal law is to help public institutions create a society in which each person can
lead a life as a peer among peers. Chiao shows how a democratic egalitarian approach to criminal justice provides a
fresh perspective on a range of contemporary problems, from mass incarceration to overcriminalization, due process
and the collateral consequences of a criminal conviction.

Rationale-based Defences in Criminal Law
Mark Dsouza 2017-05-04 PRAISE FOR THE BOOK: “Despite the existing scholarly literature on criminal defences, many issues remain contested or unresolved. Dr Dsouza offers a
thorough and scholarly treatment of a complex topic which can be expected to become a point of reference for
future work in the field.” Professor James Chalmers, University of Glasgow “Mark Dsouza has produced an
engaging, incisive and cogently argued monograph, that makes an original contribution to criminal law theory.
Required reading for scholars and graduate students working on criminal law defences.” Professor Paul Roberts,
University of Nottingham Although it is often accepted that rationale-based defences to criminal liability can be
justificatory or excusatory, disagreements about how best to conceptualise the categories of justification and excuse
have appeared so interminable that some theorists argue that they should be abandoned altogether. This book offers
a novel, principled, and intuitively appealing conceptual account of the natures of justifications and excuses,
showing how they differ, and why the distinction between them matters. The monograph breaks new ground by
defending a model of rationale-based defences that turns solely on the quality of the defendant's reasoning. This
model is shown to generate appealing liability outcomes, advance convincing solutions to questions that have

justification-and-excuse-in-the-criminal-law-a-collection-of-essays
puzzled criminal lawyers for years, and offer suggestions for doctrinal reform that are both normatively sound, and practical. By proposing new ways to think about defences, this book makes an original contribution to criminal law theory that will be of benefit to academics, practitioners, and persons interested in law reform.

**Justification and Excuse in International Law**

Federico Paddeu 2018-01-11 The first comprehensive study of the division between justification and excuse under the international law of state responsibility.

**Killing in Self-defence**

Fiona Leverick 2006 This book is a comprehensive analysis of the criminal defence of self-defence from a philosophical, legal and human rights perspective. The primary focus is on self-defence as a defence to homicide, as this is the most difficult type of self-defensive force to justify. Although not always recognised as such, self-defence is a contentious defence, permitting as it does the victim of an attack to preserve her life at the expense of another. If one holds that all human life is of equal value, explaining why this is permissible poses something of a challenge. It is particularly difficult to explain where the aggressor is, for reasons of non-age or insanity for example, not responsible for her actions. The first part of the book is devoted to identifying the proper theoretical basis of a claim of self-defence. It examines the classification of defences, and the concepts of justification and excuse in particular, and locates self-defence within this classification. It considers the relationship between self-defence and the closely related defences of duress and necessity. It then proceeds critically to analyse various philosophical explanations of why self-defensive killing is justified, before concluding that the most convincing account is one that draws on the right to life with an accompanying theory of forfeiture. The book then proceeds to draw upon this analysis to examine various aspects of the law of self-defence. There is detailed analysis of the way in which, on a human rights approach, it is appropriate to treat the issues of retreat, imminence of harm, self-generated self-defence, mistake and proportionality, with a particular focus on whether lethal force is ever permissible in protecting property or in preventing rape. The analysis draws on material from all of the major legal jurisdictions. The book concludes with an examination of the implications that the European Convention on Human Rights might have for the law of self-defence, especially in the areas of mistaken belief and the degree of force permissible to protect property.

**Placing Blame**


**Justice in Extreme Cases**

Darryl Robinson 2020-12-17 In Justice in Extreme Cases, Darryl Robinson argues that the encounter between criminal law theory and international criminal law (ICL) can be illuminating in two directions: criminal law theory can challenge and improve ICL, and conversely, ICL's novel puzzles can challenge and improve mainstream criminal law theory. Robinson recommends a 'coherentist' method for discussions of principles, justice and justification. Coherentism recognizes that prevailing understandings are fallible, contingent human constructs. This book will be a valuable resource to scholars and jurists in ICL, as well as scholars of criminal law theory and legal philosophy.

**Defending Humanity**

George P. Fletcher 2013-02-01 In Defending Humanity, internationally acclaimed legal scholar George P. Fletcher and Jens David Ohlin, a leading expert on international criminal law, tackle one of the most important and controversial questions of our time: When is war justified? When a nation is attacked, few would deny that it has the right to respond with force. But what about preemptive and preventive wars, or crossing another state's border to stop genocide? Was Israel justified in initiating the Six Day War, and was NATO's intervention in Kosovo legal? What about the U.S. invasion of Iraq? In their provocative book, Fletcher and Ohlin offer a groundbreaking theory on the legality of war with clear guidelines for evaluating these interventions. The authors argue that much of the confusion on the subject stems from a persistent misunderstanding of the United Nations Charter. The Charter appears to be very clear on the use of military force: it is only allowed when authorized by the Security Council or in self-defense. Unfortunately, this has led to the problem of justifying force when the Security Council refuses to act or when self-defense is thought not to apply—and to the difficult dilemma of declaring such interventions illegal or ignoring the UN Charter altogether. Fletcher and Ohlin suggest that the answer lies in going back to the domestic criminal law concepts upon which the UN Charter was originally based, in particular, the concept of "legitimate defense," which encompasses not only self-defense but defense of others. Lost in the English-language version of the Charter but a vital part of the French and other non-English versions, the concept of legitimate defense will enable political leaders, courts, and scholars to see the solid basis under international law for states to intervene with force—not just to protect themselves against an imminent attack but also to defend other national groups.

**Criminal Law in Poland**

Wojciech Jasinski 2019-07-10 Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides a practical analysis of criminal law in Poland. An introduction presents the necessary background information about the framework and sources of the criminal justice system, and then proceeds to a detailed examination of the grounds for criminal liability, the justification of criminal offences, the defences that diminish or excuse criminal liability, the classification of criminal offences, and the sanctions system. Coverage of criminal procedure focuses on the organization of investigations, pre-trial proceedings, trial stage, and legal remedies. A final part describes the execution of sentences and orders, the prison system, and the extinction of custodial sanctions or sentences. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for criminal lawyers, prosecutors, law enforcement officers, and criminal court judges handling cases connected with Poland. Academics and researchers, as well as the various international organizations in the field, will welcome this very useful guide, and will appreciate its value in the study of comparative criminal law.

**Permissible Killing**

Suzanne Uniacke 1996-06-28 Philosophical discussion of the principles relevant to self-defence as a moral and legal justification of homicide.


Alan N. Young 1990

**Individual Criminal Responsibility in International Law**

E. van Sliedregt 2012-03 Atrocities such as genocide or crimes against humanity are usually committed by a large number of perpetrators. Moreover, those who masterminded the crimes may not have actively participated. This book sets out how these people can be held responsible for their crimes by international criminal tribunals.

**Action and Value in Criminal Law**

Stephen Shute 1996 This is a challenging collection of essays on the theory of criminal law by leading philosophers from the UK, USA, and Canada. Ranging across such central issues as moral luck, mistake, and mental illness, Action and Value in Criminal Law aims to reorientate the study of criminal law.

**Jerome Hall**