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# EXCUSING CRIME

JEREMY BENTHAM



# Excusing Crime

**Eimear Spain**



## **Excusing Crime:**

**Excusing Crime** Jeremy Horder, 2004 When should someone who may have intentionally or knowingly committed criminal wrongdoing be excused Excusing Crime examines what excusing conditions are and why familiar excuses such as duress are thought to fulfil those conditions The classical view of excuses sees them as rational defects such as mistake in the motive force behind an action but contrasts them with denials of responsibility such as insanity where the rational defect in that motive force is attributable to a mental defect in the agent him or herself This classical view of excuses has a long heritage and is enshrined in different forms in many of the world s criminal codes both liberal and non liberal however in this book Jeremy Horder contends that it is now time to move beyond it Horder develops a liberal account of excuses arguing that the classical distinction between rational defects and denials of responsibility is too sharp and also that the classical view of excuses is too narrow He contends that it can be right to treat claims as excusatory even if they rely on a combination of elements of rational defect in the motive force behind the action even if that defect is in part attributable to a mental deficiency in the agent him or herself diminished capacity Further he argues that there can be a sound case for excuse even when people can give full rational assent to their actions such as when they could not reasonably have been expected to do more than what they did to avoid committing wrongdoing due diligence or more rarely when their conscience understandably left them with no moral freedom to do other than commit the wrong demands of conscience Excusing Crime Jeremy Horder, 2007 When should someone who may have intentionally or knowingly committed criminal wrongdoing be excused Excusing Crime examines what excusing conditions are Setting himself against the classical view of excuses Horder explains why a wider range of excuses should be recognised in law Freedom and Criminal Responsibility in American Legal Thought Thomas Andrew Green, 2014-10-27 This book deals with the most fundamental problem in criminal law the way in which free will and determinism relate to criminal responsibility **Rethinking Criminal Law Theory** Francois Tanguay-Renaud, James Stribopoulos, 2012-01-10 In the last two decades the philosophy of criminal law has undergone a vibrant revival in Canada This collection of essays by Canadian scholars evidences the fact that criminal law theory is no longer to be associated exclusively with the older British German and American traditions The Oxford Handbook of Philosophy of Criminal Law John Deigh, David Dolinko, 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 **The Role of Emotions in Criminal Law Defences** Eimear Spain, 2011-09-29 The law has struggled for many years with the problem of how to accommodate those who commit crimes due to threats or circumstances The modern ambivalence surrounding the defences of duress and necessity has its origins in the legal past To date the defences of duress and necessity have been couched in terms such as compulsion involuntariness and human frailty resulting in the true nature of the defences being

hidden Psychologists and legal theorists have begun to re examine the role of emotions in human action including their effect upon behaviour and choice In light of recent breakthroughs Eimear Spain considers how the emotions experienced by those who act due to threats both human and natural in origin should affect the attribution of criminal responsibility and punishment The understanding of emotions extrapolated in this book points towards a new rationale for the existing defences of duress and necessity *Smith and Hogan's Criminal Law* David Ormerod,John Cyril Smith,Brian Hogan,2011-07-28 Criminal Law is written with the needs of the student foremost in mind to provide more than ever as modern and as comprehensive an exposition of the criminal law as he or she could possibly require Smith, Hogan, and Ormerod's Criminal Law David C. Ormerod,David Ormerod,Karl Laird,2021 Rightly regarded as the leading doctrinal textbook on criminal law in England and Wales this resource owes its consistent popularity to its accessible style depth of analysis and breadth of coverage Over 50 years since the publication of the first edition Professor David Ormerod and Karl Laird continue the tradition set down by Professors Sir John Smith and Brian Hogan by producing a textbook of unrivalled quality *The Texas Criminal Reports* Texas. Court of Criminal Appeals,1923 New Commentaries of the Criminal Law Upon a New System of Legal Exposition Joel Prentiss Bishop,1892 **New Commentaries on the Criminal Law Upon a New System of Legal Exposition** Joel Prentiss Bishop,1892 **Annotated Penal Laws of Georgia** Georgia,1875 **Report of Cases Argued and Determined in the Court of Appeals of Alabama** Alabama. Court of Appeals,Lawrence H. Lee,1930 *Understanding Criminal Law* Joshua Dressler,2006 **Criminal Law and Procedure of California** Charles Howard Fairall,1902 **The Adjudged Cases on Insanity as a Defence to Crime** John Davison Lawson,1884 *Michigan Reports* Michigan. Supreme Court,Randolph Manning,George C. Gibbs,Thomas McIntyre Cooley,Elijah W. Meddaugh,William Jennison,Hovey K. Clarke,Hoyt Post,Henry Allen Chaney,William Dudley Fuller,John Adams Brooks,Marquis B. Eaton,Herschel Bouton Lazell,James M. Reasoner,Richard W. Cooper,1923 **Cyclopedia of Criminal Law** Hascal Russel Brill,1923 **Notes on the American Decisions** Lawyers Co-operative Publishing Company,1910 **Digest of the Decisions of the Courts of Last Resort of the Several States from 1887 to [1911]: Abandonment to Youthful employees** Edmund Samson Green,1909

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