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Crime And Criminal Responsibility

Nina H. B. Jørgensen



Crime And Criminal Responsibility:

Crime and Criminal Responsibility David Arthur Jones, 1978 *The Age of Culpability* Gideon Yaffe, 2018 Why be lenient towards children who commit crimes Reflection on the grounds for such leniency is the entry point into the development in this book of a theory of the nature of criminal responsibility and desert of punishment for crime Gideon Yaffe argues that child criminals are owed lesser punishments than adults thanks not to their psychological behavioural or neural immaturity but instead because they are denied the vote This conclusion is reached through accounts of the nature of criminal culpability desert for wrongdoing strength of legal reasons and what it is to have a say over the law The centrepiece of this discussion is the theory of criminal culpability To be criminally culpable is for one's criminal act to manifest a failure to grant sufficient weight to the legal reasons to refrain The stronger the legal reasons then the greater the criminal culpability Those who lack a say over the law it is argued have weaker legal reasons to refrain from crime than those who have a say They are therefore reduced in criminal culpability and deserve lesser punishment for their crimes Children are owed leniency then because of the political meaning of age rather than because of its psychological meaning This position has implications for criminal justice policy with respect to among other things the interrogation of children suspected of crimes and the enfranchisement of adult felons The Theory of Crime and Criminal Responsibility in Islamic Law Najātī Sayyid Aḥmad Sanad, 1991 Criminal Responsibility and Social Constraint Ray Madding McConnell, 1912 *Law and Crime* Gerry Johnstone, Tony Ward, 2009-12-09 What is the definition of crime Law and Crime helps the criminologist to understand how the law constructs crime and how one might engage in critical analysis of such legal constructions It uses a thematic approach to comprehensively explore the relationship between criminal conduct criminal justice and the law The book introduces key topics in criminal law scholarship for criminologists including criminalization fault and criminal responsibility corporate liability the production of criminal guilt the nature of judicial punishment Aimed at students with no prior knowledge of law the book includes many useful features to enhance understanding from chapter overviews and key terms to study questions and suggestions for further reading The Key Approaches to Criminology series celebrates the removal of traditional barriers between disciplines and specifically reflects criminology's interdisciplinary nature and focus It brings together some of the leading scholars working at the intersections of criminology and related subjects Each book in the series helps readers to make intellectual connections between criminology and other discourses and to understand the importance of studying crime and criminal justice within the context of broader debates The series is intended to have appeal across the entire range of undergraduate and postgraduate studies and beyond comprising books which offer introductions to the fields as well as advancing ideas and knowledge in their subject areas **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

Children and Crime Rob Allen,1996 *Limited Responsibilities* Tamar Pitch,2005-08-02 Explores the interaction between the criminal justice system and the wider concerns of political and social institutions including the welfare state social work and forensic psychiatry

Children's Rights and the Minimum Age of Criminal Responsibility Don Cipriani,2016-05-23 Children of almost any age can break the law but at what age should children first face the possibility of criminal responsibility for their alleged crimes This work is the first global analysis of national minimum ages of criminal responsibility MACRs the international legal obligations that surround them and the principal considerations for establishing and implementing respective age limits Taking an international children s rights approach with a rich theoretical framework and the vitality of the UN Convention on the Rights of the Child this work maintains a critical perspective such as in challenging the assumptions of many children s rights scholars and advocates Compiling the age limits and statutory sources for all countries this book explains the broad historical origins behind most of them identifying the recurring practical challenges that affect every country and providing the first comprehensive evidence that a general principle of international law requires all nations regardless of their treaty ratifications to establish respective minimum age limits

Criminal Responsibility Charles Mercier,2015-06-11 Excerpt from Criminal Responsibility In homicide as in all other crimes the definition consists of two parts the outward act and the state of mind which accompanies it This dictum of one of our greatest jurists indicates clearly that all crime is in part a problem in psychology The outward act which enters into the composition of crime is the subject of innumerable statutes and innumerable judicial decisions Criminal acts have been classified and considered with the utmost minuteness and the most discriminating subtlety as to their kinds their effects their degrees their stages their circumstances and I know not what beside The other ingredient in crime the state of mind which accompanies the outward act is much more obscure and though it has received much attention at the hands of very eminent men it has not arrived at a stage of such settled determination as has the first ingredient The reasons are manifest Our knowledge of the constitution of mind has lagged far behind our knowledge of the constitution of acts States of mind are not as acts are directly observable but are matters of inference often

of very uncertain and speculative inference The discovery of the state of mind that accompanies an act no more than the discovery of the geological constitution of a stone can be effected by the unaided common sense of the uninstructed It demands a knowledge of the constituents of mind and of the laws of operation of mind and the inability of even an acute intellect if uninformed to deal with the subject successfully is shown by the complete failure of Jeremy Bentham s elaborate analysis to command assent I might say even attention About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at www.forgottenbooks.com This book is a reproduction of an important historical work Forgotten Books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy In rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition We do however repair the vast majority of imperfections successfully any imperfections that remain are intentionally left to preserve the state of such historical works

Corporations and Criminal Responsibility
Celia Wells,2001 Contemporary concern about technological hazards posed by business enterprises has intensified interest in the criminality of corporations Incorporating ideas from a wide range of literature the book argues that there is no magic answer to corporate power to issues of personal safety and their inter relationship with criminal law and justice The attention paid to corporate criminal liability by courts legislatures law reform bodies and international organizations has increased markedly in the past decade As in the first edition the book takes what might be called a panoptic approach to the subject Corporations and their susceptibility to criminal law are examined from sociological psychological philosophical and organizational perspectives as the book progresses This edition has been revised and updated to take account of the burgeoning scholarly literature Detailed analysis of judicial and legislative movements in England and Wales in other national jurisdictions and at the level of international organizations follows Two new chapters on corporate manslaughter and on comparative and international responses to corporate crime accommodate these changes The book is distinctive in combining legal analysis and discussion of law reform debates with a theoretical account of the relationship between legal institutions and the role of risk and blame in shaping criminal law and the practices of the criminal justice system

In Search of Criminal Responsibility Nicola Lacey,2016-04-26 What makes someone responsible for a crime and therefore liable to punishment under the criminal law Modern lawyers will quickly and easily point to the criminal law s requirement of concurrent actus reus and mens rea doctrines of the criminal law which ensure that someone will only be found criminally responsible if they have committed criminal conduct while possessing capacities of understanding awareness and self control at the time of offense Any notion of criminal responsibility based on the character of the offender meaning an implication of criminality based on reputation or the assumed disposition of the person would seem to today s criminal lawyer a relic of the 18th Century In this volume Nicola Lacey demonstrates that the practice of character based patterns of attribution was not laid to rest in 18th Century criminal law but is alive and well in contemporary English criminal responsibility attribution

Building upon the analysis of criminal responsibility in her previous book *Women Crime and Character* Lacey investigates the changing nature of criminal responsibility in English law from the mid 18th Century to the early 21st Century Through a combined philosophical historical and socio legal approach this volume evidences how the theory behind criminal responsibility has shifted over time The character and outcome responsibility which dominated criminal law in the 18th Century diminished in ideological importance in the following two centuries when the idea of responsibility as founded in capacity was gradually established as the core of criminal law Lacey traces the historical trajectory of responsibility into the 21st Century arguing that ideas of character responsibility and the discourse of responsibility as founded in risk are enjoying a renaissance in the modern criminal law These ideas of criminal responsibility are explored through an examination of the institutions through which they are produced interpreted and executed the interests which have shaped both doctrines and institutions and the substantive social functions which criminal law and punishment have been expected to perform at different points in history

Punishment and Responsibility H.L.A. Hart, 2008-03-06 This collection of essays represents

H L A Hart s landmark contribution to the philosophy of criminal responsibility and punishment This edition reproduces the original text adding a new critical introduction by John Gardner a leading contemporary criminal law theorist

Criminal Justice? Robert James Bidinotto, 1994

Crime, Punishment, and Responsibility Rowan Cruft, Matthew H. Kramer, Mark R. Reiff, 2011-07-14 For many years Antony Duff has been one of the world s foremost philosophers of criminal law This volume collects essays by leading criminal law theorists to explore the principal themes in his work In a response to the essays Duff clarifies and develops his position on central problems in criminal law theory Some of the essays concentrate on the topic of criminalization That is they examine what forms of conduct including attempts offensiveness and negligence can aptly qualify as criminal offences and what principled limits if any should be placed on the reach of the criminal law Several of the other essays assess the thesis that punishment is justifiable as a form of communication between offenders and their community Those essays examine the presuppositions about the nature and function of community and about the moral structure of atonement that must be embraced if communication is to be a primary role for punishment The remaining essays examine the nature and limits of responsibility in the law as they engage with philosophical debates over moral luck by investigating the ways in which the law can legitimately hold people responsible for events that were not within their control These chapters tie the first and third parts of the book together as they explore the relationship between the principles that determine a person s responsibility and the principles that determine which types of actions can appropriately be criminalized Finally Duff responds with comments that seek to defend and clarify his views while also acknowledging the correctness of some of the critics objections

Individual Criminal Responsibility for the Financing of Entities involved in Core Crimes

Laura Ausserladscheider Jonas, 2021-12-28 War crimes crimes against humanity genocide and the crime of aggression so called core crimes often could not be committed without financial assistance This book examines the basis for individual

criminal liability under international law for persons who finance core crimes Despite the need for clear rules neither international courts nor scholars agree upon whether or not or under what circumstances such liability exists To determine the minimum standard of liability this work analyses the legal rules relating to complicity both under international criminal law and domestically in twenty selected jurisdictions in Africa Asia Europe Latin America North America and Oceania The aim of these analyses is to determine whether there are general principles of law recognised by the community of States regarding the minimum standard of liability for aiders and abettors This book proposes a comparative framework for assessing legal rules relating to complicity and it advances a normative claim as to how legal rules should be structured concerning the criminal responsibility of individuals who finance the commission of core crimes The analysis of the applicable international law and the comparative analysis of national jurisdictions lead to the conclusion that currently the minimum standard of knowledge for aiding and abetting is active knowledge However the author argues that this standard should be revised to include wilful blindness Regarding the intent requirement the analyses find that *dolus eventualis* is included in the definition of intent

The Responsibility of States for International Crimes Nina H. B. Jørgensen, 2000 This book focuses on the concept of state responsibility for international crimes which gained support following the First World War but was pushed into the background by the development of the principle of individual criminal responsibility under international law after the Second World War Jorgensen considers the history and merits of a concept that it is argued is currently on the threshold between *lex ferenda* and *lex lata*

The Criminal Responsibility of Children and Young Persons Wayne Thomas Crofts, 2002 By noting the strikingly different ages at which a child can be deemed criminally responsible in the English and German legal systems Thomas Crofts explores the notion of *doli incapax* that is the incapability of forming a guilty mind

Individual Criminal Responsibility for Core International Crimes Ciara Damgaard, 2008-08-02 1 1 Opening Remarks and Objectives Crimes against international law are committed by men not by abstract entities and only by punishing individuals who commit such crimes can the provisions of international law 2 be enforced This is perhaps the most renowned citation from the judgment of the International Military Tribunal at Nuremberg IMT In the six decades which have passed since the IMT judgment was handed down the recognition of the concept of individual criminal responsibility for core international crimes has been significantly reinforced and developed particularly since the establishment of the International Criminal Tribunal for the Former Yugoslavia ICTY and the International Criminal Tribunal for Rwanda ICTR in the 1990 s and most recently the International Criminal Court ICC The media has of course played a crucial role in increasing awareness of this concept especially amongst the general populace Indeed the concept has arguably a much higher profile today than ever before in its history However the concept of individual criminal responsibility for core international crimes is neither as straightforward nor as single faceted as might appear on first glance While the general principle behind the concept does not generate too many difficulties it is in its practical application that the more challenging aspects of the concept are

brought to the fore Each of these challenging pects can also be described as a pertinent issue of the concept of individual criminal responsibility for core international crimes **A Critical Examination of the Behavioral Approach to Crime and Criminal Responsibility with Special Reference to Lady Barbara Wootton** Ogden Knox Montgomery,1975

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