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Rethinking English Homicide Law

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Rethinking English Homicide Law

Greg Byrne



Rethinking English Homicide Law:

Rethinking English Homicide Law Andrew Ashworth, Barry Mitchell, 2000 The law of homicide is probably the most high profile area of the criminal law and yet in recent years it has been relatively neglected by law reform agencies Rethinking English Homicide Law brings together six top English criminal lawyers to discuss the future shape of the English law of homicide and deals with such important topics as the definition of murder the relevance of mental abnormality provocation unintentional killings defences and sentencing The book also considers broad policy choices and matters of detail in their contemporary social and legal context and highlights the difficult issues that need to be tackled if we are to have an up to date law of murder and manslaughter *Modern Histories of Crime and Punishment*, 2007-07-18 This is a collection of essays critically examining the historical development of the modern criminal law *Homicide Law Reform, Gender and the Provocation Defence* Kate Fitz-Gibbon, 2014-09-23 This book critically examines the operation of the partial defence of provocation in a range of comparative international jurisdictions Centrally concerned with conceptual questions of gender justice and the role of denial in the criminal justice system Fitz Gibbon explores the divergent approaches taken to reforming the law of provocation Contemporary Challenges to Criminal Justice Paul Behrens, 2023-12-28 This study provides a critical examination of seminal issues within the main areas of criminal justice its theoretical framework domestic and comparative criminal justice transnational and international criminal law Exploring some of the most interesting challenges arising in these fields it examines the impact of public morality on sentencing policy murder and the mandatory life sentence genocide and the notion of magnitude and incitement to terrorism Taking an approach that is fully integrated in contemporary criminal justice scholarship it offers a diverse and expert perspective With a comprehensive introduction and conclusion drawing the various strands together it offers a rigorous coherent overview of the key issues in play in contemporary international criminal justice This diversity and expertise ensures its appeal to a large audience of students scholars and practitioners of criminal justice around the world **Manifest Madness** Arlie Loughnan, 2012-04-19 Bringing together previously disparate discussions on criminal responsibility from law psychology and philosophy this book provides a close study of mental incapacity defences tracing their development through historical cases to the modern era **Criminal Law** Jonathan Herring, 2024 This title offers comprehensive legal coverage and insightful analysis alongside expertly selected extracts from key cases and academic sources Smith, Hogan, and Ormerod's Criminal Law David|Laird Ormerod (Karl|Gibson, Matthew), 2024 In Search of Criminal Responsibility Nicola Lacey, 2016-05-12 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

Understanding Homicide Fiona

Brookman, 2005-02-16 This comprehensive and challenging text unravels the phenomenon of homicide In introducing the broad spectrum of different features aspects and forms of homicide Fiona Brookman examines its patterns and trends how it may be explained its investigation and how it may be prevented

When Men Murder Women R. Emerson

Dobash, Russell P. Dobash, 2015-04-29 *When Men Murder Women* breaks new ground in the study of homicide The murder of intimate partners sexual murders and the murders of older women are examined in separate sections containing The Knowledge The Murder Event and The Lifecourse of the Murderers

Making Jury Trials Fair Greg Byrne, 2025-06-13

This book proposes using a jury centric approach for improving laws practices and procedures in jury trials Courts assume that jurors in a criminal trial understand and apply the judge's directions about the law This assumption is based on jury verdicts and the courts observations of jurors and inferences about juror comprehension Research reveals that the courts assumption about juror comprehension is fundamentally flawed Addressing this problem is essential for fair trials A jury centric approach is evidence informed and works within a fair trial framework It asks what jurors need to understand the issues that they must determine It also examines juror comprehension research and why judges and lawyers have often been sceptical about this research The book illustrates and evaluates a jury centric approach through three case studies involving structured decision making aids homicide laws and misconceptions in sexual offence cases The book proposes establishing an interdisciplinary Juries Advisory Council drawing on judicial and legal expertise as well as expertise in jury research The jury's task is increasingly complicated Reform is essential to help jurors understand their task and determine the issues on their legal and

factual merits The book will be a valuable resource for academics researchers policymakers and students in the areas of Criminal Law Courts Human Rights Law Psycholinguistics and Organisational Psychology and to judges and lawyers

Implied Consent and Sexual Assault Michael Plaxton, 2015-11-01 In *R v Ewanchuk* the Supreme Court of Canada held that sexual touching must be accompanied by express contemporaneous consent In doing so the Court rejected the idea that sexual consent could be implied *Ewanchuk* was a landmark ruling reflecting a powerful commitment to women's equality and sexual autonomy In articulating limits on the circumstances under which women can be said to consent to sexual touching however the decision also restricts their autonomy specifically by denying them a voice in determining the norms that should govern their intimate relationships and sexual lives In *Implied Consent and Sexual Assault* Michael Plaxton argues that women should have the autonomy to decide whether and under what circumstances sexual touching can be appropriate in the absence of express consent Though caution should be exercised before resurrecting a limited doctrine of implied consent there are reasons to think that sexual assault law could accommodate a doctrine without undermining the sexual autonomy or equality rights of women In reaching this conclusion Plaxton challenges widespread beliefs about autonomy consent and the objectives underpinning the offence of sexual assault in Canada Drawing upon a range of contemporary criminal law theorists and feminist scholars *Implied Consent and Sexual Assault* reconsiders the nature of mutuality in a world dominated by gender norms the proper scope of criminal law and the true meaning of sexual autonomy *Criminal Law: Text, Cases,*

and Materials Jonathan Herring, 2012-04-19 This book is accompanied by an Online Resource Centre offering detailed updates to the law following publication useful web links complete bibliography of further references and guidance on answering questions in the book as well as a video introduction from the author himself Book Jacket **Criminal Liability**

for Non-Aggressive Death Sally Cunningham, 2016-05-13 The crime of manslaughter exists as a catch all offence to punish those who are blameworthy in causing the death of another but whose culpability falls short of that required for murder Manslaughter is an extremely broad offence and it has a difficult task in ensuring that all those who warrant punishment for non aggressive deaths are convicted Simultaneously it should not be too broad in covering those who do not warrant punishment for such deaths There is little consistency in whether a particular dangerous activity leads to liability for a specific offence or for the generic offence of manslaughter when death is caused This book examines the current law and includes a variety of perspectives on the subject with chapters on specific modes of killing as well as issues that permeate all areas The first half of the book deals with issues such as how any special offences for non aggressive death should relate to a hierarchy of homicide offences The second half deals with issues specific to different activities which may or may not justify the creation of specific homicide offences The book includes a comparative chapter on Australian law **Sentencing and**

Criminal Justice Andrew Ashworth, Rory Kelly, 2021-07-15 This revised and updated new edition focuses on major developments in sentencing law practice and theory Sentencing in England and Wales is now dominated by Sentencing

Council guidelines and scrutiny of those guidelines is central to this book. Issues of principle are identified and discussed to include the constitutional position of the Sentencing Council, the meaning of and challenges to proportionality and the sentencing of BAME offenders and women offenders. The book welcomes the new Sentencing Code introduced as the Sentencing Act 2020 and critically examines the government's plans for sentencing reform set out in the 2020 White Paper A Smarter Approach to Sentencing. Throughout the book, sentencing is explored in its wider criminal justice context, making it essential reading for courses on sentencing, criminal justice and criminal law.

Crime, Reason and History Alan Norrie, 2001-10. This work provides a challenging approach to the study of criminal law, offering a critical introduction to the law's general principles and, in contrast to orthodox criminal law texts, emphasizes the tensions and contradictions that lie at their heart.

Exploring the Mandatory Life Sentence for Murder Barry Mitchell, Julian V Roberts, 2012-10-19. Murder is often regarded as both the ultimate and a unique crime, and whereas courts are normally given discretion in sentencing offenders for murder, the sentence is mandatory. Indeterminate imprisonment. Since the crime and the punishment come as a package deal, this book looks at both the legal nature of the offence and at the current operation of the mandatory life sentence. Not only does the book adopt a critical approach by assessing the strengths and weaknesses of the status quo, it also draws upon comparative material from both common and civil law jurisdictions in an attempt to provide a comprehensive exploration of these issues. The need for public confidence in the criminal justice system is particularly acute in the way it deals with the most serious homicides. In this book, the authors report findings from the first systematic exploration of public attitudes to sentencing murder in this or any other common law jurisdiction. The picture of public opinion emerging from this recent large scale nationwide qualitative and quantitative survey funded by the Nuffield Foundation is likely to surprise many and will be of interest to all jurisdictions where the mandatory life sentence for murder has been questioned.

Understanding Criminal Law Christopher M. V. Clarkson, 2005. This study seeks to present the key principles of criminal law in a comprehensive and readable style. Concentrating on the more theoretical issues, the main focus is on the general principles of criminal liability.

The Routledge International Handbook of Criminal Responsibility Thomas Crofts, Louise Kennefick, Arlie Loughnan, 2024-12-23. Presenting cutting edge research and scholarship, this extensive volume covers everything from abstract theorising about the meanings of responsibility and how we blame to analysing criminal law and justice responses and factors that impact individual responsibility. Inviting exchanges across a burgeoning critical scholarship on criminal responsibility, this Handbook showcases the diverse range of methodologies applied to the field, including socio-political approaches, critical historical methods, criminological and sociological perspectives and interdisciplinary studies bridging law and the mind sciences. Spanning global networks of established and emerging scholars of responsibility for crime, this book explores how we relate to one another as human beings under the spotlight of the criminal law. In doing so, it is hoped that the collection not only does justice to the vibrant

landscape of criminal responsibility studies but inspires new directions and future synergies in this compelling field The Routledge International Handbook of Criminal Responsibility will appeal to scholars and students of criminal law criminal justice criminology sociology psychology neuroscience philosophy and socio legal studies as well as practitioners and policymakers working in related fields Central Issues in Criminal Theory William Wilson, 2002-11-12 This book questions whether one of the tasks of criminal theory is to set goals and identify deficiencies in order to improve rules and procedures

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