

# ELEMENTS OF CRIMINAL LIABILITY

- In this lecture, we will consider:
- Burden and standard of proof in a criminal trial
- The building blocks of criminal liability -
  - the actus reus
  - the mens rea
- Transferred malice

# Responsibility And Criminal Liability

**George Mousourakis**



## **Responsibility And Criminal Liability:**

*Responsibility and Criminal Liability* C.T. Sistare, 2012-12-06 autonomy principally in terms of the agent's conscious choice of ends or conduct. From this the cognitivist emphasis on mental states and their contents naturally follows. The presence of specified mental states as signifying agent choice thus becomes the hallmark of responsible conduct. Capacities model theorists by contrast interpret personal autonomy and agent responsibility in terms of the looser notion of control. From this perspective conscious choosing is but one highly responsible instance of such control and the presence or absence of mental states is primarily relevant to determining degrees of responsibility. The examination of these two models occupies the bulk of this manuscript. Exploration of the capacities model and criticism of the orthodox view also generate treatment of legal issues such as the use of negligence liability, the nature of criminal omissions, the character of various legal defenses and so on. Chapters 2 and 3 set out some of the thematic arguments outlined above and introduce terminology and useful distinctions. Chapters 4 through 7 provide substantive analyses of agent responsibility and of standards of criminal liability. In these chapters I argue for the comparative superiority of the capacities model of responsibility and offer recommendations for changes in current legal conceptions and standards of liability. Each chapter centers on an element of individual responsibility and related legal concerns. The final chapter, Chapter 8, comprises an overview of the integrated theory of responsibility and liability and its comparison with the traditional view.

**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.

*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      **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      Corporations and Criminal Responsibility Celia Wells,2001-05-24

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      The Relationship Between State and Individual Responsibility for International Crimes Beatrice Bonafè,2009-02-23 This book offers a unique comparison between state and individual responsibility for international crimes and examines the theories that can explain the relationship between these two regimes The study provides a comprehensive and systematic analysis of the relevant international practice from the standpoint of both international criminal law and in particular the case law of international criminal tribunals and state responsibility The author shows the various connections and issues arising from the parallel establishment of state and individual responsibility for the commission of the same international crimes These connections indicate a growing need to better co ordinate these regimes of international responsibility The author maintains that a general conception according to which state and individual responsibility are two separate sets of secondary rules attached to the breach of the same primary norms can help to solve the various issues relating to this dual responsibility This conception of the complementarity between state and individual responsibility justifies co ordination and consistent

application of these two different regimes each of which aims to foster compliance with the most important obligations owed to the international community as a whole      *Modern Criminal Law* A P Simester, 2024-04-18 This book brings together leading scholars from the next generation of UK criminal lawyers to celebrate the work of GR Sullivan Emeritus Professor at University College London in the year of his retirement from writing Simester and Sullivan's Criminal Law Theory and Doctrine The contributors examine many of the areas in which GR Bob Sullivan's own writing has been influential ranging from general doctrines such as causation and culpability across specific offences like theft and fraud through defences including necessity and insanity before turning finally to matters affecting the criminal process notably challenges to the doctrine of precedent in criminal law Taken together the essays are a powerful tribute to Bob's standing and influence upon modern criminal law At the same time individually they make sophisticated contributions to our understanding of some pressing issues in contemporary criminal law The essays illustrate the increasing importance of theoretical argument in modern criminal law as well as the manner in which doctrinal debates have become interwoven with arguments about criminalisation norms The resulting collection is thus a tribute also to the character of modern academic criminal law a character that Bob and the writers of his generation did so much to develop      *Answering for Crime* R A Duff, 2007-11-13 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      *Library of Congress Subject Headings* Library of Congress, 1991      [Library of Congress Subject Headings](#) Library of Congress. Office for Subject Cataloging Policy, 1991

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**Subject Headings Used in the Dictionary Catalogues of the Library of Congress** Library of Congress, Library of Congress. Subject Cataloging Division, 1957      **Subject Headings Used in the Dictionary Catalogs of the Library of Congress [from 1897 Through December 1955]** Library of Congress. Subject Cataloging Division, Marguerite Vogeding

Quattlebaum,1957      *International Bibliography on Crime and Delinquency* ,1963      **Responsible Trading in Raw Materials** Solveig Gasche,2023-02-16 As environmental social governance ESG increasingly shapes the academic discourse in the European Union Solveig Gasche provides a conceptual analysis of responsible trading in raw materials Because the governance concept of responsible trading considers human rights and environmental standards she defines the decisive determinants of trade in raw materials by considering the main historic economic and regulative approaches Illustrating and analysing the international and the German approach to implementing good guidance strategies and governance she further deals with the issues of conflict minerals and compliance supply chain due diligence corporate social responsibility and business ethics Corporate liability is given particular emphasis taking into account options of contract design transparency and reporting as well as aspects of due diligence      **Subject Headings Used in the Dictionary Catalogs of the Library of Congress** Library of Congress,Library of Congress. Subject Cataloging Division,1966      Subject Headings Used in the Dictionary Catalogs of the Library of Congress [from 1897 Through June 1964] Library of Congress. Subject Cataloging Division,1966      Digest of the Cases Reported in Annotated Cases (American and English) 21 Ann. Cas. to Ann. Cas. 1916B (vols. 21-40). ,1916      **An Index to Legal Periodical Literature** ,1919 Covers English language periodical literature relating to law from the late 1700s through 1937 Volumes 1 2 contain citations to articles published in general interest as well as legal periodicals

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