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Rethinking English Homicide Law

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BARRY MITCHELL

Rethinking English Homicide Law

Sally Cunningham



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 in Comparative Perspective Jeremy Horder, 2007-12-10 A number of jurisdictions world wide have changed or are considering changing their homicide laws Important changes have now been recommended for England and Wales and these changes are an important focus in the book which brings together leading experts from jurisdictions across the globe England and Wales France Germany Scotland Australia The United States of America Canada Singapore and Malaysia to examine key aspects of the law of homicide Key areas examined include the structure of the law of homicide and the meaning of fault elements For example the definition of murder or its equivalent is very different in France and Germany from the definition used in England and Wales French law like the law in a number of American states ties the definition of murder to the presence or absence of premeditation unlike the law in England and Wales Unlike most other jurisdictions German law makes the killer's motive such as a sadistic sexual motive relevant to whether or not he or she committed the worst kind of homicide England and Wales is in a minority of English speaking jurisdictions in that it does not employ the concept of wicked recklessness or of extreme indifference as a fault element in homicide Understanding these often subtle differences between the approaches of different jurisdictions to the definition of homicide is an essential aspect of the law reform process and of legal study and scholarship in the criminal law Every jurisdiction tries to learn from the experience of others and this book seeks to make a contribution to that process as well as providing a lively and informative resource for scholars and students 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 **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 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 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 *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

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 In the United States and Great Britain 20 30% of all homicides involve the killing of a woman by a man In *When Men Murder Women* Dobash and Dobash two seasoned researchers and longtime collaborators in the study of violence against women reveal what they learned from a three year study that included 866 homicide case files and 200 in depth interviews with murderers in prison They focus on intimate partner murder sexual murder and the murder of older women and compare each of these three types with those in which men murder other men Each type is examined in depth and detail in a separate section that begins with an overview of relevant research and is followed by a comprehensive examination of the murder event and the lifecourse of the perpetrators There has never before been a comprehensive book that has covered the entire scope of homicide cases in which men murder women The result is this essential text for students professionals policy makers and researchers studying violence gender and crime

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

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

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

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

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

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 Death Penalty in Africa Aimé Muyobokey Karimunda, 2016-03-16 Human development is not simply about wealth and economic well being it is also dependent upon shared values that cherish the sanctity of human life Using comparative methods archival research and quantitative findings this book explores the historical and cultural background of the death penalty in Africa analysing the law and practice of the death penalty under European and Asian laws in Africa before independence Showing progressive attitudes to punishment rooted in both traditional and modern concepts of human dignity Aim Muyobokey Karimunda assesses the ground on which the death penalty is retained today Providing a full and balanced appraisal of the arguments the book presents a clear and compelling case for the total abolition of the death penalty throughout Africa This book is essential reading for human rights lawyers legal anthropologists historians political analysts and anyone else interested in promoting democracy and the protection of fundamental human rights in Africa

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

Loss of Control and Diminished Responsibility Alan Reed, 2016-04-22 This book provides a leading point of reference in the field of partial defences to murder and with respect to the mental condition defences of loss of control and diminished responsibility in general The work includes contributions from leading specialists from different jurisdictions Divided into two parts the first provides an analysis from the perspective of the UK looking at particular concerns such as domestic violence revenge and mixed motive killings mistaken beliefs The second part presents a comparative and international view to provide a wider background of how alternative systems treat issues of human frailty short of full insanity loss of control diminished responsibility in the context of the criminal law

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