

## Simester And Sullivans Criminal Law Theory And Doctrine

A comparative and collaborative study of the foundational principles and concepts that underpin different domestic systems of criminal law.

This is the new edition of the leading textbook on criminal law by Professors Simester and Sullivan, now co-written with Professors Spencer, Stark, and Virgo. Simester and Sullivan's Criminal Law is an outstanding account of modern English criminal law, combining detailed exposition and analysis of the law with a careful exploration of its theoretical underpinnings. Primarily, it is written for undergraduate students of criminal law and it has become the set text in many leading universities. Additionally, the book is used as an important point of reference in academic writing and postgraduate research in England and abroad. Simester and Sullivan's Criminal Law has been cited by appellate courts throughout the world. The sixth edition is comprehensively updated throughout to set out and analyse all key development in the field with the work's trademark clarity and critical rigour. Review of the Fifth Edition 'undoubtedly a first-rate companion for any undergraduate or post-graduate law course. Since attaining international recognition and citation in appellate courts worldwide, the security of the text's position as a point of academic reference remains as steadfast as ever.' John Taggart BL, Criminal Law Review.

This volume brings together a collection of essays, many of them scholarly classics, which form part of the debates on three questions central to criminal law theory. The first of these questions is: what conduct should be necessary for criminal liability, and what sufficient? The answer to this question has wider implications for the debate about morality enforcement given the concern that the "harm principle" may have collapsed under its own weight. Secondly, essays address the question of what culpability should be necessary for criminal liability, and what sufficient? Here, the battles continue over whether the formulation of doctrines - such as the insanity defense, criminal negligence, strict liability, and others - should ignore or minimize the extent of an offender's blameworthiness in the name of effective crime-control. Or, are methods of accommodating the tension now in sight? Finally, essays consider the question of how criminal law rules should be best organized into a coherent and clarifying doctrinal structure. The structure grown by the common law process competes not only with that of modern comprehensive codifications, such as the America Law Institute's Model Penal Code, but also with alternative structures imagined but not yet tried.

This book celebrates Andreas (Andrew) von Hirsch's pioneering contributions to liberal criminal theory. He is particularly noted for reinvigorating desert-based theories of punishment, for his development of principled normative constraints on the enactment of criminal laws, and for helping to bridge the gap between Anglo-American and German criminal law scholarship. Underpinning his work is a deep commitment to a liberal vision of the state. This collection brings together a distinguished group of international authors, who pay tribute to von Hirsch by engaging with topics on which he himself has focused. The essays range across sentencing theory, questions of criminalisation, and the relation between criminal law and the authority of the state. Together, they articulate and defend the ideal of a liberal criminal justice system, and present a fitting accolade to Andreas von Hirsch's scholarly life.

Roman Law in Context explains how Roman law worked for those who lived by it, by viewing it in the light of the society and economy in which it operated. The book discusses three main areas of Roman law and life: the family and inheritance; property and the use of land; commercial transactions and the management of businesses. It also deals with the question of litigation and how readily the Roman citizen could assert his or her legal rights in practice. In addition it provides an introduction to using the main sources of Roman law. The book ends with an epilogue discussing the role of Roman law in medieval and modern Europe, a bibliographical essay, and a glossary of legal terms. The book involves the minimum of legal technicality and is intended to be accessible to students and teachers of Roman history as well as interested general readers.

Aimed at undergraduate law students seeking a firm grasp of doctrine and principle, this text combines theoretical precision and depth with a detailed exposition of the law. The Core Text Series takes the reader straight to the heart of the subject, providing an invaluable and reliable guide for students of law at all levels. Written by leading academics and renowned for their clarity, these concise texts explain the intellectual challenges of each area of the law. O'Sullivan & Hilliard's The Law of Contract provides students with a clear, straightforward, and comprehensive account of the core principles of contract law to enable a sound understanding of the subject. The new edition has been rigorously updated by Cambridge academic and teacher, Janet O'Sullivan. All the key topics on the LLB and GDL courses are covered, and the author introduces students to current debates in the field. Complex problems are broken down into manageable steps and self-test questions are provided at the end of each chapter to help reinforce learning and aid revision. Online resources Students can find answer guidance to these questions as well as additional support for their studies, including author videos discussing key cases, additional chapters, updates and web links on the accompanying online resources.

This book examines the rapid development of the fundamental concept of a crime in international criminal law from a comparative law perspective. In this context, particular thought has been given to the catalyzing impact of the criminal law theory that has developed in major world legal systems upon the crystallization of the substantive part of international criminal law. This study offers a critical overview of international and domestic jurisprudence with regard to the construal of the concept of a crime (actus reus, mens rea, defences, modes of liability) and exposes roots of confusion in international criminal law through a comprehensive comparative analysis of substantive criminal laws in selected legal jurisdictions.

This edition provides an authoritative and detailed account of contract law. It is essential reading for any student of contract law, and a valuable source of reference for practitioners and

academics.

This stimulating and authoritative text addresses the underlying principles and rationales of criminal law, bringing the subject to life through a critically engaging and contextual approach. The fifth edition incorporates detailed discussion of the Sexual Offences Act 2003 and explores current controversies such as the shape of the law of murder, including discussion the Law Commission's 2005 proposals. Andrew Ashworth's book remains essential reading for students seeking an in-depth and sophisticated exploration of criminal law that makes the theoretical background clear and accessible. Book jacket.

This book explores the philosophical underpinnings of the law's major doctrines concerning actus reus, mens rea, and defences, showing that they are not always driven by culpability but are grounded also in principles of moral responsibility, ascriptive responsibility, and wrongdoing.

This collection of original essays, by some of the best known contemporary criminal law theorists, tackles a range of issues about the criminal law's 'special part' - the part of the criminal law that defines specific offences. One of its aims is to show the importance, for theory as well as for practice, of focusing on the special part as well as on the general part which usually receives much more theoretical attention. Some of the issues covered concern the proper scope of the criminal law, for example how far should it include offences of possession, or endangerment? If it should punish only wrongful conduct, how can it justly include so-called 'mala prohibita', which are often said to involve conduct that is not wrongful prior to its legal prohibition? Other issues concern the ways in which crimes should be classified. Can we make plausible sense, for instance, of the orthodox distinction between crimes of basic and general intent? Should domestic violence be defined as a distinct offence, distinguished from other kinds of personal violence? Also examined are the ways in which specific offences should be defined, to what extent those definitions should identify distinctive types of wrongs, and the light that such definitional questions throw on the grounds and structures of criminal liability. Such issues are discussed in relation not only to such crimes as murder, rape, theft and other property offences, but also in relation to offences such as bribery, endangerment and possession that have not traditionally been subjects for in depth theoretical analysis.

The book offers a sophisticated account of English criminal law combining theoretical precision and depth with an authoritative exposition of the law.

This is a pioneer, long overdue and truly original book that offers a unique, comprehensive and thorough exposition of the criminal law of this country by a leading scholar. This latest book by Professor Carlson Anyangwe adopts a thematic approach, each chapter covering a specific aspect of the criminal law. The text is a clear, simple and comprehensive exposition of all the offences codified in the Penal Code. It offers a rich, clear, learned and discerning analysis to understanding of the criminal law. The book is designed to instruct and to contribute to a deeper understanding of the subject, the treatment of which is unique, informative and makes for compelling reading. This is the first textbook ever on the subject in this country and it is undoubtedly an indispensable tool of trade for judges, prosecutors, lawyers in private practice, academic lawyers, law students and law enforcement officers.

Originally published: Oxford: Clarendon, 1997.

When should we make use of the criminal law? Crimes, Harms, and Wrongs offers a philosophical analysis of the nature and ethical limits of criminalisation. The authors explore the scope of harm-based prohibitions, proscriptions of offensive behaviour, and 'paternalistic' prohibitions aimed at preventing self-harm, developing guiding principles for these various grounds of state prohibition. Both authors have written extensively in the field. They have produced an integrated, accessible, philosophically-sophisticated account that will be of great interest to legal academics, philosophers, and advanced students alike. 'this elegant, closely argued and convincing book is of great value and can be expected to be of lasting influence.' James Chalmers 'Crimes, Harms, and Wrongs . . . is a welcome addition to this field, and should clarify the reader's thinking on a breathtakingly broad range of issues. . . . This is an important book, and [its] consideration of not only Anglo-American theory and law, but also German legal doctrines and writings on criminalisation, should ensure that this debate reaches new heights in the future.' Findlay Stark 'the result of [the authors'] many decades of thought and writing on this fundamental subject is an integrated, accessible, philosophically sophisticated discussion of this subject.' Justice Gilles Renaud 'A.P. Simester and Andreas von Hirsch present an informed and systematic account of the principles that, in their view, should structure decisions about what to criminalize, and when.' Vincent Chiao 'an outstanding work, original in many respects and meticulous in its arguments. It represents the greatest advance on this subject since Feinberg's four volumes . . . an outstanding contribution to the re-invigorated criminalization debate.' Andrew Ashworth 'important, original, interesting, and often ingenious. Unlike some recent competitive books it has the virtue of making sound arguments. And like everything else the authors have written, it is a joy to read ... This is an absolutely wonderful book.' Douglas Husak

Strict liability is a controversial phenomenon in the criminal law because of its potential to convict blameless persons. Offences are said to impose strict liability when, in relation to one or more elements of the actus reus, there is no need for the prosecution to prove a corresponding mens rea or fault element. For example, in the 1986 case of Storkwain, the defendant chemists were convicted of selling controlled medicines without prescription simply upon proof that they had in fact done so. It was irrelevant that they neither knew nor had reason to suspect that the 'prescriptions' they fulfilled were forgeries. Thus strict liability offences have the potential to generate criminal convictions of persons who are morally innocent. Appraising Strict Liability is a collection of original contributions offering the first full-length consideration of the problem of strict liability in the criminal law. The chapters, including European and Anglo-American perspectives, provide a sustained and wide-ranging examination of the fundamental issues. They explore the definition of strict liability; the relationship between strict liability and blame, and its implications for the requirement for culpability in criminal law; the relevance of European and human rights jurisprudence; and the interaction between substantive rules of strict liability and evidential presumptions. The breadth and depth of the contributions combine to present readers with a sophisticated analysis of the place and legitimacy of strict liability in the criminal law. Concentrating upon those doctrines that make up the general part of the criminal law this collection of essays by leading American and British legal experts sheds theoretical light on key issues of contemporary relevance.

'Complete Criminal Law' provides a student-centred, straightforward approach to the criminal law LLB/CPE syllabus. It involves the student in an active approach to learning through the use of many learning features.

This volume draws together essays, from a number of leading authorities, which identify areas of the modern criminal law where there are significant conceptual difficulties. The subjects covered include justification, excuses, coercion complicity, drug-dealing and criminal harm.

Ashworth's Principles of Criminal Law, now in its ninth edition, takes a distinctive approach to the subject of criminal law, whilst still covering all of the vital topics found on criminal law courses. Uniquely theoretical, it seeks to enlighten the reader as to the underlying principles and theoretical foundations of the criminal law, critically engaging readers by contextualizing and analysing the law. This is essential reading for students seeking a sophisticated and critically engaging exploration of the subject. Online Resources The text is accompanied by online resources housing a full bibliography as well as a selection of useful web links.

Textbook on Criminal Law, now in its thirteenth edition, has been providing students of criminal law with a readable and reliable introduction to the subject for the past twenty years. This thorough text enables readers to feel confident in their knowledge of the law, while its concise approach ensures they are not overwhelmed. This new edition has been fully updated to include all of the latest case law and statutory changes. The author's lively writing style and thought-provoking commentary on judicial and legal decisions means that the text is entertaining as well as accurate. The text includes helpful features, such as, highlighted case fact summaries, questions, examples, and key points. These ensure that the information provided is broken down and easy to comprehend. Further reading sections provide students with a carefully selected starting point for further research. In short, students at degree level or above, studying criminal law for the first time should not be without this book. Online Resource Centre: Regular online updates ensure that the book stays current after publication, and an online chapter on Misuse of Drugs Act Offences ensures that the book caters to a wide variety of courses. Also, a bank of over 100 multiple choice questions will help you test your growing knowledge of criminal law.

This is the new edition of the leading textbook on criminal law by Professors Simester and Sullivan, now co-written with Professors Spencer, Stark and Virgo. Simester and Sullivan's Criminal Law is an outstanding account of modern English criminal law, combining detailed exposition and analysis of the law with a careful exploration of its theoretical underpinnings. Primarily, it is written for undergraduate students of criminal law and it has become the set text in many leading universities. Additionally, the book is used as an important point of reference in academic writing and postgraduate research in England and abroad. Simester and Sullivan's Criminal Law has been cited by appellate courts throughout the world. Review of Previous Edition: '... undoubtedly a first-rate companion for any undergraduate or post-graduate law course. Since attaining international recognition and citation in appellate courts worldwide, the security of the text's position as a point of academic reference remains as steadfast as ever.' John Taggart, Criminal Law Review

Presently, many of the greatest debates and controversies in international criminal law concern modes of liability for international crimes. The state of the law is unclear, to the detriment of accountability for major crimes and of the uniformity of international criminal law. The present book aims at clarifying the state of the law and provides a thorough analysis of the jurisprudence of international courts and tribunals, as well as of the debates and the questions these debates have left open. Renowned international criminal law scholars analyze, in discrete chapters, the modes of liability one by one; for each mode they identify the main trends in the jurisprudence and the main points of controversy. An introduction addresses the cross-cutting issues, and a conclusion anticipates possible evolutions that we may see in the future. The research on which this book is based was undertaken with the Geneva Academy.

Text, Cases and Materials on Criminal Law offers a thought-provoking, engaging and comprehensive account of criminal law and its underpinning principles and policies. It includes a range of carefully selected extracts to help you get used to reading court judgments, legislation, official reports and academic writings. Dedicated questions also help you to analyse each extract and develop your critical thinking skills. A range of features, specifically designed to help make your reading as interesting and active as possible, are also available within each chapter including: · Chapter objectives at the start of each chapter, and checklists at the end, so that you know exactly what you need to achieve and are able to assess your progress; · Practical activities, so you can develop your legal skills by practising applying what you have learnt to scenario-based problems; · Self-test questions, which consolidate your understanding by providing an opportunity to apply the material you have studied; · Further reading lists, to enable you to explore key issues in greater depth. This new edition has been fully updated with all major legal developments in the area, including R v Jogee [2016] UKSC 8 and R v Johnson [2016] EWCA Crim 1613 on joint enterprise and the Law Commission's scoping report on non-fatal offences against the person. Stuart Macdonald is Professor of Law at Swansea University. He has taught criminal law for over 15 years and has published widely on criminal justice issues, particularly the regulation of anti-social behaviour and counterterrorism legislation and policy.

This book considers whether coercive control (particularly non-physical forms of family violence) should be prohibited by the criminal law. Based on the premise that traditional understandings of family violence are severely limited, it considers whether the core of family violence is power-based controlling or coercive behavior: attempts by men to psychologically dominate their partners. Such behavior can cause significant psychological, physical and economic harms to victims and is increasingly recognized as a form of human rights abuse. The book considers the new offences that have been introduced in England and Wales (controlling or coercive behavior), Ireland (controlling behavior) and Scotland (domestic abuse). It invites consideration of three key questions: Do conventional criminal laws adequately regulate non-physical abuse? Is the criminal law an appropriate mechanism for responding to the coercive control of family members? And if a new and distinctive offence is warranted, what is the optimal form of that offence? This ground-breaking work is essential reading for researchers and practitioners interested in coercive control and the proper role of the criminal law as a mechanism for regulating family violence.

Many academic criminal lawyers and criminal law theorists seek to resolve the optimum conditions for a criminal law fit to serve a liberal democracy. Typical wish lists include a criminal law that intervenes against any given individual only when there is a reasonable suspicion that s/he has caused harm to the legally protected interests of another or was on the brink of doing so. Until there is conduct that gives rise to a reasonable suspicion of criminal conduct by an individual, s/he should be allowed to go about his or her business free from covert surveillance or other forms of intrusion. All elements of crimes should be proved beyond any reasonable doubt. Any punishment should be proportionate to the gravity of the wrongdoing and when the offender has served this punishment the account should be cleared and good standing recovered. Seeking Security explores the gap between the normative aspirations of liberal, criminal law scholarship and the current criminal law and practice of Anglophone jurisdictions. The concern with security and risk, which in large part explains the disconnection between theory and practice, seems set

to stay and is a major challenge to the form and relevance of a large part of criminal law scholarship.

This is the third edition of J R Spencer's now well established book which seeks to explain this area of law for the benefit of judges, criminal practitioners and academics teaching the law of evidence. In the past, the rule excluding evidence of the defendant's general bad character and disposition to commit the offence was sometimes described as one of the most hallowed rules of evidence; Lord Sankey, in *Maxwell v DPP*, referred to it as '...one of the most deeply rooted and jealously guarded principles of our criminal law.' In reality it was not particularly ancient, and as the years went by it was increasingly attacked. On technical grounds the body of law surrounding it was criticised as over-complicated and inconsistent, and more radical critics condemned it as unduly favourable to the guilty. In response to this, the law was completely recast in Part 11 of the Criminal Justice Act 2003. This book, now again updated to take account of further legislative changes, case-law and academic writing, offers a thorough analysis of the bad character provisions of the Criminal Justice Act 2003 in the light of the way in which they have been interpreted by the courts.

'Tort Law' offers a stimulating introduction to the subject. Jenny Steele provides a sound analysis of the key principles before exploring a wide range of critical perspectives through an extensive selection of cases and materials.

Presents theories, practices and critiques alongside each other to engage students, scholars and professionals from multiple fields. This title is also available as Open Access on Cambridge Core.

This market-leading textbook gives an authoritative account of international criminal law, and focuses on what the student needs to know - the crimes that are dealt with by international courts and tribunals as well as the procedures that police the investigation and prosecution of those crimes. The reader is guided through controversies with an accessible, yet sophisticated approach by the author team of four international lawyers, with experience both of teaching the subject, and as negotiators at the foundation of the International Criminal Court and the Rome conference. It is an invaluable introduction for all students of international criminal law and international relations, and now covers developments in the ICC, victims' rights, and alternatives to international criminal justice, as well as including extended coverage of terrorism. Short, well chosen excerpts allow students to familiarise themselves with primary material from a wide range of sources. An extensive package of online resources is also available.

This is the fifth edition of the leading textbook on criminal law by Professors Simester, Spencer, Sullivan and Virgo. Simester and Sullivan is an outstanding account of modern English criminal law, combining detailed exposition and analysis of the law with a careful exploration of its theoretical underpinnings. Primarily, it is written for undergraduate students of criminal law and it has become the set text in many leading universities. Additionally, the book is used as an important point of reference in academic writing and postgraduate research in England and abroad.

Simester and Sullivan has been cited by appellate courts throughout the world. There have been a large number of important appellate decisions since the last edition of this work. This new case law, among other things, provides helpful guidance for the interpretation of offences under the Serious Crime Act 2007 and of the defence of loss of control provided by the Coroners and Justice Act 2009. There have been significant developments in the laws relating to rape, self-defence and defence of property, and duress. Special mention should be made of the continuing stream of appellate cases regarding the nature and scope of secondary liability in the crimes of others.

Cremona and Herring provide an approachable and thorough overview of the fundamentals of English criminal law. The book examines the principles of criminal liability and the central offences against persons and property highlighting interesting and controversial aspects of the law, as well as considering topical issues including the Draft Criminal Code. Legislation and recent caselaw are explained in accessible language and some of the criticisms and analysis of the law are discussed. Features of this second fully updated edition include a completely new chapter, which considers some of the principles which underlie criminal law. There are new sections on computer crimes, blackmail and forgery.

Criminal Law: The Basics is an insightful introduction to the legal aspects of criminal acts, ranging from battery to burglary and harassment to homicide. Starting with an in-depth exploration of the very concept of crime, this book considers such questions as: how should we decide what is criminal and what isn't? what is the difference between murder and manslaughter? could you ever be guilty of stealing your own property? what defences are available to those accused of crime? The book features numerous case studies from the infamous to the bizarre and key questions for consideration throughout. Each chapter ends with lists of relevant cases, statutes and suggestions for further reading, making this an ideal starting point for anyone interested in criminal law.

A selection of some of the author's best-known and most provocative writings on criminal law. Although it discusses the legitimacy of criminal punishment, it proceeds on the footing that the criminal law does many important things apart from punishing people.

This is a book about the legal fiction that sometimes we know what we don't. The willful ignorance doctrine says defendants who bury their heads in the sand rather than learn they're doing something criminal are punished as if they knew. Not all legal fictions are unjustified, however. This one, used within proper limits, is a defensible way to promote the aims of the criminal law. Preserving your ignorance can make you as culpable as if you knew what you were doing, and so the interests and values protected by the criminal law can be promoted by treating you as if you had knowledge. This book provides a careful defense of this method of imputing mental states based on equal culpability. On the one hand, the theory developed here shows why the willful ignorance doctrine is only partly justified and requires reform. On the other hand, it demonstrates that the criminal law needs more legal fictions of this kind. Repeated indifference to the truth may substitute for knowledge, and very culpable failures to recognize risks can support treating you as if you took those risks consciously. Moreover, equal culpability imputation should also be applied to corporations, not just individuals. Still, such imputation can be taken too far. We need to determine its limits to avoid injustice. Thus, the book seeks to place equal culpability imputation on a solid normative foundation, while demarcating its proper boundaries. The resulting theory of when and why the criminal law can pretend we know what we don't has far-reaching implications for legal practice and reveals a pressing need for reform.

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