

1. Record Nr.	UNINA9910136612903321
Autore	Stark Findlay
Titolo	Culpable carelessness : recklessness and negligence in the criminal law // Findlay Stark
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2016
ISBN	1-316-77176-8 1-316-81092-5 1-316-81101-8 1-108-46512-9 1-139-85594-8 1-316-81110-7 1-316-81146-8 1-316-81119-0
Descrizione fisica	1 online resource (xxii, 327 pages) : digital, PDF file(s)
Classificazione	LAW026000
Disciplina	345/.04
Soggetti	Negligence, Criminal Criminal intent Criminal law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 31 Jan 2017).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Cover; Half-title ; Title page ; Copyright information; Dedication ; Table of contents ; Acknowledgements ; List of Abbreviations ; Table of Cases ; Table of Legislation ; 1 Introduction ; An Overview of the Argument ; Risks and Wrongdoing ; Why Is Justification Required? Justifying Risk-taking 2 The Doctrinal Trend towards the Standard Account ; England and Wales ; Negligence ; Voluntary Intoxication ; Summary ; Canada ; Voluntary Intoxication ; Summary ; Australia ; The Common Law Jurisdictions ; The Older Codes ; The Modern Codes

Voluntary Intoxication in the Codified Jurisdictions
 Summary ; The United States ; The MPC's
 Definitions ; Virtually Full Adoption of the MPC's
 Definitions ; Virtually Full Adoption
 of the MPC's Definitions with Different Labels
 ; Adoption of the MPC's Definitions, with Edits
 Partial Adoption of the MPC's Definitions
 Non-adoption of the MPC's Definitions ; No
 General Definitions ; Voluntary Intoxication
 ; Summary ; New Zealand ; Summary ;
 Scotland ; Voluntary Intoxication ; Summary
 ; Conclusion ; 3 Consistency in Definition
 Defending Multiple Definitions An Alternative
 Approach ; Duff on Communication
 ; The Boundaries of Definition ; Robinson on
 Conduct and Adjudication ; 'Thin Ice' and
 Discretion ; Practical Concerns ; A
 Criminalisation Concern ; An Over-inclusiveness
 Concern ; Conclusion
 4 From Awareness to Belief

Sommario/riassunto

The question of when a person is culpable for taking an unjustified risk of harm has long been controversial in Anglo-American criminal law doctrine and theory. This survey of the approaches adopted in England and Wales, Canada, Australia, the United States, New Zealand and Scotland argues that they are converging, to differing extents, around a 'Standard Account' of culpable unjustified risk-taking. This Standard Account distinguishes between awareness-based culpability (recklessness) and inadvertence-based culpability (negligence) for unjustified risk-taking. With reference to criminal law theory and philosophical literature, the author argues that, when explained appropriately, the Standard Account is defensible and practical. Defending the Standard Account involves analysing in depth a number of controversial matters, including the meaning of advertence/awareness, the role of attitudes such as indifference in culpable risk-taking, and the question of whether negligence should be used in the criminal law.
