

1. Record Nr.	UNINA9910511655803321
Autore	Dsouza Mark
Titolo	Rationale-based defences in criminal law : "I did it. I chose to do it. And here's why ..." // Mark Dsouza
Pubbl/distr/stampa	Oxford ; ; Portland, Oregon : , : Hart Publishing, , 2017
ISBN	1-5099-3214-3 1-5099-0298-8 1-5099-0296-1
Descrizione fisica	1 online resource (213 pages)
Disciplina	345/04
Soggetti	Justification (Law)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Based on author's thesis (doctoral - University of Cambridge, 2014) issued under title: A theory of rationale-based defences.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	The proposed borders of justification and excuse -- Reasons and perspective in the criminal law -- The normative guidance underlying the criminal law -- The theoretical framework of rationale-based defences -- The contours of paradigmatic justifications -- Rationale-based excuses -- Supervening justificatory necessity -- Mapping the model's implications -- Conclusion.
Sommario/riassunto	PRAISE FOR THE BOOK "Despite the existing scholarly literature on criminal defences, many issues remain contested or unresolved. Dr Dsouza offers a thorough and scholarly treatment of a complex topic which can be expected to become a point of reference for future work in the field." Professor James Chalmers, University of Glasgow "Mark Dsouza has produced an engaging, incisive and cogently argued monograph, that makes an original contribution to criminal law theory. Required reading for scholars and graduate students working on criminal law defences." Professor Paul Roberts, University of Nottingham Although it is often accepted that rationale-based defences to criminal liability can be justificatory or excusatory, disagreements about how best to conceptualise the categories of justification and excuse have appeared so interminable that some theorists argue that they should be abandoned altogether. This book offers a novel, principled, and intuitively appealing conceptual account of the natures

of justifications and excuses, showing how they differ, and why the distinction between them matters. The monograph breaks new ground by defending a model of rationale-based defences that turns solely on the quality of the defendant's reasoning. This model is shown to generate appealing liability outcomes, advance convincing solutions to questions that have puzzled criminal lawyers for years, and offer suggestions for doctrinal reform that are both normatively sound, and practical. By proposing new ways to think about defences, this book makes an original contribution to criminal law theory that will be of benefit to academics, practitioners, and persons interested in law reform
