

1. Record Nr.	UNINA9910781973503321
Autore	Spain Eimear <1981->
Titolo	The role of emotions in criminal law defences : duress, necessity and lesser evils // Eimear Spain [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2011
ISBN	1-139-17980-2 1-107-22787-9 1-283-38405-1 1-139-18955-7 9786613384058 1-139-18825-9 1-139-19085-7 1-139-18363-X 1-139-18595-0 1-139-03062-0
Descrizione fisica	1 online resource (xvii, 306 pages) : digital, PDF file(s)
Classificazione	LAW026000
Disciplina	345/.05044
Soggetti	Duress (Law) Necessity (Law) Defense (Criminal procedure)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Thematic overview -- The role of emotions in legal theory -- Coping with uncertainty -- Elements of the defences -- Threats and the taking of life -- A reappraisal.
Sommario/riassunto	The law has struggled for many years with the problem of how to accommodate those who commit crimes due to threats or circumstances. The modern ambivalence surrounding the defences of duress and necessity has its origins in the legal past. To date the defences of duress and necessity have been couched in terms such as compulsion, involuntariness and human frailty, resulting in the true nature of the defences being hidden. Psychologists and legal theorists have begun to re-examine the role of emotions in human action,

including their effect upon behaviour and choice. In light of recent breakthroughs, Eimear Spain considers how the emotions experienced by those who act due to threats, both human and natural in origin, should affect the attribution of criminal responsibility and punishment. The understanding of emotions extrapolated in this book points towards a new rationale for the existing defences of duress and necessity.
