

1. Record Nr.	UNINA9910970482303321
Autore	Kugler Itzhak
Titolo	Direct and oblique intention in the criminal law : an inquiry into degrees of blameworthiness // Itzhak Kugler
Pubbl/distr/stampa	Aldershot, Hampshire, England ; ; Burlington, VT : , : Ashgate, , 2002
ISBN	1-351-94400-2 1-315-25775-0 1-351-94399-5
Descrizione fisica	1 online resource (261 pages) : illustrations
Disciplina	345.04
Soggetti	Criminal intent Criminal liability
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	part INTRODUCTION -- chapter 1 The Problem of Oblique Intention in the Criminal Law -- part PART ONE -- chapter 2 Intention and Degrees of Blameworthiness - An Introductory Discussion -- chapter 3 The Doctrine of the Double Effect -- chapter 4 Possible Implications of the Debate about the Doctrine of the Double Effect for the Issue of Degrees of Blameworthiness in the Criminal Law -- chapter 5 A Common Denominator between Direct and Oblique Intention -- chapter 6 Degrees of Probability -- chapter 7 Reconsidering the Idea of Grading Offences Based on the Distinction between Intention and Recklessness -- chapter 8 Grading Offences by Using a Moral Formula -- chapter 9 An Alternative Justification for Grading Offences Based on the Distinction between Intention and Recklessness -- chapter 10 Conclusions -- part PART TWO -- chapter 11 A Possible Justification for Enacting Basic Crimes of Intention: The Threshold of Culpability Requirement -- chapter 12 A Requirement of a High Degree of Culpability for Offences Enacted for Retribution Purposes -- chapter 13 Conclusions.
Sommario/riassunto	The subject of intention in the criminal law is currently causing many debates among criminal lawyers. This compelling and probing volume addresses two key questions: should the criminal law distinguish

between direct intention and recklessness, and what should the law be concerning cases of oblique intention - i.e. cases in which the actor does not act in order to cause the proscribed result, but is nevertheless practically certain that his, or her, action will cause it? The discussion is divided into two parts with the first being devoted to the question of whether it is justified to grade offences based on the distinction between intention and recklessness. The second part deals with offences in which intention is required as a condition for the criminalisation of the conduct and in the context of which reckless actors are not exposed to criminal liability. The book explores the issue of intention from the viewpoint of degrees of moral culpability and it discusses, inter alia, the doctrine of double effect, the possibility that the law in cases of oblique intention should not be the same for all crimes of intention, and the possibility of using a moral formula in the definition of certain offences. The discussion also addresses many other criminal law issues, including the philosophy of punishment, the role of motives in determining degrees of blameworthiness, sentencing, stigma, and criminal attempts.
