## BAD ACTS AND GUILTY MINDS

### CONUNDRUMS of the CRIMINAL LAW

## LEOKATZ



# **Bad Acts And Guilty Minds Conundrums Of The Criminal Law**

Michael R. Rhodes

#### **Bad Acts And Guilty Minds Conundrums Of The Criminal Law:**

Bad Acts and Guilty Minds Leo Katz, 2022-12-22 The author of Ill Gotten Gains uses philosophy and psychology to examine how human behavior can be questioned under criminal law Henri plans a trek through the desert Alphonse intending to kill Henri puts poison into his canteen Gaston also intends to kill Henri but has no idea what Alphonse has been up to He puncture s Henri s canteen and Henri dies of thirst Who has caused Henri s death Was it Alphonse Gaston Or neither Strange conundrums like this one have fascinated lawyers and no lawyers for centuries raising problems of causation intention negligence necessity duress complicity and attempt With wit and intelligence Leo Katz seeks to understand the basic rules and concepts underlying these moral linguistic and psychological puzzles that plague the criminal law Drawing on insights from analytical philosophy and psychology he brings order into the seemingly endless multiplicity of these puzzles many of them turn out to be variations of a few basic philosophical problems making their appearance in different guises To test his arguments Katz moves far beyond the traditional body of exemplary criminal law cases He brings into view the decisions of common law judges in colonial and postcolonial Africa famous cases such as the Nuremberg trials Aaron Burr s treason and ABSCAM as well as well known incidents in fiction Praise for Bad Acts and Guilty Minds Bad Acts and Guilty Minds revives the mind it challenges superficial analyses it reminds us that underlying the vast body of statutory and case law there is a rationale founded in basic notions of fairness and reason It will help lawyers to better serve their clients and the society that permits attorneys to hang out their shingles Edward N Costikyan New York Times Book Review With its novel combination of theoretical and interdisciplinary learning its refreshingly new approach to old problems and the easy accessibility made possible by the lightness of its style Katz s book should become a classic in the field for years to come I would recommend it to beginning law students and lay persons interested in an introduction to the field as well as to criminal law academics interested in furthering their already well developed understanding of criminal law theory Michael S Moore author of Law and Psychiatry Rethinking the Relationship Contemporary Criminal Law Matthew Lippman, 2009-09-25 This is a comprehensive introductory criminal law textbook that expands upon traditional concepts and cases by coverage of the most contemporary topics and issues Contemporary material including terrorism computer crimes and hate crimes serves to illuminate the ever evolving relationship between criminal law society and the criminal justice system's role in balancing competing interests The case method is used throughout the book as an effective and creative learning tool Features include vignettes core concepts Cases and Concepts You Decides excerpts from state statutes legal equations and Crime in the News boxes fully developed end of chapter pedagogy includes review questions legal terminology and Criminal Law on the Web resources instructor resources including PowerPoint slides a computerized testbank and classroom activities and a Student Study Site accompany this text Criminal Law Charles P. Nemeth, 2011-11-16 In order to fully grasp criminal law concepts students must go beyond mere rote memorization of the penal code and attempt to understand where the laws originate from

and how they have developed Criminal Law Second Edition blends legal and moral reasoning in the examination of crimes and explores the history relating to jurisprudence and ro Omissions Randolph K. Clarke, 2014 Philosophical theories of agency and responsibility have focused primarily on actions and activities But besides acting we often omit to do or refrain from doing certain things Omitting or refraining like acting can have consequences good and bad And we can be praiseworthy or blameworthy for omitting or refraining However omitting and refraining are not simply special cases of action they require their own distinctive treatment In Omissions Randolph Clarke offers the first comprehensive account of these phenomena addressing three main guestions What is an omission What is it to intentionally not do a certain thing And what does it take to be morally responsible for omitting or refraining Clarke examines the connection between negligence and omission the distinction between doing and allowing and the distinction in law between act and omission With its attention to a previously neglected topic Omissions broadens our understanding of human agency **Coercion** Michael R. Rhodes, 2021-12-28 In this book Rhodes provides a nonevaluative account of coercion He begins with a thorough discussion of the charge that coercion is an essentially contested concept He argues that effective communication of regulations pertaining to human conduct requires a basic level of clarity as to the kind of conduct being regulated Accordingly he argues that before we prescribe or proscribe conduct we should describe it In short he maintains that wherever possible description should precede prescription and proscription Rhodes begins his descriptive project by providing a fundamental account of human motivation Upon this foundation he supports his distinctions between threats offers throffers and neutral proposals He argues that all coercion claims can be understood in light of these components. He applies this analysis to three prominent accounts of coercion as advanced by F A Hayek Harry Frankfurt and Robert Nozick After comparing and contrasting these views Rhodes provides his own account Rhodes s account is based upon the identification of what he refers to as perceived threat avoidance behavior as a necessary condition for coercion As a descriptive or nonevaluative account Rhodes is able to identify coercion independent from normative judgments He argues that it is not the wrongfulness of some conduct that makes it coercion instead it is the coerciveness of some conduct that makes it wrong Unique to Rhodes s account coercion is not necessarily wrong As a descriptive account his view permits an independent analysis of the moral status of an act of coercion The book concludes with a discussion of the normatively significant variables of a coercion claim Why the Law Is So Perverse Leo Katz, 2011-07-30 Conundrums puzzles and perversities these are Leo Katz s stock in trade and in Why the Law Is So Perverse he focuses on four fundamental features of our legal system all of which seem to not make sense on some level and to demand explanation First legal decisions are essentially made in an either or fashion guilty or not guilty liable or not liable either it s a contract or it s not but reality is rarely as clear cut Why aren t there any in between verdicts Second the law is full of loopholes No one seems to like them but somehow they cannot be made to disappear Why Third legal systems are loath to punish certain kinds of highly immoral conduct while prosecuting other far less pernicious

behaviors What makes a villainy a felony Finally why does the law often prohibit what are sometimes called win win transactions such as organ sales or surrogacy contracts Katz asserts that these perversions arise out of a cluster of logical difficulties related to multicriterial decision making The discovery of these difficulties dates back to Condorcet's eighteenth century exploration of voting rules which marked the beginning of what we know today as social choice theory Condorcet s voting cycles Arrow's Theorem Sen's Libertarian Paradox every seeming perversity of the law turns out to be the counterpart of one of the many voting paradoxes that lie at the heart of social choice Katz's lucid explanations and apt examples show why they resist any easy resolutions The New York Times Book Review called Katz s first book a fascinating romp through the philosophical side of the law Why the Law Is So Perverse is sure to provide its readers a similar experience Society Steven Barkan, 2023-07-11 The new third edition of Law and Society provides a balanced multidisciplinary and comprehensive overview of law as an essential social institution that both shapes and is shaped by society Between this book s covers readers will find the theoretical and conceptual contributions of anthropologists historians law professors political scientists philosophers psychologists and sociologists By synthesizing this wide range of perspectives the book provides readers with a nuanced and in depth context to think about discuss and analyze current trends issues and events Through this book readers will also grasp the many ways law affects the lives of individuals and more generally how law and society affect each other in matters such as dispute settlement criminal law social movements inequality and social control The third edition is brought up to date with the helpful reorganization of chapters Separate chapters exploring how we define law the differences among the major families of law and dispute processing make the textbook more readable and adaptable to specific course objectives Thorough revisions across the chapters reflect the latest sociolegal perspectives and research and include many new references and contemporary examples to help students appreciate a wide range of law and society issues This thoughtful and stimulating introduction to the field is ideal for advanced undergraduate courses in Law and Society and Game Theory and the Law Douglas G. Baird, Robert H. Gertner, Randal C. Picker, 1998-09-01 This Introduction to Law book promises to be the definitive guide to the field It provides a highly sophisticated yet exceptionally clear explanation of game theory with a host of applications to legal issues Eyewitness to Genocide Michael Bryant, 2014-05-15 A subject for jurisprudence from the Ulm Einsatzgruppen trial to the creation of the Ludwigsburg central office 1956 1960 The queen of the dead the investigation and trial of the Belzec death camp Who killed the Jews The Treblinka investigation and trial Murdering star the Sobibor investigation and trial Handy dandy justice Nazi crimes and the self absolution of the West Criminal Law Kathryn H. Christopher, Russell L. Christopher, 2012 Law students often find criminal law German Iudiciary to be one of the most interesting but also one of the most difficult courses In Criminal Law Model Problems and Outstanding Answers Russell Christopher and Kathryn Christopher make criminal law both easier and more interesting by offering typical fact patterns and model answers followed by an important self assessment section

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