



Central Issues in Criminal Theory

William Wilson

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Coercive rules and their implementation are, in liberal democratic societies at least, subject to ethical constraints. The state's moral authority requires these constraints to be both cogent and effectively realized in doctrine. In short, the enterprise of subjecting individuals to coercive rules must be consistent with the delivery of criminal justice. Contemporary criminal theory is much exercised by the apparent contradictions and ambiguities characterizing criminal law doctrine. Is this an inevitable part of the territory leading us to the question the very possibility of criminal law delivering justice? Or, as the author prefers, is criminal justice an achievement in which one of the tasks of criminal theory is to set goals and identify deficiencies in a constant effort to improve the form and content of rules and procedures? Informed by this premise the book explores some of the key questions in criminal theory, addressing first the ethics of criminalization and punishment. It continues with the examination of the structure of criminal liability with its emphasis on separating consideration of the objective conditions of wrongdoing from the features which make a person responsible for it. Finally it examines attempts and accessoryship with a view to exploring the doctrinal tensions which may arise when competing justifications for criminalization and punishment collide.

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