

CULPABLE CARELESSNESS

The question of when a person is culpable for taking an unjustified risk of harm has long been controversial in Anglo-American criminal law doctrine and theory. This survey of the approaches adopted in England and Wales, Canada, Australia, the United States, New Zealand and Scotland argues that they are converging, to differing extents, around a 'Standard Account' of culpable unjustified risk-taking. This Standard Account distinguishes between awareness-based culpability (recklessness) and inadvertence-based culpability (negligence) for unjustified risk-taking. With reference to criminal law theory and philosophical literature, the author argues that, when explained appropriately, the Standard Account is defensible and practical. Defending the Standard Account involves analysing in depth a number of controversial matters, including the meaning of advertence/awareness, the role of attitudes such as indifference in culpable risk-taking, and the question of whether negligence should be used in the criminal law.

FINDLAY STARK is a university lecturer in criminal law at the Faculty of Law, University of Cambridge, and also a fellow of Jesus College, Cambridge. His research and teaching centres around various aspects of criminal law, criminal procedure and criminal evidence.

CULPABLE CARELESSNESS

Recklessness and Negligence in the Criminal Law

FINDLAY STARK

*Faculty of Law, University of Cambridge
Jesus College, Cambridge*



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For Shona, to whom I owe so much more than a book
dedication
(but it's a start)

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FGFS

Jesus College, Cambridge

ABBREVIATIONS

The following abbreviations are used where the context does not make immediately clear which jurisdiction a case or statute originates from.

AK	Alaska, USA
AR	Arkansas, USA
CA	California, USA
Can	Canada
Cwlth	Commonwealth of Australia
DE	Delaware, USA
E&W	England and Wales
FL	Florida, USA
GA	Georgia, USA
HCA	High Court of Australia
IA	Iowa, USA
IL	Illinois, USA
MA	Massachusetts, USA
MD	Maryland, USA
MI	Michigan
MN	Minnesota, USA
MS	Mississippi, USA
NC	North Carolina, USA
ND	North Dakota, USA
NE	Nebraska, USA
NM	New Mexico, USA
NSW	New South Wales, Australia
NY	New York, USA
NZ	New Zealand
OH	Ohio, USA
OK	Oklahoma, USA
PC	Privy Council
Qd	Queensland, Australia
RI	Rhode Island, USA

ABBREVIATIONS

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SA	South Australia
SC	South Carolina, USA
SD	South Dakota
Scot	Scotland
Tas	Tasmania, Australia
UK	The United Kingdom of Great Britain and Northern Ireland
VA	Virginia, USA
Vic	Victoria, Australia
VT	Vermont, USA
WA	Washington, USA
WAus	Western Australia
WV	West Virginia, USA
ZA	South Africa

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