Syllabus

CRIMINAL LAW DEFENSES - 62956

Last update 07-05-2013

HU Credits: 4

Degree/Cycle: 2nd degree (Master)

Responsible Department: law

Academic year: 1

Semester: Yearly

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Miriam Gur-Arye

Coordinator Email: miri.gur-arye@mail.huji.ac.il

Coordinator Office Hours: Monday, 14.00-15.00

Teaching Staff:
Miriam Gur-Arye
Course/Module description:
The course will discuss the connection between the various theories that justify punishment and criminal law defences; the various theories concerning criminal law defences, such as the distinction between justifications and excuses; and the rationales of the various defences.

Course/Module aims:
The course is aimed at analyzing criminal law defences from a wide perspective. The first part of the course will focus on theoretical and comparative perspectives. The comparative perspective will relate to common law systems as well as to the German legal system. The specific arrangement relating to criminal law defences under the international criminal law will also be analyzed. The second part of the course will devote to critical evaluation of the Israeli arrangements concerning the various criminal law defences.

Learning outcomes - On successful completion of this module, students should be able to:

1. To analyze the various criminal law defences
2. To be able to identify the rationales of various defences
3. To compare between different arrangements under various legal systems
4. To use the theoretical background as a tool for a critical evaluation

Attendance requirements(%):
80%

Teaching arrangement and method of instruction: Lecture and discussion

Course/Module Content:

1. The Distinction between Justifications and Excuses
   a. The importance of the distinction
   b. Practical implications
   c. Acoustic separation
   d. The distinction between justifications and power

2. Duress and Necessity
   a. The distinction between duress and necessity under various legal systems
   b. Duress and necessity in cases of sacrificing life to save one’s own
c. Duress and necessity under Israeli Penal Law

3. Self-Defence
   a. Rationales
   b. Self-Defence under Israeli Penal Law
   c. Self-Defence and mistakes
   d. Self-defence vs. taking the law in ones hands

4. Feministic Perspective
   a. Battered women
   b. Feministic bias with regard to duress?
   c. Cultural defence and feminist bias.

5. Mistake of Law and a reliance on a lawyers mistaken advice
6. Intoxication
7. De-Minimis
8. Consent

Required Reading:
2012
פברואר
הנחות בדיני-עונש בע협וי תיאוריות נובוט השווואתי
מייר גור-אריה
רשימת קריאה ורשימה

פוטרות הנחות על יוזמות הנחות ביו העבורה
1. מוחת ההעתה והっだה
A. Eser, “Justification and Excuse: A key Issue in the Concept of Crime", in Justification & Excuse: Comparative Perspective (Eser & Fletcher eds)
2. השלכות מעשית של ההעתה
3. ההעבורה ביו הנחות מצדיקות למיצוף

. מוחת העיר
1. ההעבורה ביו עוצר לעיב כערת מוחת הנחות
Miriam Gur-Arye, "Should Duress be Treated Differently under ICL? The ICTY ruling in Erdemovic as a Test Case", Part II  The Unique
Nature of Duress.

Prosecutor v. Erdemovic (Appeal Chamber): A Joint Separate Opinion of Judges McDonald and Vohrah (majority) paras. 32-87, and The Separate Dissenting Opinion of Judge Cassese paras. 11-51

III. Uçumtan Hengen

1. Bozun sper, hengen uçumtan be bessop heşaral (Tesh"o), 1m77-107
2. Hengen uçumtan be bessop heşaral

III. Hengen Uçumtan

III.1. Hengen uçumtan 34 heşaral (hengen bit bengor, bit bu susu be heşaral barricade)
2. T'f (bera-bera) 20/04-20, 20/04-20, 20/04-20, 20/04-20
3. T'f (bera-bera) 20/04-20, 20/04-20, 20/04-20, 20/04-20
4. T'f (bera-bera) 20/04-20, 20/04-20, 20/04-20, 20/04-20

IV. Cağırıcı Patrusta

1. Kasa bocad, hengen uçumtan be bessop heşaral (hengen bit bengor, bit bu susu be heşaral barricade)
2. Hengen uçumtan 34 heşaral (hengen bit bengor, bit bu susu be heşaral barricade)

V. Xametlara

2. Hengen uçumtan 34 heşaral (hengen bit bengor, bit bu susu be heşaral barricade)

Additional Reading Material:

Course/Module evaluation:
End of year written/oral examination 100 %
Presentation 0 %
Participation in Tutorials 0 %
Project work 0 %
Assignments 0 %
Reports 0 %
Research project 0 %
Quizzes 0 %
Other 0 %

Additional information: