



Criminal Liability for Non-Aggressive Death

Sally Cunningham

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The crime of manslaughter exists as a 'catch-all offence' to punish those who are blameworthy in causing the death of another but whose culpability falls short of that required for murder. Manslaughter is an extremely broad offence and it has a difficult task in ensuring that all those who warrant punishment for 'non-aggressive' deaths are convicted. Simultaneously, it should not be too broad in covering those who do not warrant punishment for such deaths. There is little consistency in whether a particular dangerous activity leads to liability for a specific offence or for the generic offence of manslaughter when death is caused. This book examines the current law and includes a variety of perspectives on the subject with chapters on specific modes of killing as well as issues that permeate all areas. The first half of the book deals with issues such as how any special offences for non-aggressive death should relate to a hierarchy of homicide offences. The second half deals with issues specific to different activities, which may or may not justify the creation of specific homicide offences. The book includes a comparative chapter on Australian law.

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