

## **Definition of Crime and Law**

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- I. A Legalistic Definition of Crime
  - A. Criminal Intent
  - B. Legal Defenses
  - C. Insanity Defense
  
- II. Definition of Law

## Learning Objectives

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- I. Understand the legalistic definition of crime.
  - A. Be able to distinguish crime from other acts.
  - B. Understand the concepts of culpability and criminal intent.
  - C. Be able to apply legally acceptable defenses.
  
- II. Understand the legal concept of insanity defense.
  - A. Relation to rationality.
  - B. Major historical changes.
  
- III. Be able to distinguish criminal law from other rules in society.

## A Legalistic Definition of Crime

Crime is any culpable action or inaction prohibited by law and punishable by the state as a misdemeanor or felony

- Inactions:
  - Relationship based on status
  - Imposition by the state
  - Contractual relationship
- Felony vs. Misdemeanor
- Culpable: criminally responsible at the time of the act (criminal intent) & no acceptable defense

## **Criminal Intent (Mens Rea)**

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Deliberate act of law violation (purposely, knowingly, recklessly, or negligently).

- Constructive intent: unintentional act of negligence leading to harm.
  - Criminal negligence: person acts unreasonably under the circumstances (reckless driver kills someone).
  - Reasonable person test
- Transferred intent: intended to shoot Mary, shot Ralph instead.
- Exception: Strict liability (public welfare offenses)

### **Legally Acceptable Defenses**

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- Self Defense & defense of others
- Consent
- Duress
- Necessity
- Entrapment
- Double Jeopardy (not relevant to culpability)
- Insanity

## Insanity Defense: History

- **M’Naghten Rule (1843):** Not criminally responsible if because of disease of mind, (1) did not know the nature and quality of the act, or (2) did not know it was wrong
  
- **Durham Rule (1954):** Not criminally responsible if the unlawful act were a product of mental disease or defect. (Outdated.)
  - Psychiatric definition of mental disease.
  - Shifted burden to prosecution to demonstrate sanity.

## Insanity Defense: History (Continued)

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- **Insanity Defense Reform Act of 1984:** Not culpable if “as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts.”

The defendant must prove insanity, by "clear and convincing evidence."

## Definition of Criminal Law

- Format: “Whosoever engages in X shall be punished with Y.”
- Criminal Law: A list of specific forms of human conduct, which have been outlawed by a political authority, apply uniformly to all, and is punishable by the state
- Ideal Characteristics of Criminal Law:
  - Politicality
  - Specificity
  - Uniformity
  - Penal Sanction
- State vs. Federal Law; Civil vs. Criminal Law; Statutory vs. Common Law



## Summary

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According to a legalistic definition, crime is behavior in violation of criminal law

- Must be culpable

Criminal Law: specific acts outlawed and punishable by the state