



Felony Murder (Critical Perspectives on Crime and Law)

Guyora Binder

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The felony murder doctrine is one of the most widely criticized features of American criminal law. Legal scholars almost unanimously condemn it as irrational, concluding that it imposes punishment without fault and presumes guilt without proof. Despite this, the law persists in almost every U.S. jurisdiction.

Felony Murder is the first book on this controversial legal doctrine. It shows that felony murder liability rests on a simple and powerful idea: that the guilt incurred in attacking or endangering others depends on one's reasons for doing so. Inflicting harm is wrong, and doing so for a bad motive—such as robbery, rape, or arson—aggravates that wrong. In presenting this idea, Guyora Binder criticizes prevailing academic theories of criminal intent for trying to purge criminal law of moral judgment. Ultimately, Binder shows that felony murder law has been and should remain limited by its justifying aims.

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