

Many Dead Defences and One that Kills

Yoram Shachar

As part of the general trend of severity in criminal responsibility, judicial interpretation has eroded almost all statutory defenses in recent years. This trend is described here in detail in connection with the defense of coercion, but mention is also made of other full defenses like insanity and partial defenses like provocation and diminished responsibility in murder. The only exception to this trend is self-defense, which is undergoing meaningful extensions in its main criteria. I argue that both facets of the trend derive from political considerations. While extensions of self-defense favor perpetrators who typically belong to the hegemony, perpetrators who claim other defenses belong to alien, hostile or underprivileged groups.