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Attempts: In the Philosophy of Action and the Criminal Law

Gideon Yaffe

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attempts

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#2416289 in Books Oxford University Press, USA 2013-01-20 2013-01-20 Original language: English PDF #1 6.20 x .80 x 9.10l, 1.15 #File Name: 0199664641360 pages | File size: 48.Mb

Gideon Yaffe : Attempts: In the Philosophy of Action and the Criminal Law before purchasing it in order to gauge whether or not it would be worth my time, and all praised Attempts: In the Philosophy of Action and the Criminal Law:

3 of 3 people found the following review helpful. Yaffe Likes His RibsBy ArchieEppsI was puzzled that the new version of Professor Gideon Yaffes book Attempts only topically resembled the first draft that Oxford Press had sent me for review some years ago. This earlier version consisted entirely of short vignettes recounting Dr. Yaffes attempts to perform various tasks. For example, in that earlier version we learn that Dr. Yaffe attempted to launder his tweed

jacket (he was successful), attempted to best his former college roommate at Scrabble (unsuccessful), and attempted to rob a convenience store using only the weapon of logic (he was beaten, then arrested). In reviewing that manuscript, I wondered if Yaffe had become drunk with his own philosophical celebrity, whether his previous favorable book receptions and Ivy League pedigree had prompted him to attempt to see what he could get away with in print. But then, after laboring through each of Yaffes seemingly endless and inane accounts, I realized that somehow, inexplicably, I understood what it meant to try. It occurred to me that something fantastic might be afoot. Maybe Yaffes approach was a vanguard for a new era of legal philosophy where no conceptual explanation whatsoever accompanies a set of precisely worded personal accounts. Was Yaffe daring us to call him out? Was there arrogance or genius in his treatment? I contacted Yaffe to investigate, and he agreed to bear audience to my exegesis in exchange for a bottle of 1992 Taylor Fladgate. I suspected that Yaffes series of vignettes was chosen and ordered carefully to direct the reader via examples to understand what it really means to attempt a task, ontologically, practically, and, for Yaffes purposes, criminally. Our skype discussion began typically and uncomfortably, with Yaffe engaged in shirtless consumption of barbecued ribs while I painstakingly laid out my thesis of his work. When I finished, Yaffe leaned back, pushed the plate of meatless bones aside, and licked his fingers. He then gave me an eight-second slow clap, reached for another rib, and turned off the camera. Throughout the entire interaction, he said nothing. My interpretation thus confirmed, I still was left to wonder why Yaffe had decided to overhaul a manuscript that seemed groundbreaking if left alone (I reviewed the book favorably). In recent months, Yaffe has publicly denied the existence of the previous version and rejected my requests for some explanation of the manuscript reboot. We may never know why Yaffe abandoned the pioneering approach of his earlier work for the more traditional and safer format of argument that he adopts in the current version of *Attempts*. Perhaps Yaffe is not as bored with the structure of contemporary legal philosophy as his cocktail party persona suggests. Or maybe he detected flaws in the earlier approach that I did not. Or maybe, just maybe, Yaffe saw that the world was not yet ready for his philosophical revolution. If this be the case, I hope we, his audience, can do better by him in the future. Oh, and the current version is pretty good if you are into that sort of thing. Nice work. Five stars.

Gideon Yaffe presents a ground-breaking work which demonstrates the importance of philosophy of action for the law. Many people are serving sentences not for completing crimes, but for trying to. So the law governing attempted crimes is of practical as well as theoretical importance. Questions arising in the adjudication of attempts intersect with questions in the philosophy of action, such as what intention a person must have, if any, and what a person must do, if anything, to be trying to act. Yaffe offers solutions to the difficult problems courts face in the adjudication of attempted crimes. He argues that the problems courts face admit of principled solution through reflection either on what it is to try to do something; or on what evidence is required for someone to be shown to have tried to do something; or on what sentence for an attempt is fair given the close relation between attempts and completions. The book argues that to try to do something is to be committed by one's intention to each of the components of success and to be guided by those commitments. Recognizing the implications of this simple and plausible position helps us to identify principled grounds on which the courts ought to distinguish between defendants charged with attempted crimes.

"There is much fine-grained work to admire in this book." -- Mind About the Author
Gideon Yaffe is Associate Professor of Philosophy and Law at the University of Southern California. He is also a member of the network on criminal responsibility and prediction of the John D. and Catherine T. MacArthur Foundation's Law and Neuroscience Project. He is the author of books and articles concerned with moral and criminal responsibility and the history of thought about those topics.