

Murder and manslaughter

Law



**ASSIGN
BUSTER**

Murder and Manslaughter Murder and Manslaughter A commonly asked question is the difference between manslaughter and murder. The two processes have a similar result. It is important to note that an accused state of mind as he commits the act determines if the crime would be murder or manslaughter. It also determines the different degrees of murder (Morris & Blom-Cooper, 2011).

Murder

Murder is killing with malice. It is important to note that malice is grouped into two categories that include express and implied malice. Express malice is found when the accused intended to kill while implied malice is when the accused intentionally committed a dangerous act which he knew very well will endanger the victim's life. Murders are divided into first and second degree of murder. First-degree murder is when the accused planned and premeditated about the murder. It carries the highest penalties unlike second degree of murder that was not premeditated or planned (Great Britain, 2006).

Manslaughter

Manslaughter is illegal killing without malice though it disregards human life. Murder can be reduced to manslaughter in two ways. The first one is heat of passion and the second is imperfect defense of oneself or others. In order for a killing to qualify as caused by passion, the accused must have been provoked compelling him to act irrationally with intense emotion. Lastly, the provocation should be force an average person to act recklessly. Murder can also be reduced to manslaughter if the accused killed to defend himself or another person. In a scenario where the victim posed a threat to another person's life, and is killed because of the danger he posed, the accused <https://assignbuster.com/murder-and-manslaughter/>

should not be guilty. However, if the victim's threat could not have injured the other person, the murder is reduced to manslaughter. The accused charged as per the laws of the country (Yeo & University of Sydney, 2009).

References

Morris, T., & Blom-Cooper, L. J. (2011). *Fine lines and distinctions: Murder, manslaughter and the unlawful taking of human life*. Hook, Hampshire, United Kingdom: Waterside Press.

Great Britain. (2006). *Murder, manslaughter and infanticide: Project 6 of the ninth programme of law reform : homicide*. London: Stationery Office.

Yeo, S. M. H., & University of Sydney. (2009). *Fault in homicide: Towards a schematic approach to the fault elements for murder and involuntary manslaughter in England, Australia and India*. Annandale, NSW: Federation Press.