

Synopsis

The thesis deals with self-defence and the principal theoretical problems that this defence raises in criminal law. The introduction sets forth the tripartite theory of the offence. The distinction between justifications and excuses which was emphasized by Professor George P. Fletcher, plays an important role in this theory which is in the process of being accepted in Canada. The introduction also has a brief historical overview of self-defence (English law and its legislative history in Canada). The first Part of the thesis, "Self-defence and Justification", analyses the various philosophical foundations of self-defence, the conditions upon which this defence can be exercised and putative self-defence. The second Part of the thesis, "Self-defence and Excuse" explores the situations of mistake, excessive force caused by fear or confusion and the particular situations of non-confrontation related to the "battered women syndrome.