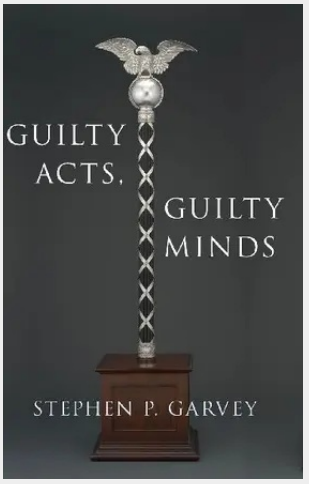
Garvey

Guilty Acts, Guilty Minds

When someone commits a crime, what are the limits on a state's authority to define them as worthy of blame, and thus liable to punishment? This book answers that question, building on two ideas familiar to criminal lawyers: actus reus and mens rea, usually translated as "guilty act" and "guilty mind." In Guilty Acts, Guilty Minds, Stephen P. Garvey proposes an understanding of actus reus and mens rea as limits on the authority of a state, and in particular the authority of a democratic state, to ascribe guilt to those accused of crime. Garvey argues that actus reus and mens rea are necessary conditions for legitimate state punishment. Drawing on the work of political philosophers, moral philosophers, and criminal law theorists, Garvey provides clear explanations of how these concepts apply to a wide variety of cases. The book charges readers to consider practical examples and ask: whatever you believe regarding the justice of the rules, did the state act within the scope of its legitimate authority when it enacted those rules into law? Based on extensive research, this book presents a new theory in which the concepts of actus reus and mens rea mark the limits of state power rather than simply describe the elements of a crime. Making the compelling distinction between legitimacy and justice, Guilty Acts, Guilty Minds provides an important perspective on the limits of state authority.



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