

Law Dictionary

 Search

impossibility

pl: -ties

1: the quality or state of being impossible

also

: the affirmative defense that something (as performance) is impossible

2: something impossible

3: "impossibility of performance" in this entry

factual impossibility

: impossibility based on factual circumstances

specif

: a partial defense to criminal liability based on the incompletion of an intended criminal act

Note: Factual impossibility is not a complete defense and does allow prosecution for attempt or for another inchoate offense. For example, if the defendant constructed a bomb that failed to explode, factual impossibility would be a defense against murder charges, but not attempted murder.

impossibility of performance

1 : a doctrine in contract law that a party may be released from liability for breach of contract for failing to perform an obligation that is rendered impossible by uncontrollable circumstances (as death or failure of the means of delivery)

2 : a defense to breach of contract or a basis for release from contractual obligations because of impossibility of performance (compare [frustration impracticability](#))

legal impossibility

: impossibility based on or with reference to a law

specif

: a complete defense to criminal liability based on the commitment of acts that are not criminal or illegal

Note: Legal impossibility is founded on the principle that an act is not a crime unless there is a law prohibiting it.

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