

C.M.V. CLARKSON  
and H.M. KEATING

# Criminal Law: Text and Materials

SECOND EDITION



Sweet & Maxwell

# CRIMINAL LAW: TEXT AND MATERIALS

*Second Edition*

by

**C. M. V. CLARKSON, B.A., LL.B., LL.M.**  
*Lecturer in Law, University of Bristol*

**H. M. KEATING, LL.M.**  
*Lecturer in Law, University of Sussex*  
*Former Senior Lecturer in Law, Kingston Polytechnic*

LONDON  
SWEET & MAXWELL  
1990

Published in 1990 by  
Sweet & Maxwell Limited of  
South Quay Plaza,  
183 Marsh Wall, London E14 9FT  
Computerset by  
Promenade Graphics Ltd., Cheltenham  
Printed and bound in Great Britain by  
BPCC Hazell Books  
Aylesbury, Bucks, England  
Member of BPCC Ltd.

First Edition .....	1984
Reprinted .....	1986
Reprinted .....	1988
Second Edition .....	1990

**British Library Cataloguing in Publication Data**

Clarkson, C. M. V. (Christopher, M.).

Criminal Law: text and materials.—2nd. ed.

1. England. Criminal Law

I. Title      II. Keating, H. M. (Heather M.).

344.205

ISBN 0-421-39270-3

All rights reserved.

No part of this publication may be  
reproduced or transmitted, in any form or by  
any means, electronic, mechanical, photocopying,  
recording or otherwise, or stored in any retrieval  
system of any nature, without the written permission  
of the publisher, application for which shall be made  
to the publisher.

©  
C. M. V. CLARKSON  
H. M. KEATING  
1990

**CRIMINAL LAW:  
TEXT AND MATERIALS**

AUSTRALIA AND NEW ZEALAND

The Law Book Company Ltd.  
Sydney : Melbourne : Perth : Brisbane

CANADA

The Carswell Company Ltd.  
Agincourt, Ontario

INDIA

N. M. Tripathi Private Ltd.  
Bombay  
*and*  
Eastern Law House Private Ltd.  
Calcutta *and* Delhi  
M.P.P. House  
Bangalore

ISRAEL

Steimatzky's Agency Ltd.  
Jerusalem : Tel-Aviv : Haifa

PAKISTAN

Pakistan Law House  
Karachi

## PREFACE

The aim of this book is to examine the main principles and rules of the criminal law and to expose the theoretical bases upon which they are founded.

The criminal law is inextricably linked to issues of moral philosophy, criminology and the punishment of offenders. Fletcher has stated that "the criminal law should express the way we live." It is a reflection of community values aimed at isolating the blameworthy who are deserving of punishment. Equally, it is a means of social control; it attempts to uphold, as well as reflect, these community values; it sets a standard, albeit at times a minimal one, of necessary compliance. In short, it is a set of moral commandments that are backed up by the legal threat of punishment. It thus follows that whether sanctions are imposed on the basis of desert or on utilitarian grounds, the rules of the criminal law and the punishment of offenders are the two sides of the same coin. A whole range of substantive issues—such as, whether "recklessness" should include "inadvertence," whether one can justify the existence of offences of "strict liability," how the boundaries of the law of "attempt" and "accessorial" crime should be drawn, and so on—are, in reality, issues relating to the justification of punishment in such cases. A true appreciation of the substantive criminal law must thus involve some understanding of the rationale of punishment and why conduct is criminalised—and it is in this context that we have sought to present the main rules of the law.

Like most other works in this field, this is a book on the actual rules of the criminal law. We have attempted to provide a full analysis of these main rules on the topics covered. But, in doing this, we have attempted the more ambitious task of using the law to extract, and develop, some fundamental ideas underlying the law. We have tried to explore, in the context of punishment, such issues as: the relationship between blame and harm, the criteria for identifying the blameworthy, the structure of offences in relation to each other and the role of the general defences. In short, we have attempted to subject the criminal law to the beginnings of a philosophical analysis that can throw some light on the substantive rules. We have also attempted to unite some of the common themes and, in our concluding chapter, have formulated some tentative proposals for a general theory of criminal liability.

The criminal law changes with great rapidity and therefore this book has been substantially rewritten and updated for the second edition. This is particularly the case for those sections of the book dealing with intention, murder, manslaughter, causing death by reckless driving, the *mens rea* of attempt, aiding and abetting, self-defence, duress and necessity.

However, it is in two other respects that this book differs mostly from

the first edition. First, the amount of sociological or criminological material has been significantly increased. All the major offences have now been introduced in their social context. This has not been done at the expense of the substantive rules—but in the hope of rendering those rules more easily explicable. Secondly, this second edition includes a chapter on the major property offences. The omission of such offences from the first edition was the major criticism in the reviews of that edition—and persuaded us that, having clearly established in that first edition what the object of the book was and how it differed from other books in the field, such property offences should be included in this edition. Also, our publishers were generously prepared to be more indulgent with their word limit in this second edition—meaning that property offences could be included but without any sacrifice to the basic discursive, “in context” style adopted throughout. Indeed, this chapter has now become central to the coherence of the book and we now readily and happily concede that an examination of the underlying rationale and purposes of this area of law is crucial for an understanding of the criminal law as a whole.

We have been anxious to ensure that this book be accessible to, and easily digestible by, undergraduate and other students concerned with criminal law. We have approached our task, and included appropriate materials, with this concern very much in mind. We have tried to cover the range of competing views and present them in a discursive manner allowing the reader to make choices—while not being afraid to state our own preferences.

A brief word about the format of this book is necessary. It is neither a straight “textbook,” nor a “cases and materials” book. Instead, we have tried to combine what we regard as the best features of both such styles—a book with the flow and coherence of a textbook thus providing the reader with guidance and direction, but one that also enables a substantial amount of original material from a diversity of sources to be absorbed.

We are very grateful to our publishers for their kindness, help and patience during the preparation of this book. We are also especially grateful to Mark Entwisle for agreeing to paint the picture appearing on the cover of this book.

Chris Clarkson would like to thank David Smith and Malik Ali for their help with research. But most of all, his thanks go to his wife, Barbara, for all her help with proof-reading and for the love, support and understanding shown throughout this project. His share of this book is dedicated to her and to his children, Cathy and Nicky.

Heather Keating would like to thank Sarah Geering and Anne-Marie Price for their assistance in proof-reading. She would also like to express her gratitude to all her colleagues at Kingston Polytechnic who have supported her during her time at the Law School there. But, more than ever, she would like to say how very much she appreciates the help

given and love and understanding shown by her husband, Barry. Her share of the book is dedicated to him and to her children, Matthew, Alice and Elizabeth.

June 1990

C. M. V. CLARKSON  
H. M. KEATING



## ACKNOWLEDGMENTS

Grateful acknowledgment is made to the following authors and publishers for permission to quote from their works:

- ADLER, Z.: "Rape—the Intention of Parliament and the Practice of the Courts" (1982) 45 M.L.R. 664
- ALEXANDER, F. and STAUB, H.: *The Criminal, The Judge and the Public* (1956) pp. 212, 213. Reprinted with permission of the Free Press, a Division of Macmillan, Inc. Copyright© 1957 by the Free Press, copyright renewed 1985 by Anita Alexander
- AMIR, M.: "Patterns in Forcible Rape". Federal Probation (1967) 51
- ANDENAES, J.: "General Prevention" (1952) 43 J. Crim. L., C. & P.S. 176. Reprinted by special permission of Northwestern University, School of Law, Vol. 43, Journal of Criminal Law and Criminology 1952.
- : *The Morality of Deterrence*© 1970 by the University of Chicago. Reprinted by permission from 37 U. Chi. L. Rev. 649 (1970)
- : "The General Preventive Effects of Punishment" (1966) 114 U. Pa. L. Rev. 949, 960–970
- ASHWORTH, A.: *Sentencing and Penal Policy* (1983 Weidenfeld & Nicolson)
- : "Criminal Attempts and the Role of Resulting Harm under the Code, and in the Common Law" (1988) Rutgers Law Journal© Rutgers University Press
- : "Belief, Intent and Criminal Liability" in J. Eekelaar and J. Bell *Oxford Essays in Jurisprudence* (1987) Oxford University Press
- : "Intoxication and General Defences" [1980] Crim.L.R. 556
- : *Custody Reconsidered* (1989) (Centre for Policy Studies, Study No. 104) Policy Studies Institute
- BENTHAM, J.: "An Introduction to the Principles of Morals and Legislation" in Bentham and Mill, *The Utilitarians* (1961)© Oxford University Press
- BLOM-COOPER, L.: "Criminal Law that leaves Children at Risk" *The Independent*, August 7, 1989
- BOTTOMS, A.E.: "An Introduction to 'The Coming Crisis' " in A. E. Bottoms and R. H. Preston, *The Coming Penal Crisis* (1980) Reprinted by permission of Scottish Academic Press Ltd.
- BOX, S.: *Power, Crime and Mystification* 1983 Routledge
- BRADY, J.B.: "Recklessness, Negligence, Indifference and Awareness" (1980) 43 M.L.R. 381
- : "Punishing Attempts" 1980 63 *The Monist*, 246, 247–250, 255. © 1979 *The Monist*, La Salle, Illinois 61301. Reprinted by permission.
- : "Strict Liability Offenses: A Justification". Reprinted by permission from the Criminal Law Bulletin, Volume 8, Number 3

- April, 1972. Copyright© 1972, Warren Gorham & Lamont Inc., 210 South Street, Boston, Mass. All Rights Reserved
- BUTTERWORTH LAW PUBLISHERS LTD.: All England Law Reports; extracts from various other publications
- CARDOZO, B.N.: "What Medicine Can Do For Law" (from *Law and Literature*) Publishers, Harcourt Brace Jovanovich, Inc., New York
- CLARKSON, C.M.V.: *Understanding Criminal Law* (1987). Reprinted by permission of Collins
- COHEN, MORRIS R.: "Moral Aspects of the Criminal Law". Reprinted by permission of the Yale Law Journal Company and Fred B. Rothman & Company from the Yale Law Journal, (1940) Vol. 49, pp. 987, 1012–1014
- CONKLIN, J.E.: *Criminology*. Reprinted with permission of Macmillan. Copyright© 1981 by John E. Conklin
- DAVIS, M.: "Why Attempts Deserve less Punishment than Complete Crimes" 5 *Law and Philosophy* 1986. Reprinted by permission of Kluwer Academic Publishers
- DESSIAN, G.H.: "Justice After Conviction" (1951) 25 *Connecticut Bar Journal*, Copyright© Connecticut Bar Association
- DEVLIN, Patrick: *The Enforcement of Morals*© (1968, Oxford University Press) pp. 7–8, 14–17. Reprinted by permission of Oxford University Press
- DOMINION LAW REPORTS: Extract from *R v. City of Sault Ste. Marie* (1978) 85 D.L.R. (3d) 161. Reproduced with the permission of Canada Law Book Inc., 240 Edward St., Aurora Ontario, Canada L4G 3S9
- DUFF, R.A.: "Intentions, Legal and Philosophical" (1989) 9 *Oxford Journal of Legal Studies*. Oxford University Press
- EDWARDS, J.: "Automatism and Criminal Responsibility" (1958) 21 *M.L.R.* 375
- EWING, A.C.: "A Study of Punishment II: Punishment as Viewed by the Philosopher" (1943) 21 *Canadian Bar Review*
- FARRIER, M.D.: "The Distinction between Murder and Manslaughter in its Procedural Context" (1976) 39 *M.L.R.* 414
- FEINBERG, Joel: "The Expressive Function of Punishment" (1965) Vol. 49, No. 3, *The Monist*, 397–423© 1965. *The Monist*, La Salle, Illinois 61301. Reprinted by permission
- Harmless Wrongdoing (The Moral Limits of the Criminal Law Vol. 4)* (1988)
- FINE, R.P. and COHEN, G.M.: "Is Criminal Negligence a Defensible Basis for Penal Liability" (1967) 16 *Buffalo L. Rev.* 749. Copyright© by Buffalo Law Review
- FINNIS, J.: "The Restoration of Retribution" (1971) *Analysis*. Basil Blackwell
- FLETCHER, G.P.: *Rethinking Criminal Law* (1978, Reprinted by permission of Little, Brown & Co., Boston)
- : "The Theory of Criminal Negligence: A Comparative Analysis" (1971) 119 *U. Pa. L. Rev.* 401, 415–418

- FLOOD, J.: "Dangerousness and Criminal Justice" (1982) 22 Brit. J. Criminol. 213 Oxford University Press
- FRANKLIN, R.L.: *Freewill and Determinism* (1968, Routledge & Kegan Paul Ltd. Published by Humanities Press Inc. in the U.S.A.)
- GARDINER, G.: "The Purposes of Criminal Punishment" (1958) 21 M.L.R. 117
- GERBER, R.J. and MCANANY, P.D.: "Punishment: Current Survey of Philosophy and Law" (1967) 11 St. Louis U.L.J. 491
- GOLDSTEIN, A.: *The Insanity Defense* (1967) Published by the Yale University Press® Yale University Press
- : "Conspiracy to Defraud the United States". Reprinted by permission of The Yale Law Journal Company and Fred B. Rothman & Company from The Yale Law Journal, Vol. 68, pp. 405–463
- GOLDSTEIN, J.J. and KATZ, J.: "Abolish the Insanity Defense—Why Not?" Reprinted by permission of the Yale Law Journal Company and Fred B. Rothman & Company from The Yale Law Journal (1963) Vol. 72, pp. 853–876
- GROSS, HYMAN: *A Theory of Criminal Justice* (1979)
- HART, H.L.A. "Immorality and Treason", 62 *Listener* 162–163 (July 30, 1959)
- : *Punishment and Responsibility, Essays in the Philosophy of Law* (1968,® Oxford University Press) pp. 11–13, 21–24, 101–102, 119–122, 131, 152–156, 183. Reprinted by permission of Oxford University Press
- HART, H.L.A. and HONORÉ, A.M.: *Causation in the Law* (2nd ed. 1985) ® Oxford University Press 1959. Reprinted with permission by Oxford University Press
- HENDERSON, D. and GILLESPIE, R.D.: *Textbook of Psychiatry for Students and Practitioners* revised by Ivor R. C. Batchelor (17th ed., 1950 pp. 125, 191. Reprinted by permission of Oxford University Press
- HER MAJESTY'S STATIONERY OFFICE: Various extracts reprinted with permission of the Controller, HMSO
- : M. Hough and P. Mayhew Taking Account of Crime: Key Findings from the 1984 British Crime Survey 1985 H.O.R.S. No. 85
- VON HIRSCH, A.: *Doing Justice—The Choice of Punishments (Report of the Committee for the Study of Incarceration)* Copyright® 1976 by Andrew von Hirsch. Reprinted by permission of Hill and Wang, a division of Farrar, Strauss and Giroux, Inc.
- : *Past or Future Crimes: Deservedness and Dangerousness in the Sentencing of Criminals (Crime, Law and Deviance Series)®* 1985, Rutgers, The State University, reprinted by permission of Rutgers University Press
- HONORÉ, A.M.: "Responsibility and Luck" (1988) 104 L.Q.R. 530
- HUGHES, G.: "Criminal Omissions". Reprinted by permission of The Yale Law Journal Company and Fred B. Rothman & Company from The Yale Law Journal (1958) Vol. 67, pp. 590, 626, 634

- : "Morals and the Criminal Law". Reprinted by permission of The Yale Law Journal Company and Fred B. Rothman and Company from The Yale Law Journal (1962) Vol. 71, pp. 662 at pp. 676–678
- THE INCORPORATED COUNCIL OF LAW REPORTING FOR ENGLAND AND WALES: *Weekly Law Reports*
- : *The Independent: Extract from Law Report* January 31, 1990
- JACOBS, F.: *Criminal Responsibility* (1971) George Weidenfeld and Nicholson Ltd.
- JOHNSON, P.: "The Unnecessary Crime of Conspiracy", 61 Cal. L.R. 1137 at 1157 (1973). Copyright© 1973, California Law Review, Inc., Reprinted by permission
- KADISH, S. H.: "The Crisis of Over-criminalization, (1967) Vol. 374 of *The Annals*."© 1967 The American Academy of Political and Social Science
- KATZ, L.: *Bad Acts and Guilty Minds* (1987) The University of Chicago Press
- KADISH, S.H. and PAULSEN, M.G.: *Criminal Law and Its Processes* (1969, Little, Brown & Co., Boston)
- KAPLAN, J.: "The Role of the Law in Drug Control" (1971) *Duke Law Journal* Copyright© (1971) J. Kaplan. Published by Duke University School of Law
- KENNY, A.: *Freewill and Responsibility* (1978) Routledge
- LACEY, N.: *State Punishment: Political Principles and Community Values* (1988) Routledge
- LAFAVE and SCOTT Jnr.: *Criminal Law* (2nd ed. 1986) with permission of the West Publishing Company
- LANHAM, D.: "Accomplices, Principals and Causation" (1980) 12 *Melbourne University Law Review* 490
- : "Accomplices and Transferred Malice" (1980) 96 *L.Q.R.* 110
- : "Larsonneur Revisited" [1976] *Crim.L.R.* 276
- LAWSON, F.H. and Rudden, B.: *The Law of Property* (1982) Clarendon Law Series. Reprinted by permission of Oxford University Press
- LEAVENS, A.: "A Causation Approach to Criminal Omissions" (1988) 76 *Cal. L.R.* 547, California Law Review Inc. Reprinted by permission
- LEIGH, L.H.: (With assistance of Susannah Brown) "Crimes in Bankruptcy" in L.H. Leigh ed. *Economic Crime in Europe* (1980). Reprinted with permission of Macmillan
- LEWIS, C.S.: "The Humanitarian Theory of Punishment". *Res Judicatae* VI (1953), 224 *Melbourne University Law Review*
- LLOYD-BOSTOCK, S.: "The Ordinary Man, and the Psychology of Attributing Causes and Responsibility" (1979) 42 *M.L.R.* 143
- MANDIL, D.M.: "Chance, Freedom, and Criminal Liability". Copyright © 1987 by the Directors of the Columbia Law Review Association Inc. the rights reserved. This article originally appeared at 87 *Colum. L. Rev.* 125. Reprinted by permission.
- MODEL PENAL CODE: Extracts from Tentative Drafts Nos. 1 (1953), 4 (1955), 8 (1958), 9 (1959) and Model Penal Code (1962). © American

- Law Institute. Reprinted with permission of the American Law Institute
- MORAWETZ, T.H.: *The Philosophy of Law: An Introduction*. Reprinted with permission of Macmillan. Copyright© 1980 by Thomas H. Morawetz
- MORRIS, A.: *Women, Crime and Criminal Justice* (1987) Basil Blackwell
- MORRIS, N.: "Somnambulistic Homicide, Ghosts, Spiders and North Koreans". *Res Judicatae* (1951) p. 29. Pub. University of Chicago. © Copyright 1951 by the Melbourne University Law Review Association and each author with respect to his or her contribution. All rights by all media reserved
- : *Madness and the Criminal Law*©1982 by The University of Chicago pp. 31–32, 61–64, All rights reserved
- MORRIS, N. and HOWARD, C.: *Studies in Criminal Law*© Oxford University Press 1964, pp. 175–176, 199. Reprinted with permission by Oxford University Press
- MORRIS, N. and BLOM-COOPER: *A Calender of Murder*. Published by Michael Joseph Ltd.© Dr. Terence Morris and Louis Blom-Cooper 1964
- MORSE, S.J.: "Retaining a Modified Insanity Defense" (1985) *The Annals*.© 1985. The American Academy of Political and Social Science
- MURPHY, D.J.I.: *Customers and Thieves—An Ethnography of Shoplifting* (1986). Reprinted by permission of Gower Publishing Co.
- NEMERSON, S.: "Criminal Liability without Fault: A Philosophical Perspective". The Columbia Law Review Association. Reprinted by permission
- NEW ZEALAND COUNCIL OF LAW REPORTING: Extract from New Zealand Law Reports
- NOTE: "The Conspiracy Dilemma: Prosecution of Group Crimes or Protection of Individual Defendants" 62 *Harv. L.R.* 276. Copyright© 1948 by the Harvard Law Review Association
- NOTE: "Why do Criminal Attempts Fail? A New Defense". The Yale Law Journal Company and Fred B. Rothman and Company from The Yale Law Journal (1960) Vol. 70 p. 160 at pp. 166–167
- PACKER, H.: "Mens Rea and the Supreme Court" (1962) *Supreme Court Rev.* 107 at 109
- H.L.: *The Limits of The Criminal Sanction*. Reprinted with the permission of the publishers, Stanford University Press, © 1968 by Herbert L. Packer
- PEASE, K.: "Sentencing and Measurement: Some Analogies from Psychology" in *Sentencing Reforms* (1987) eds. K. Pease and M. Wasik. Reprinted by permission of Manchester University Press
- PEASE, K. and FITZMAURICE, C.: *The Psychology of Judicial Sentencing* (1986). Reprinted by permission of Manchester University Press
- PICKARD, T.: "Culpable Mistakes and Rape", 30 *University of Toronto Law Journal* 75

- ROBINSON, P.: "Criminal Law Defences: A Systematic Analysis".
- ROSENHAN, D.L.: "On Being Sane in Insane Places". *Science* (1973) Vol. 199, pp. 250-258. Copyright (1973) by the American Association for the Advancement of Science
- SELLERS, J.: "Mens Rea and the Judicial Approach to 'Bad Excuses' in the Criminal Law" (1978) 41 M.L.R. 245
- SELLIN, T.: "The Law and Some Aspects of Criminal Conduct." *Aims and Methods of Legal Research* (1955) pp. 113, 119-120
- SILBER, J.R.: "Being and Doing" 35 Univ. of Chicago L.R. 47 at 61, 62, 90
- SIMPSON, A.W.B.: "The Butler Committee's Report: The Legal Aspects" (1976) 16 Brit. J. Criminol. Oxford University Press
- STEVENS & SONS LTD.: Extracts from Law Quarterly Review
- SULLIVAN, G.R.: "Aiding and Abetting the Commission of a Non-Existent Offence" (1976) 39 M.L.R. 350
- SWEET & MAXWELL LTD.: Extracts from Criminal Law Review and various other publications
- SZASZ, T.: "The Myth of Mental Illness" (1960) 15 American Psychologist. Copyright 1960 by the American Psychological Association. Adapted by permission of the author and publisher
- : "Psychiatry, Ethics and the Criminal Law". Copyright® 1983 by the Directors of the Columbia Law Review Association Inc. All rights reserved. This Article originally appeared at (1958) 58 Col.L.R. 183 at 190. Reprinted by permission
- TARLING, R. and WEATHERITT, M.: Home Office Research Study No. 56, Sentencing Practice in Magistrates' Courts (1979), H.M.S.O. Reproduced with the permission of the Controller of Her Majesty's Stationery Office
- TEMPKIN, J.: "Impossible Attempts—Another View" (1976) 39 M.L.R. 55
- THOMAS, D.A.: *The Justice Model of Sentencing—Its Implications for the English Sentencing System* (from the University of Cambridge, Institute of Criminology (Occasional Papers No. 8), The Future of Sentencing (1982)
- : The Times, Extract from Law Report. October 10, 1987. Copyright® Times Newspapers Ltd. 1987
- VELTFORD, H. and LEE, G.: "The Coconut Grove," American Psychological Association
- WALKER, N.: *Sentencing In a Rational Society* (1972, Penguin Books) p. 117. Copyright® Nigel Walker 1969, 1972. Reprinted by permission of Penguin Books Ltd.
- WASIK, M.: "Partial Excuses in The Criminal Law" (1982) 45 M.L.R. 516
- WECHSLER, Prof. H.: "The Challenge of the Model Penal Code". 65 Harv. L.R. 1097, pp. 1106-1107 Copyright® 1951-1952 by the Harvard Law Review Association
- WECHSLER, H. and MICHAEL, J.: "A Rationale of the Law of Homicide". Copyright® 1983 by the Directors of the Columbia Law Review Association, Inc. All rights reserved. This Article originally appeared at 37 (1937) Col. L.R. 701. Reprinted by permission

- WECHSLER, H., JONES, W. and KAHN, H.: "The Treatment of Inchoate Crime". Copyright© 1983 by the Directors of the Columbia Law Review Association, Inc. All rights reserved. This Article originally appeared at 61 Col. L.R. 571 1961. Reprinted by permission
- WEIHOFFEN, H.: National Probation and Parole Association News. Vol. 39 (1960) pp. 1 and 4. Copyright 1960 by Sage Publications. Reprinted by permission of Sage Publications, Inc.
- WHITE, R.W.: *The Abnormal Personality* Ed. pp. 203–205, 288. Copyright© 1948 Ronald Press Co. Reprinted by permission of John Wiley and Sons, Inc.
- WILLIAMS, Glanville: "Recklessness Redefined" (1982) C.L.J. 252 (Publishers Cambridge Law Journal, Cambridge University Press)
- : "Finis for Novus Actus"? 1989 C.L.J. 391 (Publishers Cambridge Law Journal, Cambridge University Press)
- : *Textbook of Criminal Law* (2nd ed., 1983, Stevens & Sons)
- : "Divergent Interpretations of Recklessness" (1982) 132 New L.J. 289© Glanville Williams (Butterworths)
- WOLFGANG, M.E.: "Victim—Precipitated Homicide" 1957 48 J. Crim. L., C. & P.S. 2–3. Reprinted by special permission of Northwestern University, School of Law, Vol. 48, Journal of Criminal Law and Criminology, 1957
- WOOTTON, Lady B.: *Crime and Penal Policy, Reflections on Fifty Years Experience* (2nd ed., 1981 George Allen & Unwin (Publishers) Ltd.)
- : *Crime and The Criminal Law* (2nd ed. 1981 Stevens and Sons Ltd.)
- ZEITLIN L.: "A Little Larceny can do a lot for Employee Morale". Reprinted with permission from Psychology Today Magazine. Copyright© 1971 (PT Partners, L.P.)

## TABLE OF CASES

A.M.K. PROPERTY MANAGEMENT LTD. [1985] Crim.L.R. 600 .....	163
Abbott v. The Queen [1977] A.C. 755 .... 282, 309-310, 323, 324-325, 326, 328, 342, 532, 535	
Abraham [1973] 1 W.L.R. 270; 117 S.J. 663; [1973] 3 All E.R. 694; 57 Cr.App.R. 799; [1974] Crim.L.R. 246 .....	293
Achterdam (1911) E.D.L. 336 (S.A.) .....	124
Albert v. Lavin [1982] A.C. 546; [1981] 3 W.L.R. 955; (1981) 125 S.J. 860; [1981] 3 All E.R. 878, H.L.; affirming [1981] 2 W.L.R. 1070; 125 S.J. 860; [1981] 1 All E.R. 628, C.A. .... 258, 259, 260, 294	
Alexander (1913) 9 Cr.App.R. 139 .....	644
Ali [1989] Crim.L.R. 736 .....	648
Allan [1965] 1 Q.B. 130; [1963] 3 W.L.R. 677; 127 J.P. 511; 107 S.J. 597; [1963] 2 All E.R. 897; 47 Cr.App.R. 243 .....	504
Allen [1985] A.C. 1029; [1985] 3 W.L.R. 107; (1985) 81 Cr.App.R. 200; [1985] Crim.L.R. 739 .....	776
— [1988] Crim.L.R. 698 .....	377
Al-Mogradi (1979) 70 Cr.App.R. 24 .....	64
Alphacell v. Woodward [1972] A.C. 824; [1972] 2 W.L.R. 1320; 116 S.J. 431; [1972] 2 All E.R. 475; [1972] Crim.L.R. 41 .....	216
Anderson [1972] 1 Q.B. 304; [1971] 3 W.L.R. 939; [1971] 3 All E.R. 1152; 56 Cr.App.R. 115 .....	82
— [1986] A.C. 27; [1985] 3 W.L.R. 268; (1985) 129 S.J. 522; [1985] 2 All E.R. 961; 81 Cr.App.R. 253; [1985] Crim.L.R. 651 .....	489-490, 491
Anderson and Morris [1966] 2 Q.B. 110; [1966] 2 W.L.R. 1195; 130 J.P. 318; 110 S.J. 369; [1966] 2 All E.R. 644; 50 Cr.App.R. 216 .....	506, 515, 516, 517, 518
Anderton v. Ryan [1985] A.C. 567; [1985] 2 W.L.R. 968; 129 S.J. 362; 149 J.P. 433; [1985] 2 All E.R. 355; 81 Cr.App.R. 166; [1985] Crim.L.R. 503 .....	328, 473-474, 475, 476, 478, 480, 690
— v. Wish (1980) 72 Cr.App.R. 23; [1980] Crim.L.R. 319 .....	695
Andrews v. D.P.P. [1937] A.C. 576; 101 J.P. 386; 53 T.L.R. 663; 81 S.J. 497; [1937] 2 All E.R. 552; 26 Cr.App.R. 34 .....	176, 201, 606, 608, 610, 613, 615
— v. Hedges [1981] Crim.L.R. 106 .....	770
Ansell v. Thomas [1974] Crim.L.R. 31 .....	543
Aramah (1983) 76 Cr.App.R. 190; (1982) 4 Cr.App.R.(S.) 407; [1983] Crim.L.R. 271 ....	64
Armstrong [1989] Crim.L.R. 149 .....	423, 427
Arobieke [1988] Crim.L.R. 314 .....	615
Aston and Hadley [1970] 1 W.L.R. 1584; 114 S.J. 906; [1970] 3 All E.R. 1045 .....	764
Atkinson [1985] Crim.L.R. 314 .....	373
Att.-Gen. v. Able [1984] Q.B. 795; [1983] 3 W.L.R. 845; 127 S.J. 731; [1984] 1 All E.R. 277; (1984) 78 Cr.App.R. 197; [1984] Crim.L.R. 35 .....	512
Att.-Gen. (N.I.) v. Gallagher [1963] A.C. 349; [1961] 3 W.L.R. 619; 105 S.J. 646; [1961] 3 All E.R. 299; 45 Cr.App.R. 316 .....	384, 385, 395
Att.-Gen. for Northern Ireland's Reference (No. 1 of 1975) [1977] A.C. 105 .....	297
Att.-Gen. of Hong Kong v. Tse-Hung-lit [1986] A.C. 876; [1986] 3 W.L.R. 320; 130 S.J. 554; [1986] 3 All E.R. 173 .....	423-424, 427
Att.-Gen.'s Reference (No. 1 of 1974) [1974] Q.B. 744; [1974] 2 W.L.R. 891; 118 S.J. 345; [1974] 2 All E.R. 899; 59 Cr.App.R. 203; [1974] Crim.L.R. 427 .....	786
— (No. 1 of 1975) [1975] Q.B. 773; [1975] 3 W.L.R. 11; [1975] 2 All E.R. 684 .....	503, 507-509
— (Nos. 1 and 2 of 1979) [1979] 3 W.L.R. 577; 123 S.J. 472; [1979] 3 All E.R. 143; (1979) 69 Cr.App.R. 266; [1979] Crim.L.R. 585 .....	452
— (No. 4 of 1980) [1981] 1 W.L.R. 705; 125 S.J. 374; [1981] 2 All E.R. 617; (1981) 73 Cr.App.R. 40; [1981] Crim.L.R. 492 .....	248



Att.-Gen.'s Reference (No. 6 of 1980) [1981] Q.B. 715; [1981] 3 W.L.R. 125; 125 S.J. 426; [1981] 2 All E.R. 1057; [1981] Crim.L.R. 553 .....	290
— (No. 1 of 1983) [1985] Q.B. 182; [1984] 3 W.L.R. 686; 128 S.J. 596; [1984] 3 All E.R. 369; (1984) 79 Cr.App.R. 288; [1984] Crim.L.R. 570 .....	704, 722–723
— (No. 2 of 1983) [1984] A.C. 456; [1984] 2 W.L.R. 465; 128 S.J. 203; (1985) 149 J.P. 104; [1984] 1 All E.R. 988; (1984) 78 Cr.App.R. 183 .....	300, 304–305, 307
— (No. 1 of 1989) [1989] 3 W.L.R. 1117, <i>The Times</i> , August 1, 1989 .....	64, 71
B.O.T. v. Owen [1957] A.C. 602 .....	480
Badry v. D.P.P. of Mauritius [1983] 2 A.C. 397; [1983] 2 W.L.R. 161; 126 S.J. 819; [1982] 3 All E.R. 973 .....	98
Bailey [1983] 1 W.L.R. 760; 127 S.J. 425; [1983] 2 All E.R. 503; [1983] Crim.L.R. 533 .....	114, 115, 353, 385
Bainbridge [1960] 1 Q.B. 129; [1959] 3 W.L.R. 656; 125 J.P. 499; [1959] 3 All E.R. 200; 43 Cr.App.R. 194 .....	509, 512, 513, 514
Baker (Infants), <i>Re</i> [1962] Ch. 201; [1961] 3 W.L.R. 694; 105 S.J. 682; [1961] 3 All E.R. 276 .....	287
Ball [1989] Crim.L.R. 730 .....	611, 619, 621
Banks v. State, 85 Tex.Crim. 165; 211 S.W. 217 (1919) .....	602
Barrick (1985) 149 J.P. 705; 129 S.J. 416; (1985) 81 Cr.App.R. 78; (1985) 7 Cr.App.R.(S.) 142 .....	64
Bashir [1982] Crim.L.R. 687; (1983) 77 Cr.App.R. 59 .....	188, 263, 577
Bateman (1925) 19 Cr.App.R. 8; (1925) 94 L.J.K.B. 791; 133 L.T. 730; 41 T.L.R. 557; 89 J.P. 162; 69 S.J. 622; [1925] All E.R.Rep. 45 .....	607
Bayley and Easterbrook [1980] Crim.L.R. 503 .....	470
Beard [1920] A.C. 479; 36 T.L.R. 379; 64 S.J. 340; [1920] All E.R.Rep. 21; 14 Cr.App.R. 159 .....	384, 385, 395
Becerra and Cooper (1975) 62 Cr.App.R. 212 .....	526
Beckford v. R. [1988] A.C. 130; [1987] 3 W.L.R. 611; 131 S.J. 1122; [1987] 3 All E.R. 425; (1987) 85 Cr.App.R. 378; [1988] Crim.L.R. 116 .....	260–261, 262, 264, 294, 303, 388
Bedder v. D.P.P. [1954] 1 W.L.R. 1119; 98 S.J. 556; [1954] 2 All E.R. 801; 38 Cr.App.R. 133 .....	638, 644, 645, 647
Beeby (1983) 5 Cr.App.R.(S.) 56 .....	632
Beecham (1851) 5 Cox C.C. 181 .....	734
Belfon [1976] 1 W.L.R. 741; 140 J.P. 523; 120 S.J. 329; [1976] 3 All E.R. 46; 63 Cr.App.R. 59 .....	165, 556–557
Bell [1984] 3 All E.R. 842; [1984] Crim.L.R. 685; [1985] R.T.R. 202 .....	190
Benton v. United States, 232 F. 2d 341 .....	497
Betts and Ridley (1930) 22 Cr.App.R. 148 .....	503
Bevan (1987) 84 Cr.App.R. 143; [1987] Crim.L.R. 129 .....	765
Bilinski (1988) 86 Cr.App.R. 146; [1987] Crim.L.R. 782 .....	64
Billam [1986] 1 W.L.R. 349; [1986] 1 All E.R. 985; (1986) 8 Cr.App.R.(S.) 48; (1986) 82 Cr.App.R. 347; [1986] Crim.L.R. 347, C.A. ....	61–63, 64, 566
Billinghurst [1978] Crim.L.R. 553 .....	288
Bird [1985] 1 W.L.R. 816; 129 S.J. 362; [1985] 2 All E.R. 513; (1985) 81 Cr.App.R. 110; [1985] Crim.L.R. 388 .....	302
Birkin [1988] Crim.L.R. 855 .....	288
Blackwell v. State, 34 Md.App. 547 (1977) .....	607
Bland (1987) 151 J.P. 857; [1988] Crim.L.R. 41 .....	505
Blaue [1975] 1 W.L.R. 1411; [1975] 3 All E.R. 446; (1975) 61 Cr.App.R. 271 .....	424–425, 427
Blocker v. United States 274 F. 2d 572 D.C. (1959) .....	358
Bonner [1970] 1 W.L.R. 838; 114 S.J. 188; [1970] 2 All E.R. 97 .....	708
Boswell [1984] 1 W.L.R. 1047; 128 S.J. 566; [1984] 3 All E.R. 353; (1984) 79 Cr.App.R. 277; (1984) 6 Cr.App.R.(S.) 257; [1984] R.T.R. 315; [1984] Crim.L.R. 502 .....	64, 631–632
Bourne (1952) 36 Cr.App.R. 125 .....	312, 520–521, 523, 524
Boyle and Boyle (1987) 84 Cr.App.R. 270; [1987] Crim.L.R. 111 .....	455, 461–462, 464, 465
Bozickovic [1978] Crim.L.R. 686 .....	453