

ELLIOTT AND WOOD'S
CASEBOOK
ON
CRIMINAL LAW

Fourth Edition

by

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PREFACE

THE eight years since the third edition have seen much activity in the field of criminal law. The Criminal Law Act 1977, the Theft Act 1978 and the Criminal Attempts Act 1981 are but a few of the more important enactments in that time, each of which bury a large number of formerly important cases. Their places have been taken by new ones, however, for the House of Lords has never been less idle. In a flurry of activity in the mid-70s, the defences of mistake, intoxication and duress received lengthy attention in *Morgan*, *Majewski*, *Lynch* and *Abbott*. More recently, the concept of recklessness (one of the basic building bricks of criminal liability) has been extended in *Caldwell*; and the old controversy over the place of foreseen grievous bodily harm in the malice aforethought of murder has been terminated, at least as far as the judges are concerned, by *Cunningham*. Equally productive have been the Law Commission and the Criminal Law Revision Committee; the recommendations of the former as to the mental element in crime, and as to general defences, and of the latter as to offences against the person, including homicide, have involved re-examination of the general principles of liability.

Partly to take account of this re-examination, and partly to give greater emphasis to academic writings, the chapters dealing with general principles have been largely restructured and rewritten. Moreover, statute has required a complete overhaul of the chapter on Inchoate Offences. But no part of the field has remained undisturbed, and virtually every chapter has needed substantial revision, a state of affairs which, although perhaps uncomfortable to anyone trying to master the subject, must be welcomed as demonstrating a continuing vitality in English Criminal Law. It is a matter of regret, however, that the nature of the mental element in crime is still subject to bouts of such severe turbulence as demonstrated in *Caldwell*. It has not been possible to reproduce extracts from some useful comments on that case, in particular Williams, "Recklessness Redefined" [1981] C.L.J. 252. In general we have not included anything published after August 31, 1981, and again we have to thank the various persons and organisations who kindly gave permission for the reproduction of copyright material. We also thank the publishers for providing what we hope will be thought an attractive typographic style.

December, 1981

D. W. ELLIOTT
CELIA WELLS

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