CRIMINAL LAW

BY

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REVIEWED

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Jonathan Herring, a professor of law at Exeter College, Oxford has served to the society with his legal knowledge in the medical field, family matters and ethics. He has on his credit the fifth edition of the book "Criminal Law", which articulates about the legal system of the England and Wales. According to the author, his persuasion was to help the readers, particularly "first time students" to examine criminal law and develop better understanding about its contradiction with morality.

SUMMARY:

The book in an organized progressive pattern starts from the introduction of "criminal liability" and then covers serious and non-serious offences against the person and property, with specification of the legally acknowledged defences. Chapters on "the External elements (actus reus), causation and mens rea" are correlated for constituting a crime. In said perspective, book discusses the theories of culpability which advocate punishing the harmful behaviour. It looks into justification for punishing three types of incomplete offences, mentioned as "incitement, conspiracy and attempt". It also keeps into account the "ethical and moral sides" of criminal law so as to highlight the prejudices of the system and to assure the impartiality.

CRITICAL ANALYSIS AND REFLECTIONS:

Finest element of the book lies in its natural style of sharing information. Each topic is discussed in a simple language, which qualifies the book to be the choice of the beginners.

Besides, the book stands out for clarity. On purpose, split of the chapters into two portions so as to go through the prevailing law and case precedents before looking into the social and moral questions relevant to the law, is an effective learning map. The layout helps the readers to first know about the law on a point and then to scrutinize its fairness.

Moreover, the book comes with the approach to allocate full chapter to each offence. This has facilitated the readers in knowing the legal criteria about proof of an offence. Addition of summary after each chapter further helps the readers in getting the gist in no time.

Similarly, the quoted precedents of court not only provide strong back to the original work of the author but also guide the readers to understand judicial reasoning behind a decision.

One of the interesting features of the book is that the readers are motivated at the end of each chapter to study the available work of other named authors to quench their thirst.

Further, it is perceived that ethics, morality and law go hand in hand. Added topics termed as “hot”, help the readers to pin point contradiction between morality and fairness of law by locating and questioning the biases prevailing in the judicial justice system.

On the other hand, though, the book comes with the acknowledgement that it is a help for the beginners; however, it also becomes a concern of little help to the lawyers, prosecution and judges in dealing with complicated criminal cases.

It is equally notable that the 5th edition of the book was published in 2007, where after much development in law and its applicability has been made. When it comes to how to tackle with the modern offences like corruption, cybercrime, terrorism and narcotics, the book does not touch this area and confines to the traditional offences, which narrows down the scope of its utility.

More so, the book takes English Law of England and Wales as the main subject. As a matter of fact, limited scope of law impacts the versatility of the text.

Readers are not alike; there are visual readers besides text readers. While the text readers can conveniently rely on the text, visual readers take assistance from the diagrams, charts and images for swift learning. The book scores a bit low on the ground of lacking visuals. Availability of the supportive visuals could have easily connected "the new students" with the text.

On the principle that punishment should be the one which fits to the committed offence, the theory named "Just Deserts" is held as the most effective theory of punishment. However, what has led the author to said conclusion and in what manner the other three theories named as "reformation, deterrence and incapacitation" lag behind, readers are left unanswered.

Additionally, on the basis of the aforementioned key aspects of the book, its usefulness can also be evaluated through its comparison with another book on the subject. Geoffrey Anthony Ashworth's "Principles of Criminal Law" is a renowned book in the United Kingdom. It attends to the questions about morality and fairness of criminal law,

which could be the pick of the legal experts. Yet, it is harder for the new students to grasp the reasoning and knowledge wrapped in philosophy. In comparison, Herring's book is a friendly practical guide which is perfect for the beginners to understand in short time the basics of the criminal law. In addition, Ashworth's work does not provide the excerpts of cases and just uses a summary style reference, while Herring's work expands over the law, relevant excerpts of cases and commentaries which helps in understanding the judicial reasoning behind a decision in a much better way. Even, writing style of the authors is not same; Ashworth's writing carries a theoretical touch, while Herring's practical approach easily keeps the readers engaged. Both the books could pair up well; however, when it comes to understand the basics of criminal law in a simple and clear language and their application in the court, Herring's work stands as the top choice to rely upon.

PERSONAL INSIGHTS AND APPLICATIONS:

While taking the criminal law of England and Wales into consideration and touching the moral sensitivity, the book does not leave the readers in confusion. It endeavours that the text is not confined to the basics of "criminal liability" but also to assure their fair applicability to the existing human rights by punishing a crime. Although due to geographical limitations and selection of offences, the book cannot be the single source to deal with complicated cases; it still holds the field for explaining the fundamental principles of criminal law.

As to who should read this book; it is notable that with the exception of Hudood, Qisas and Diyat laws, the courts in Pakistan have mainly adopted the English Law for defining offences and regulating punishments under "Pakistan Penal Code, 1860" and the

"Code of Criminal Procedure, 1898". So, layman, students, and junior legal professionals in the United Kingdom and Pakistan who are trying to understand the criminal justice system, the book is primarily recommended for them. International students, researchers and institutes interested in comparative studies, they can also get benefitted. Alongside, it is an all-time quality reference book for the judges, prosecution and senior lawyers.