

CRIMINAL LAW IN SINGAPORE AND MALAYSIA. By K.L.KoH, C.M. V. CLARKSON AND N.A. MORGAN. [Singapore: Butterworths. 1989. xlviii + 641 pp. Hardcover: S\$175.00]

THIS casebook intended for students in Singapore and Malaysia is an ambitious one. According to the publishers, it combines “the best features of a substantive textbook and a cases and materials book”. The authors hope that “the book will be useful for practitioners and students... in India, Pakistan, Sri Lanka, Nigeria, Sudan and Kenya”. It would have been a sufficient achievement if they had produced a book that would have met the needs of students and practitioners in Singapore and Malaysia. It is here that they have a captive market.

The casebook has many novel features. For one thing, the three authors do not take collective responsibility for the work. Each chapter of the work carries the name of the author who “wrote” or collected the materials in it. Presumably, the authors could not agree on some of the features of the work. In such circumstances, it would be difficult for a cohesive pattern to emerge from a work and none seems to exist in this one. There are however, novel features which are

praiseworthy. There is an effort to state the penological basis of the different principles of the law that has been explored. There is also much discussion of the policy objectives that underly these principles.

But, there are, at the same time, many defects. There are many statements in the work that more seasoned observers of the law under the Penal Codes will disagree with. The reader is told that the “concept of recklessness is unknown to the Penal Code” (p.60). There is preference shown for the accomodation of English views on *mens rea* in the Code law. The treatment of the law of murder suffers from a lack of understanding of the structure of the Code definition in terms of subjective and objective factors. There is too much of an effort to project the law under the Code into the moulds of English law. (On this point, the chapters by Professor Koh stand in refreshing contrast.) Sometimes paucity of case law under the Code is made the excuse but the more plausible reason is that there has not been a sufficient understanding or exploration of authority in the Code jurisdictions.

Some of the authors do also provide some cause for amusement. Gour is supposed to have changed his mind in the 1982 edition of the work he had written (p.37). Such a feat is difficult as, for obvious reasons, he did not edit his work after 1936. The decision in *Virsa Singh* is stated to be that of the Punjab High Court when the one reproduced is of the Indian Supreme Court. The decision of the Privy Council in *Mohamed Yasin* which is generally considered wrong, is supported and the reader is told that the fault lies in the inelegant drafting of the Code (p.416).

The price of the book is too high.

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