

BUTTERWORTHS CORE TEXT: EVIDENCE BY RODERICK MUNDAY [London: Butterworths, 2001. xxvii + 400 pp (including index). Paperback: £12.95]

Students of the law of evidence have often complained of its intricacy and its lack of clarity. As we await the newest editions of the local texts (*Evidence* by Chin Tet Yung and *Evidence, Advocacy and the Litigation Process* by Jeffrey Pinsler), we have had to look to English texts to fill in the lacunae. The leading English text (*Cross and Tapper on Evidence*), however, can be daunting for a beginner. Roderick Munday's book, *Evidence*, steps neatly into the breach.

As part of the Butterworths Core Text Series, this introductory text for students "seeks to strip [the law of evidence] to its core – identifying the fundamental principles which underlie it and concentrating on the most important key topics – while continuing to point out the intellectual challenges and difficulties within."

The result is an admirably lucid and concise work, which manages to provide the student with a clear roadmap through the thicket of the law of evidence, without misrepresenting the area's complexity and conceptual uncertainty. What the student will find especially helpful are the short summaries of each chapter's content at the beginning of the chapter, as well as the self-test questions at its end.

The chapter on hearsay deserves special mention for capturing the essence of what some may regard as an arcane topic and for honestly acknowledging what many students have always suspected - that the courts do not always apply the hearsay rule consistently.

At times, however, the reader is left wishing that Dr Munday had been able to devote more attention to the conceptual and practical problems in the law of evidence. In his chapter on the burden and standard of proof, for example, Dr Munday only alludes to the body of opinion that the defendant “ought only ever to bear an evidential, not a legal burden”. Such sparse treatment is surprising, especially since the landmark decision of *R v Lambert* [2001] 3 WLR 206 (discussed from pp 64 to 68) has provoked renewed interest in this debate. This debate is certain to gather momentum after cases such as *R v Daniel* [2002] EWCA Crim 959 and *L v Director of Public Prosecutions* [2001] EWHC Admin 882 (both decided too late to be incorporated into the book), which have shown some distaste for the reasoning in *R v Lambert*.

Similarly, while the chapter on similar fact evidence is impressive for its fairly comprehensive discussion of the background evidence ‘exception’ and the use of prior acquittals as similar fact evidence, both of which have only recently begun to attract academic attention, there is disappointingly little discussion of the major controversies surrounding similar fact evidence. Dr Munday does not highlight the debate over whether there is any cogent basis to the similar fact rule (*eg.* Bagaric and Amarasekara, “The Prejudice Against Similar Fact Evidence” (2001) 5 E & P 71), although he does acknowledge that both empirical studies and everyday life may give lie to the fact that there is no general link between past and present behaviour. Neither does he discuss the growing perception that the law governing the admission of previous bad character has been relaxed in response to a desire to secure convictions for serious crimes (*eg.* Mirfield, “Similar Fact Evidence of Child Sexual Abuse in English, United States and Florida Law: A Comparative Study” (1996) 6 J Transnational L & Policy 7).

It would be churlish, however, to accuse the book of failing to examine each topic in depth when it is ultimately meant only to be an introductory text. In future editions, the self-test portion of each chapter could perhaps be used to raise questions on issues that space did not permit a more sustained examination. Nevertheless, for a book whose stated aim is to “bring out the essentials of the law of evidence, as well as [offer] a mild dose of intellectual stimulation”, it generally does touch on the main debates and controversies in sufficient detail to tantalise the reader into pursuing the subject further. For such a reader, Dr Munday helpfully provides a list of further reading for each topic.

In conclusion, students will find this to be a useful companion text to a course on the law of evidence. This book, however, cannot (nor was it intended to) replace more specialist treatises on the subject. While legal practitioners may find the references to be useful research aids, the level of detail in the exposition in the text, while adequate for novices, is unlikely to meet their demands. As with any English text, a student of the local law of evidence is advised to use the book with prudence. In particular, the book’s examination of the appropriate content of jury directions and the impact of

the European Convention of Human Rights, while interesting, may only be of academic interest in the Singapore context.

DISA SIM