

Criminal Defences in Malaysia and Singapore BY STANLEY YEO [Malaysia: LexisNexis Malayan Law Journal, 2005. xxxv + 354 pp. Paperback: RM200/USD57.89]

Criminal Defences in Malaysia and Singapore is the latest addition to Stanley Yeo's mounting scholarship on criminal law. Yeo has special expertise in criminal defences and this, his latest book, bears all the hallmarks of his style, drawing on theoretical, historical, and comparative perspectives. The material is presented in an erudite manner that is both intellectually engaging and easily accessible to students of criminal law. The book is aimed at judges, practitioners and students, and has a mission not just to state and critique the law, but also to provide concrete options for reform. Each chapter begins with a historical and theoretical discussion to provide the context for the substantive analysis of a particular defence and ends with specific proposals for legislative reform. It is a bold work that tackles the strengths and weaknesses of both the Penal Code provisions and the myriad judicial interpretations of the Code.

As far as students and practitioners are concerned, each chapter is presented in a logical and highly methodical manner, with numerous headings and subheadings. Each element of the defence under consideration is clearly identified and dealt with. Yeo offers detailed analysis of Singapore and Malaysian cases and, where there is a dearth of local authority, provides comparable examples from other jurisdictions. The chapter on automatism, for example, where Yeo notes that there are only two Malaysian authorities and no Singapore cases, relies heavily on comparative jurisprudence and analysis from first principles. The automatism chapter is particularly interesting as Yeo draws connections and distinctions between the various defences of automatism, unsoundness of mind, intoxication, diminished responsibility, and provocation.

Neither does Yeo shy away from criticizing local decisions which, in his opinion, have wrongly applied the law. The chapter on diminished responsibility is illustrative of this aspect of his work. After clearly explaining the term "abnormality of mind," which is at the heart of the diminished responsibility defence, Yeo demonstrates how local courts have failed to properly apply the law and have shown a tendency instead to rely too heavily on the evidence of the prosecution's expert witnesses. The suggested reforms in each chapter range from minor tweaking of judicial interpretation of the relevant provisions to wholesale replacement of sections. For example, with respect to private defence, Yeo argues that courts should interpret the existing provisions in such a manner as to "strike the right balance between criminally harmful conduct and justifiably harmful conduct performed in defence of the person or property" whereas

with respect to provocation, Yeo offers an entirely revised section, complete with new illustrations.

Criticisms of the book are minor. While the work is not intended as a thesis on the Penal Code defences, a concluding chapter evaluating the Penal Code's defences as a whole would have been interesting. The other drawback of the book is that the historical and theoretical parts of each chapter are unfortunately too brief to be of real value. They tend to be only one or two pages and therefore only permit a superficial overview. This may be due to the fact that the book tries to cover too much in too few pages. It comprises eighteen chapters: the first being an introductory chapter dealing with general theoretical and conceptual issues and the remaining seventeen dealing with the main general defences and specific exceptions. With a total of 354 pages, each chapter is on average just under 20 pages; this is arguably inadequate for a book that attempts to provide doctrinal analysis with theoretical, historical, and comparative perspectives in addition to detailed suggestions for reform. This is not the fault of the author, and perhaps the publisher may consider a beefed up version for the second edition.

All in all, *Criminal Defences in Malaysia and Singapore* will be a valuable addition to the libraries of academics, practitioners, and judges. Students will find the clarity of exposition particularly helpful in studying this area of the law.

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