

**Murder**  
**Shani D’Cruze, Sandra Walklate, Samantha Pegg**  
**Willan Publishing, Devon 2006**  
**ISBN-10: 1-94392-169-3**

**Book review by Sally Ramage, *The Criminal Lawyer***

This short book of 170 pages on the topic of murder is a very interesting book, having no axe to grind and being definitely criminological in substance. The authors focus on murders committed by persons who are known to the victims and to a lesser extent, they also venture into the area of race and gender. In this respect the authors give some controversial opinions including one view that criminology has failed ‘*to step outside the powerful influence of the Lombrosian way of thinking about the female offender (that of being doubly deviant), of being unable to see gender*’ and records those who have studied this aspect of murder as being Cain 1989, Heidensohn 1996 and Walklate 2004.

They claim that this damages women as a group, ‘*since it reinforces ideas of female inherent instability and untrustworthiness*’. This point is fortified by the law’s constant referral to ‘*the reasonable man*’ embedding the concept of the ‘*intellectual middle-class male*’ and making the ‘*working-class black male*’ problematic for the law.

The book also touches on the defence of provocation. At present provocation, in the law of the United Kingdom, can be cited only in cases where there is a loss of self-control or sudden loss of temper, for example in the face of an insult. A woman who, after suffering years of abuse by her partner, finally strikes back because she is in fear of further violence may not in law be found to have lost her self-control at that precise moment.

The 2006 Law Commission report was the first stage in a review process that was taken forward by the Home Office. The division between murder and manslaughter to be replaced by a three-tier division: first-degree murder (mandatory sentence of life imprisonment); second-degree murder (discretionary life sentence, with guidelines) and manslaughter (discretionary life sentence).

In the 2006 Law Commission Report it was suggested it was wrong that a man who loses self-control on finding out his wife has committed adultery can claim provocation, but the victim of domestic violence in fear of further serious assault cannot. If provocation is determined, a charge of murder can be reduced to manslaughter. First-degree murder is committed when an offender intends to kill and second-degree murder when the offender intends to cause serious harm but not death. A manslaughter charge would be leveled in cases where there is negligence or the intention to cause less than serious harm.

The UK government announced on 28th July 2008 that it is to issue a consultation on the subject of murder and this book is a good reference point when responding to that consultation. This book puts the issue of feminism into the arena of the legal system, by touching of many facets of the criminal law in relation to murder. In this respect it has been successful.

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