Contents

For	reword by Lord Dyson, Master of the Rolls	V
Int	roduction	1
Pa	rt I: Public Law: Judicial and Judicious Review	
1	The Scope of Judicial Review and the Rule of Law:	
	Between Judicial Restraint and Judicial Creativity	9
2	Judicial Review: its Genesis and Growth Post-1977	35
3	Judges in Public Inquiries, Redivivus	38
4	The Road to Rome and Strasbourg via San Francisco:	
	the Genesis of Human Rights	49
5	Towards a Legal Forum of the Isles	60
Pa	rt II: Crime and Justice	
6	A Calendar of Murder: the Causes of Unjustifiable	
	Homicide	70
7	Towards a New Homicide Act	71
8	The Penalty for Murder: Life after Death	92
9	The Apotheosis of Amateurism	116
10	English Juries on Trial	136
11	The Ambit of Innocence	139
12	'Consuming Your Own Smoke'	146
13	Crime and Justice: a Shift in Perspective	150
14	The Magistracy – a Professional Court?	169
15	Serious Fraud Offences: Whither Their Trial?	175
16	James Hanratty: a Vindicatory View	187
17	An Advocate's Tale	194
18	Criminal Justice on Trial	207
19	Victims Adrift	213
Pa	rt III: Penal Affairs	
20	The Whys and Wherefores of Penal Policy	221
21	Community Service: Penological Progress	228

viii Contents

22	Prisoners' Right to Vote	231
23	Dangerousness	236
Pa	rt IV: Media Law	
24	Press (Media) Freedom: Constitutional Right or Cultural	
	Assumption?	247
25	The Jurisprudence of Privacy	260
26	Media Freedom: a New Concept in Free Speech	276
27	Censors in the Courtroom	278
28	The Historical Background to Self-Regulation of the Press	289
Pa	rt V: Miscellany	
29	Jan Christiaan Smuts (1870–1950): Middle Templar	
	Extraordinary	299
30	Intervention and Amicus Curiae	312
31	Bench and Bar	320
32	Judicial Heroes	330
33	Lord Denning's Legacy: a Judicial Misfit?	334
34	Pilgrims' Progress: Academics and Practitioners	347
Inc	lex	359