1. An introduction to the criminal law

It is neither easy to define crime nor identify the aims of criminal law but some characteristics may be universal to every crime, including that it involves public wrongs and moral wrongs. ‘Public wrongs’ reflect the important role of the public in punishing crimes. A crime incorporating a moral wrong implies that a ‘wrong’ is done or harm to others is involved but experience suggests that morality and criminal law are not coextensive. The chapter introduces students to thinking about criminalization and the need to guard against over-criminalization. It also examines the principal sources of criminal law: common law, statute, EU law, international law, and the European Convention on Human Rights (ECHR). Problematically, important and serious offences and most defences in English law derive from common law rather than statute, and some offences, from public nuisance to gross negligence manslaughter, have been challenged recently on grounds of certainty and retrospectivity.
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