

**1. Qualifications**

**(a) Academic**

- (1) 1968-70 Bachelor of Arts Degree, University of Natal, Pietermaritzburg.
- (2) 1971-72 Bachelor of Laws Degree (*cum laude*), University of Natal, Pietermaritzburg.
- (3) Elsie Ballot Scholarship for post-graduate study at Clare College, University of Cambridge, England.
- (4) 1973-74 Master of Laws Degree, University of Cambridge.
- (5) 1974-75 Diploma in Comparative Legal Studies, University of Cambridge.
- (6) 1982 June - December Visiting Scholar at Clare College, Cambridge.
- (7) 1985 PhD (Law of Defamation)(University of the Witwatersrand).
- (8) Elected Fellow of University of Natal for distinguished research achievement, 1996 .
- (9) 1997 February - May, Visiting Professor, School of Law, University of Nottingham, England.
- (10) 2003 Visiting Professor at the University of Aberdeen, Scotland
- (11) Elected Fellow of the University of Cape Town for original distinguished academic work, 2007.

**(b) Professional**

1973 admitted Advocate of Supreme Court of South Africa.

Consultant to the Law Commission of England and Wales; Expert consultant to the International Commission of Jurists 2006. Editor (1988-2000) and Editor-in-Chief (2000 to 2009) of *South African Journal of Criminal Justice*. Member of editorial board of the *Journal of Commonwealth Criminal Law*.

**2. Previous experience:**

- (1) 1976, appointed Senior Lecturer in the School of Law of the University of the Witwatersrand (teaching subjects: criminal law, the law of delict and public international law).
- (2) 1 January 1981, promoted to Associate Professor and appointed Deputy-Dean for Undergraduate Studies at the University of the Witwatersrand.
- (3) 1 May 1982, appointed Professor of Law in the University of the Witwatersrand.
- (4) April 1987, appointed Professor of Law in the University of Natal, Pietermaritzburg (teaching subjects: criminal law and the law of delict).
- (5) 1 March 1993 - February 1996, Dean of the Faculty of Law, University of Natal, Pietermaritzburg.
- (6) 20 April 1996 elected Fellow of the University of Natal in recognition of distinguished contributions to knowledge.
- (7) Appointed Professor and Head of Department of Criminal Justice, University of Cape Town February 2001 to December 2005. (teaching subjects: criminal law (LLB) and advanced criminal law (LLM).
- (8) Elected Fellow of the University of Cape Town for original distinguished academic work, 2007.

- (9) Currently Professor of Criminal Law UCT.

### 3. Research Publications

#### 3.1 Books

- (1) *The Law of Defamation in South Africa* Jonathan Burchell (1985, Juta and Co Ltd) xxxii & pp 359. Reviewed (1985) 102 *SALJ* 557-9.
- (2) *Principles of Criminal Law* by Jonathan Burchell and John Milton (1991) Juta & Co Ltd xlvii & pp 669. It is reviewed in (1992) 109 *SALJ* 349-51 and (1993) 6 *SACJ* 98-104 .
- (3) *Cases and Materials on Criminal Law* John Milton & Jonathan Burchell (1992) Juta & Co Ltd xxiv & pp 687.
- (4) *Principles of Delict* Jonathan Burchell (1993) Juta & Co Ltd xxii & pp 269. reviewed in (1993) 110 *SALJ* 644-7 and (1994) 57 *THRHR* 713-8.
- (5) *South African Criminal Law and Procedure* Vol 1 General Principles of Criminal Law 3ed (1997) Jonathan Burchell, Juta & Co Ltd. Reviewed in 1997 *De Rebus* 757.
- (6) *Principles of Criminal Law* 2ed (1997) Jonathan Burchell and John Milton, Juta & Co Ltd Reviewed in (1998) 115 *SALJ* 577.
- (7) *Cases and Materials on Criminal Law* 2ed (1997) Jonathan Burchell and John Milton, Juta & Co Ltd.
- (8) *Personality Rights and Freedom of Expression : The Modern Actio Injuriarum* (1998) Juta & Co Ltd xxviii & pp 541. Reviewed in 1999 *De Rebus* 71.
- (9) *Principles of Criminal Law* 3ed (2005) Juta and Co Ltd lxi and pp 1047. Reviewed (2005) 122 *SALJ* 696-702; 2005 *TSAR* 901-2; (2006) 19 *SACJ* 79.; and (2007) 11 *Edin LR* 140. The third edition of *Principles* was awarded a UCT Meritorious Publication Award in 2007.
- (10) Substantially revised third edition of *Cases and Materials on Criminal Law* (2007) Juta and Co Ltd i-xxix and pp 1136 .
- (11) *South African Criminal Law & Procedure* vol I *General Principles of Criminal Law* 4ed (2011)

#### 3.2 Articles in refereed/accredited journals, chapters in books .

- (1) (1974) 91 *South African Law Journal* 178-207, 'The Criteria of Defamation'.
- (2) (1975) *Annual Survey of South African Law* 345-63, chapter on Insurance Law.
- (3) (1976) 93 *South African Law Journal* 265-271. 'Is the Adulterers' Home their Castle? A Case of Criminal Injuria'.
- (4) (1976) *Annual Survey of South African Law* 159-95, chapter on the Law of Delict.
- (5) (1977) 94 *South African Law Journal* 5-8, 'Dignitas: Subjective or Objective?'
- (6) (1977) 94 *South African Law Journal* 282-90, 'Duress and Intentional Killing'.
- (7) (1977) *Annual Survey of South African Law* 172-219, chapter on Law of Delict.
- (8) (1978) 95 *South African Law Journal* 170-9, 'The Fault Element in the Law of Defamation'.
- (9) (1978) 95 *South African Law Journal* 193-216, 'Non-Therapeutic Medical Research on Children'.
- (10) (1979) 96 *South African Law Journal* 1-4, 'Defamatory Matter'.
- (11) (1970) 96 *South African Law Journal* 169-73, 'Necessity as a Defence to Making Conflicting Sworn Statements'.
- (12) (1978) *Annual Survey of South African Law* 237-89, chapter on Law of Delict.
- (13) (\*1979) *Annual Survey of South African Law* 179-216, chapter on the Law of Delict.

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- (14) (1980) 97 *South African Law Journal* 1-14. 'The Birth of a Legal Principle - Negligent Misstatement Causing Pure Economic Loss'.
- (15) (1980) 97 *South African Law Journal* 212-7, 'Strict Liability for Defamation by the Media and Freedom of Speech'.
- (16) (1980) 43 *Tydskrif vir Hedendaagse Romeins Hollandse Reg* 206-8, '*Minister van Polisie v Gamble* 1979 4 SA 759 (A)'.
- (17) (1980) *Annual Survey of South African Law* 174-221, chapter on the Law of Delict.
- (18) *Genetics and Society* ed G C Oosthuizen, H A Shapiro and S A Strauss (1980, (Oxford University Press) 74-87, chapter entitled 'Human Experimentation - Basic Legal Norms'.
- (19) (1981) 98 *South African Law Journal* 1-6, 'The Policy Limits for Recovery of Pure Economic Loss'.
- (20) (1981) 98 *South African Law Journal* 177-93, 'Intoxication and the Criminal Law'.
- (21) (1981) *Annual Survey of South African Law* 221-38, section on Law of Defamation.
- (22) (1982) *Annual Survey of South African Law* 169-212, chapter on the Law of Delict.
- (23) *Fiat Iustitia - Essays in Memory of Oliver Deneys Schreiner* (1983) 172-87, article entitled 'The Administration of Justice and the Defence of Privilege in Defamation'.
- (24) (1983) *Annual Survey of South African Law* 198-221, chapter on the Law of Delict.
- (25) *Attitudes to Clinical Experimentation in South Africa* ed G C Oosthuizen, H A Shapiro, S A Strauss (1985, Hodder and Stoughton) 94-106, chapter entitled 'Experimentation on Children'.
- (26) (1985) *Annual Survey of South African Law* 179-224 (joint contribution with Mr Mervyn Dendy (50 per cent).
- (27) 1986 *South African Journal of Continuing Medical Education* 56-60, article entitled 'Legal Aspects of Medical Research'.
- (28) (1986) 5 *Medicine and Law* 293-302 'Informed Consent - Variations on a Familiar Theme'.
- (29) (1987) 3 *South African Journal on Human Rights* 377-81 'Judicial Control of Arrests and Detention : Theory and Reality'.
- (30) (1988) 4 *South African Journal on Human Rights* 1-20 'Beyond the Glass Bead Game: Human Dignity in the Law of Delict'.
- (31) (1988) 1 *South African Journal of Criminal Justice* 18-34 'Heroes, Poltroons and Persons of Reasonable Fortitude - Juristic Perceptions on Killing under Compulsion'.
- (32) (\*1988) *Acta Juridica* 216-33 (also published separately as a chapter in a book) 'Experimentation on Human Subjects : Protecting Dignity and Advancing Medical Science'.
- (33) (1988) 1 *South African Journal of Criminal Justice* 157-61 '*S v Beukes* 1988 (1) SA 511 (A)'.
- (34) (1988) 1 *South African Journal of Criminal Justice* 274-80 'Intoxication after *Chretien* - Parliament Intervenes'.
- (35) (1988) 4 *South African Journal on Human Rights* 375-91 'Contempt of Court by the Media : Another opportunity to extend press freedom is lost'.
- (36) (1989) 'Beyond the Glass Bead Game : Reshaping Academic Legal Research' : Inaugural lecture published by University of Natal Press.
- (37) *Essays in Honour of Ellison Kahn* (1989) 62-86 'Of more than academic importance - applied legal research overshadows pure legal science'.
- (38) (1990) 107 *South African Law Journal* 168-75 'Mistake or ignorance as to the causal sequence'.
- (39) (1990) 107 *South African Law Journal* 192-6 'Old Authorities determine the scope of the advantage element in extortion'.

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- (40) (1990) 3 *South African Journal of Criminal Justice* 345-54 'S v Nzo 1990 (3) SA 1 (A): common purpose liability'.
- (41) (1993) 6 *South African Journal of Criminal Justice* 'The temptations of trust (or trussed) money' 72-5.
- (42) (1995) 8 *South African Journal of Criminal Justice* 37-42 'Non-pathological Incapacity-- Evaluation of Psychiatric Testimony'.
- (43) (1995) 112 *South African Law Journal* 'The Role of the Police: Public Protector or Criminal Investigator?' 211-216.
- (44) *Southern Cross* ed R Zimmermann & D Visser (1996, Clarendon Press, Oxford) 639-653, chapter 19 entitled 'The Protection of Personality Rights'.
- (45) (1997) 10 *South African Journal of Criminal Justice* 125-140 'Joint Enterprise and Common Purpose: Perspectives in English and South African Criminal Law'.
- (46) (1998) 11 *South African Journal of Criminal Justice* - Preface to the 10<sup>th</sup> Anniversary issue (edited by JM Burchell) 'Criminal Justice and Constitutional Rights: An Introduction to the Tenth Anniversary issue of *South African Journal of Criminal Justice*' iii-viii.
- (47) (1999) 116 *South African Law Journal* 'Media freedom of expression scores as strict liability receives the red card' 1-11.
- (48) (1999) 116 *South African Law Journal* 11-12 (tribute to Professor Ellison Kahn on his retirement after 50 years as Editor of *SALJ*).
- (49) (1999) 116 *South African Law Journal* 697-711 'An encouraging prognosis for claims for damages for negligently inflicted psychological harm : *Barnard v Santam Bpk* 1999 (1) SA 202 (SCA)'.
- (50) (1999) 116 *South African Law Journal* 729-733 'Onus of Proof in Aquilian Action: A Wrong Turning'.
- (51) (2000) 13 *South African Journal of Criminal Justice* 200-23 'Deadly Force and Fugitive Justice in the Balance: The Old and the New Face of Section 49 of the Criminal Procedure Act'.
- (52) *Developing Delict—Essays in Honour of Robert Feenstra* (also 2000 *Acta Juridica*) ed T J Scott and Daniel Visser 99-132, (2001) Juta Law.
- (53) (2001) 14 *South African Journal of Criminal Justice* 225-232 'Legislative lapses and the reach of the criminal law: another perspective on *S v Rheeder*'.
- (54) (2001) 14 *South African Journal of Criminal Justice* 363-72 'Unravelling compulsion draws provocation and intoxication into focus'.
- (55) (2002) 119 *South African Law Journal* 579-602 'Criminal justice at the crossroads' (also published by UCT in inaugural lecture series, inaugural lecture delivered 24 April 2002);
- (56) (2003) *Acta Juridica* (entitled *Criminal Justice in a New Society—Essays in Honour of Solly Leeman*) 'A provocative response to subjectivity in the criminal law' 23-47 and Preface xi-xxii;
- (57) (2003) Appendix F 'Partial Defences to Murder' in Consultation Paper no 173: The Law Commission (England and Wales): <http://www.lawcom.gov.uk>. (15 716 words);
- (58) (2004) 8 *Edinburgh Law Review* 231-48 (with Professor Christopher Gane) 'Shamelessness Scotched: The Domain of Decency in Scots Criminal Law';
- (59) Chapter 13 'Criminal Law' in *Introduction to the Law of South Africa* 447-91 Kluwer Law International 2004;
- (60) Chapter in *Mixed Legal Systems in Comparative Perspective—Property and Obligations in Scots and South African Law* ed Zimmermann, Visser and Reid (2004) 'Impairment of Reputation, Dignity and Privacy' (with Kenneth McK Norrie) 545-575 (OUP and Juta);
- (61) Report on the feasibility of the recommendations contained in South African Law Reform Commission Paper 700: Project 130: Stalking (Draft Report) and the Draft Bill prepared by the South African Law

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- Reform Commission (entitled Prevention of Stalking and Harassment Bill), read in the light of the SALRC Issue Paper 22 and Discussion Paper 108 on Stalking (2006) (61354 words);
- (62) Expert report (8 768 words) 'Joint Liability and Corporate Complicity' for the International Commission of Jurists Corporate Complicity in International Crimes Project posted on ICJ website (2006);
- (63) Two revised reprints of third edition of *Principles of Criminal Law* completed in 2005 and 2006.
- (64) Chapter entitled 'A personal and academic tribute to John Milton: Reflections on aspects of the reform of the law of sexual offences in South Africa' in *The Exemplary Scholar: Essays in honour of John Milton* (2007) Juta 27-44;
- (65) Chapter in *Essays in Honour of C R Snyman* 'A saga of snitches and whistleblowers: The boundaries of criminal liability for breach of statutorily-imposed duties especially in the context of organised crime' Unisa Press (2008) 10-30;
- (66) Chapter 6 'Personality Rights in South Africa : Re-affirming Dignity' in *Rights of Personality in Scots Law—A Comparative Perspective* 349-381 eds Niall R Whitty and Reinhard Zimmermann (2009) Dundee University Press;
- (67) Chapter 'On the shoulders of father and son—academic leadership in the Law Faculty of the Natal University College (later University of Natal) in Pietermaritzburg: 1920 to 1982' in *Stella Iuris – Celebrating 100 years of teaching law in Pietermaritzburg* 32-46 eds Michael Kidd and Shannon Hoctor (2010) Juta.
- (68) 'South Africa' in *The Handbook of Comparative Criminal Law* 455-487 eds Kevin Jon Heller and Markus D Dubber (2011) Stanford University Press.