"Source: Homicide, Working Paper 33, 1984.
Department of Justice Canada. Reproduced with the permission of the Minister of Public Works and Government Services Canada, 2006."

Table of Contents

ACKNOWLEDGEMENTS 1

INTRODUCTION 3

CHAPTER ONE: Arrangement of the Homicide Provisions 5

I. Homicide in Common Law 5

II. Homicide in Canadian Law 7

III. The *Criminal Code* Provisions 9

IV. Evaluation of the Arrangement of the Homicide Provisions 24

V. Improving the Arrangement of the Homicide Provisions 26

CHAPTER TWO: The Physical Element in Homicide 29

I. Acts and Omissions — Duties 29

II. Causation 33

III. Death 35

IV. Of a Human Being 36

V. Victims Already Born 36

CHAPTER THREE: The Mental Element in Homicide 39

I. The Mental Element in "Intentional" Homicide 40

A. Intent to Kill 42
B. Recklessness 42
C. Constructive Malice 44
D. Transferred Intent 46
E. The Policy Issue 47

II. Constructive Homicide 47

III. Reckless Killing 51

IV. The Mental Element in "Reckless" Homicide 53

V. Other Homicide Offences 57

VI. Negligent Homicide 57

VII. "Drunken" Homicide 60

VIII. General Conclusions and Labels 62

CHAPTER FOUR: Sanctions for Homicide 65

I. Sanctions under Present Law 65

II. Negligent and Reckless Homicide 66

III. Reckless and Intentional Homicide 67

IV. A Fixed Penalty for All Intentional Homicide 68

V. Excess Force in Self-Defence 70

VI. Provocation 72

VII. Infanticide 74

VIII. Degrees of Intentional Homicide 78

SUMMARY OF RECOMMENDATIONS 85

PROPOSED LAW OF HOMICIDE 87

SUGGESTED DRAFT HOMICIDE CHAPTER 89

COMMENTARY 91

ENDNOTES 95