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R v. White: Causation in Criminal Law

Ruchika Mohapatra · 06 Sep 2025

R v White established the "but for" test in criminal law, ruling that factual causation is required for a murder conviction.

Introduction

The case of *R v White* is a landmark decision in English criminal law, particularly in the area of causation. The case established the principle that a defendant's act must be the factual cause of the victim's death for a conviction of murder. The "but for" test, which determines factual causation in criminal law, was established in this case.

Facts of the Case

The defendant, William White, attempted to poison his mother by adding cyanide to her drink. However, before the poison could take effect, she suffered a heart attack and died. A post-mortem examination revealed that she had not consumed a fatal dose of cyanide, meaning the poison was not the actual cause of death.

White was charged with murder, but the legal question arose as to whether his actions were the cause of his mother's death.

Issues Identified in R v White

The central legal issue in R v White was whether White's act of poisoning his mother was the factual cause of her death. The prosecution had to establish that "but for" White's actions, his mother would not have died when she did.

Judgment Given

The court applied the "but for" test to determine causation. Since White's mother would have died from a heart attack regardless of the poison, the court held that White's actions were not the

factual cause of her death.

Consequently, he could not be convicted of murder. However, because he had attempted to kill her, he was found guilty of attempted murder.

Theories of Causation in Criminal Law

Causation is a fundamental principle in criminal law that establishes a link between the accused's actions and the prohibited harm. It ensures that a person is only held liable if their act was the cause of the criminal outcome.

There are two primary types of causation:

1. Factual Causation

Factual causation is established through the "but for" test. This test examines whether the harm would have occurred "but for" the defendant's actions. If the harm would have happened regardless of the defendant's conduct, factual causation is not established.

'But for' test helps establish whether the defendant's conduct was the actual cause of the harm suffered by the plaintiff. This test is often applied in negligence cases to assess whether the harm would have occurred but for the defendant's wrongful act or omission.

2. Legal Causation

Legal causation considers whether the defendant's act was a substantial and operating cause of the result. It involves determining whether there were any intervening acts that broke the chain of causation.

This can be tested through proximate causation, which considers whether the harm was a foreseeable consequence of the defendant's actions.

Proximate cause refers to the legal cause of an injury- i.e., the cause that is legally sufficient to impose liability. Courts analyze whether the harm was a natural and probable consequence of the defendant's conduct, without any intervening events breaking the chain of causation.

Key elements of legal causation include:

- Substantial Cause: The defendant's actions must be a significant contributing factor to the outcome.
- No Novus Actus Interveniens: There must be no new, independent act (such as third-party actions or natural events) that breaks the chain of causation. If another person's action significantly changes the course of events, it may break the chain of causation.
- Foreseeability: The result must be a foreseeable consequence of the defendant's actions.

Tests of Causation in Criminal Law

1. The "But For" Test (Factual Causation)

The "But For" test is the primary test for factual causation. It asks: "But for the defendant's actions, would the harm have occurred?"

- If the answer is No (i.e., the harm would not have happened without the defendant's act), then the defendant caused the harm.
- If the answer is Yes (i.e., the harm would have happened anyway), then the defendant is not the factual cause.

2. The Substantial Factor Test

When multiple causes contribute to the harm, courts use the Substantial Factor Test to determine whether the defendant's act was a significant cause of the result.

- If the defendant's action was a substantial factor in bringing about the harm, they are liable.
- If the action was insignificant or negligible, they may not be held responsible.

3. The Proximate Cause Test (Legal Causation)

Even if factual causation is established, the court must determine whether it is legally fair to hold the defendant responsible. This is called proximate causation and focuses on foreseeability and direct consequences.

The test checks the following:

- Was the harm a natural and foreseeable result of the defendant's act?
- Was there an intervening act that broke the chain of causation?

4. The Intervening Act Test (Novus Actus Interveniens)

An intervening act is an event that occurs after the defendant's action and contributes to the harm. If the intervening act is unforeseeable, it may break the chain of causation and remove liability from the defendant.

5. The Eggshell Skull Rule (Thin Skull Rule)

This rule states that the defendant must take the victim as they find them. If the victim has a pre-existing condition that makes the harm worse, the defendant is fully liable even if a normal person would not have been as severely affected.

In R v Blaue, a stabbing victim refused a blood transfusion due to religious beliefs and died. The defendant was still liable, as the refusal did not break the causal chain.

Conclusion

The case of R v White clarified the role of causation in murder cases. By introducing the "but for" test, the case ensures that defendants are only held liable for deaths they have actually caused. While White was not convicted of murder, his intent led to his conviction for attempted murder, reinforcing the principle that criminal liability extends to those who attempt but fail to complete an unlawful act.

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