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INTRODUCTION TO CRIMINAL JUSTICE:
TEXT AND CASES, by Orville C. Snyder.*
Prentice-Hall, New York, 1953. Pp. xvi, 776. \$8.00.

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INTRODUCTION TO CRIMINAL JUSTICE: TEXT AND CASES, by Orville C. Snyder.* Prentice-Hall, New York, 1953. Pp. xvi, 776. \$8.00.

Things are stirring in criminal law.

In a series of great cases in the 1930's and 40's the Supreme Court of the United States taught us that police and prosecution practices commonly approved in the states invaded the constitutional right of accused persons. These cases (and perhaps the security problems of a later day) forced us to think afresh about the requirements of a fair trial and fair police procedure. Now the great Survey of the Administration of Criminal Justice sponsored by the American Bar Association promises to gather facts on a nation-wide scale. Among other things, the survey may confirm or deny the brutal realities of administration described by the sporadic and localized crime surveys of the prohibition era. The American Law Institute is currently supporting work on the Model Criminal Code. When that work is completed we may hope that many states will rework their criminal codes as indeed Wisconsin and Louisiana have already done in relatively recent years. Lawyers have become increasingly aware of the problems surrounding the disposition and treatment of offenders. The prison sentence — without more — is seen as an act of social bankruptcy.

A student whose view of criminal law is taken from the vantage point of Professor Snyder's course book would be virtually blind to this movement.

There are many exciting ways to study criminal law. We might pay close attention to proposals for change. Even the most casual student of criminal law is familiar with the archaic, over-technical mess of statutory definitions and with the clumsiness of the attempt to take mental disorder and alcoholism into account. We might emphasize the realities of everyday administration in the police department, the prosecutor's office and the courthouse. We might explore the limits upon controlling human behavior by means of criminal sanctions. The list of stimulating ways to discuss criminal law — law at its most dramatic and most terrifying — is surely a long one. Yet from my point of view the present book chooses what must be the only way to make dull the most exciting part of the law.

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Professor Snyder is interested in the classification of those human acts or omissions which are crimes. His interest runs to careful definition of such terms as "act," "intent," "attempt," "solicitation," "larceny," and so on through the whole catalogue of terms relevant to the subject. The book presents a terminological discussion and the intensity of Professor Snyder's concern with a term is in direct relation to the term's degree of abstraction. I believe his students would know a lot about words but not a lot about the criminal law as it works or as it ought to work.

At once let me say that I believe in words too. A lawyer lives by them. The terms set the stage for argument; provide the touchstone for relevancy. If, however, we deal with the words of today's criminal law, we must respect some venue rules. In Minnesota our terminology is dear to us. It may be nonsense to distinguish between first and second degree manslaughter on the ground that the first killing is done in a cruel and unusual manner while the second is supposedly done in a kindlier and more normal fashion, but we do it. We have no reason to import other distinctions from abroad. When we use a word it means exactly what we choose it to mean — nothing more and nothing less. So it is with every state. If a criminal law course is to examine the terms as they exist, students ought to use a book emphasizing materials from a single jurisdiction. The Snyder book presents a world of accepted universals which would mislead a mind not content with analysis for its own sake.

One more point along the same line. The book is almost innocent of reference to any statutory materials. A student would have to be reminded that law in this area is found almost wholly in the statute books. The important words are legislative creations however important the common law models.

The teaching method of this course book is a return to the methods of an earlier day. In large part the book is a textbook with cases used for purposes of illustration. Perhaps the law schools have gone too far in eliminating the use of text materials in the classroom. Many times a well written text can serve to cover ground rapidly or to provide necessary background for a careful discussion of difficult cases or problems. More and more case books are using non-case materials for these purposes. But Professor Snyder's book is not a part of this trend. His text material is designed for full exposition and covers all of the subject

matter of the course. The cases *illustrate* the text rather than set the stage for classroom give-and-take. The text is the heart of the plan for instruction.

The cases are not designed for the intellectual exertion of comparison between cases nor for the task of careful factual analysis in the light of the opinions. The main emphasis in the cases is upon the opinions themselves, *i.e.*, upon the judicially written texts. Above each case selection is printed a word or a phrase designed to identify the material "covered." The heading is a kind of brain cushion should students find case reading too tough. In one instance the case printed is a civil accident insurance case, an essay used to give light on the distinction between intentional and unintentional acts.¹

What I have said, of course, is simply that I would not like to keep my course in criminal law within the boundaries of Professor Snyder's terminological reservation. Assuming, however, I had to present the subject that way, I would not like to use a text with only a small number of cases inserted like the photographs of a geography book. I am sure that other teachers with other tastes can use the book splendidly.

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A BIBLIOGRAPHY ON FOREIGN AND COMPARATIVE LAW. BOOKS AND ARTICLES IN ENGLISH, by Charles Szladits. The Parker School of Foreign and Comparative Law, Columbia University, 1955. Pp. xx, 508. [Distributed by Oceana Publications, New York]. \$15.00.

This impressively organized bibliography gives concrete evidence that much can be done in the study of foreign law and in comparative law without leaving the English language. Its appearance, therefore, should encourage those who, because of language handicaps, have assumed themselves to be cut off from the always rewarding and now increasingly important knowledge of other legal ideas and experiences. At the same time it is to be hoped that the necessity of knowing languages, if one is to

1. P. 218, *Cooper v. National Life Ins. Co.*, 212 Mo. App. 266, 253 S.W. 465 (1923).

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