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Book Review: A Handbook of Criminal Law, By Justin Miller

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Students cannot use this book with a great deal of profit. Most students who resort to the use of texts to help them in their study are led to believe that they are acquiring much more than they actually get. No one can read Professor Walsh's book appreciatively without some understanding of concrete cases which present some specific problems that some courts have answered in the past or will have to answer in the future. The text may help him to find the cases, and it does shed a lot of light upon what courts have done, but to the average student and to the better than average student, who can not know enough about the concrete cases to raise any specific problems, this text or any other text is a useless crutch.

VERNON X. MILLER.

Handbook of Criminal Law, By Justin Miller, (Hornbook Series), 1934. One Volume. West Publishing Company, St. Paul, Minn.

Dean Miller has added a useful source of material in criminal law by writing the book under review. As it is, there is too little text material in this field. But it is difficult to find a better way of arranging the legal principles of criminal law in orderly fashion than by use of the Hornbook style as found in this book.

Fortunately, no attempt is made to mingle criminal procedure and substantive criminal law in this work. The idea some teachers advocate that substantive and adjective law should be taught together has always appeared to the writer as being the ideal way of creating extreme confusion in the mind of the student as to the fundamental principles of substantive law. The average student can grasp only a few principles of law at one time. Learning the principles of law is a slow process. If too many principles of law are presented to the student at one time, the result is a lack of knowledge of any of them. The last statement is a fundamental concept of pedagogy.

It is also gratifying to note that Dean Miller's book emphasizes the fundamental principles of criminal law rather than being an exposition of novel and unique situations found in exceptional cases which happen but once in a lifetime of practice. This approach seems proper in view of the fact that it seems to the writer the duty of the law teacher in the undergraduate law school is to expound the solid structure of the law to the student, leaving with him a foundation from which he may make excursions alone into the unusual fields of the subject or indulge in creative thought in those fields—if ever called upon to do so. The practicing lawyer can refresh his memory of these fundamental principles of criminal law by referring to this volume.

A complete text discussion of the material usually presented in a criminal law class will be found in this book. In addition the author has added chapters relating to The Criminal Act and Justification. These will be found of particular interest. The introductory chapter will be useful for the purpose of orientation for the beginning student. A table of law review articles cited in the book would have added to the value of the book by furnishing a source of collateral reading on the subject for the student.

The law student should resort to the text materials. This will aid him in two ways, first, the numerous principles of law found from a study of the cases will become arranged logically and orderly in his mind, and second, various parts of the class-room lecture or discussion might be cleared up by reading a more clarifying statement of the matter under discussion. The writer does not hesitate to recommend to his students a resort to texts as a necessary and helpful supplement to case-study and class-lecture. To criminal law students this new volume will be especially helpful.

J. WALTER McKENNA.

BOOKS RECEIVED

Courts and Judges. By R. C. K. Ensor. Oxford University Press, London, 1933. One volume.

Declaratory Judgments. By Edwin Borchard. Bank-Baldwin Publishing Co., Cleveland, 1934. One volume.

Handbook of Equity. By Wendell Phillips Stafford. National Law Book Co., Washington, 1934. One volume.

Restatement of the Law of Torts. St. Paul: American Law Institute Publishers, 1934. Two volumes.

A Selection of Cases on Evidence at the Common Law. By Edmund M. Morgan and John MacArthur Maguire. The Foundation Press, Chicago, 1934. One volume.

The Twilight of the Supreme Court. By Edward Samuel Corwin. Yale University Press, New Haven, 1934. One volume.

Year Book of Edward II. Volume XX. 10 Edward II, A.D. 1316-1317. Edited by M. Dominica Legge and Sir William Holdsworth. Belden Society, London, 1934.