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Crime and the Criminal Law in the United States

D. F. Cavers

West Virginia University College of Law

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It can only be guessed why the author adopted the usual notion of poorer workmen(often in their case justified) that readers are interested in what the courts have said and not in what the writer thinks. Why should a portrait painter do signs,—even useful ones telling us, “25 miles to Oshkosh”?

—M. S. BRECKENRIDGE.

University of North Carolina
Law School

CRIME AND THE CRIMINAL LAW IN THE UNITED STATES. By Harry Best. New York: The MacMillan Company, 1930, pp. xvii, 615.

Fairness demands that a reviewer appraise a book in the light of its author's purpose, and Professor Best has left no room for speculation as to his aim in the preparation of the above entitled volume. It is intended, he remarks in a foreword, “as a limited contribution to an understanding of the situation as to crime and the criminal law in the United States . . . or as a help toward the creation of a larger and fuller realization of the implications of the subject”. Again, he requests that the work “be looked upon rather as an elementary text—on the one hand, for the student who is seeking a fundamental acquaintance with the subject, and, on the other hand, for the citizen desiring a better appreciation of it.”

With this end in view Professor Best has devoted slightly over one hundred pages to a necessarily sketchy presentation of the principles of criminal law, the definition of specific crimes, and the machinery of criminal procedure. This is followed by about four hundred pages of studies largely statistical,¹ as to the extent of crime in the United States, the characteristics of the criminal class (including therein tabulations as to age, race, economic and social background, recidivism and the like), forms of punishment and the means of release therefrom, penal institutions and their problems. Concluding chapters are devoted to non-institutional methods of treatment of offenders and to possible measures for control or reduction of crime.

This rough outline of the content of Professor Best's volume gives one some appreciation of the extent of the task to which he

¹ For the abundance of statistical material, Professor Best has drawn chiefly upon the reports of the Census Bureau.

set himself. The field has been thoroughly covered in the sense that virtually no problems escape mention. But save in these instances where the statistics are self-explanatory and exhaustive, few problems are treated with any considerable degree of thoroughness. This Professor Best concedes.² To have done otherwise would, of course, have necessitated many volumes in the place of one.

The vice of which this treatment of the subject is guilty is not inadequacy for adequacy must always be relative; it is dullness. To the reader who brings imagination, some knowledge and a critical intelligence to its interpretation, statistical material in itself may be stimulating. The uninitiated student and citizen, however, require more appetizing fare than Professor Best proffers. To arouse in them a desire to delve deeper may necessitate a relaxation of the "objective" approach, dear to social scientists, to the extent, at least, of venturing opinions on contentious points. But that should deliver the reader from discussions such as that contained in the two and one half pages devoted to the "Theory of Capital Punishment"³ wherein are enumerated fourteen arguments for, and eighteen arguments against, the infliction of the death penalty.

Although this work is not, in the reviewer's estimation, suitable for the introduction of the layman to the study of our criminological problems, it does have distinct value as a work of reference to which just that sort of person for whom it is designed may turn when in search of information in this field. The problems of crime and the criminal interest at least superficially every member of the community. With a confidence usually in inverse proportion to knowledge, the "voice of the people" makes itself manifest in the streets, the Pullman smokers and the newspaper columns, asserting opinions on most of the topics included within Professor Best's volume. To the more thoughtful members of that public who make inquiry before they speak, this should prove a useful handbook.

Several pages of bibliography are appended to the text. These references are listed alphabetically by the authors' names. The student and citizen would doubtless profit more from a bibliography arranged by topics.

—D. F. CAVERS.

² p. vii.

³ Ch. xxxviii.