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Criminal Justice in England

Ernst W. Puttkammer

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tions. Dr. Cory has offered a treatise of immense value not only to the jurist but also the student of international government.

Northwestern University.

KENNETH COLEGROVE.

CRIMINAL JUSTICE IN ENGLAND. By Pendleton Howard. New York: Macmillan Co., 1931. Pp. xv, 436.

Inevitably a good book suffers a handicap in being reviewed. The very fact of the book's excellence makes the reader and reviewer forget the book because of their interest in the subject matter. The book tends to be self-effacing. This handicap is one that Professor Howard's book is very likely to suffer severely from. He presents his timely subject clearly and adequately, and is obviously well fitted for the task.

The reader comes away with a feeling of envy of the English, who, in this field at least, have, and take for granted, so many good things that seem so utterly beyond our grasp. Yet an adoption of the English system, or rather lack of system, of criminal justice would almost certainly make our state incomparably worse. English success is most certainly due to far more elusive factors than differences of legal form and procedure. The high standards of conduct and professional ability demanded and expected of all concerned, and, as a corollary, the extent of co-operation by all participants, on both sides, to secure a wise administration of the law are far more significant factors, and these cannot be transplanted. Most of those that can be transplanted would be a sad failure in this country—laymen picked as magistrates, haphazard prosecutions, sometimes by private initiative, sometimes by the police, and occasionally by a public prosecuting officer, etc. All in all, reading this book should simultaneously cause envy and also a distrust of any scheme to take over and imitate English methods.

Too many of the English improvements depend, also, on a flexibility and freedom from constitutional restrictions that we simply do not have. It is not a question one way or the other, whether such freedom would be desirable; it is simply that we do not have it. Their indictments can be as long or as short as seems wise to them. They can bind over for trial to another than the local trial court without concerning themselves about the vicinage. Their well trained judges can go far in giving aid to an untrained jury. These too are factors of importance, and are ones that cannot be taken over.

To return to Mr. Howard's book. The adverse points are very few and very minor, but reviewers, being of an antagonistic nature, are expected to find some. Mr. Howard greatly stresses the growth of summary jurisdiction by magistrates, even over indictable crimes, if the prisoner consents. Considering the number of cases so disposed of he does not overstress it. He seems to infer that this indicates the unpopularity of the jury, and hence its gradual disappearance. It may indicate the latter, but not necessarily the former. For one and the same crime a magistrate is authorized to impose only a short jail sentence, while a jury verdict could involve a term of years in the penitentiary. Given the same punishing power a jury might still be preferred.

On page 339 the writer states that "there are no surety companies which write bail bonds and consequently no professional bail bondsmen." This is plainly a slip. The professional bondsman may be a private

person as well as a corporation, and in his more obnoxious form is very likely to be a private person. The absence of the corporate surety does not mean the absence of the professional bondsman.

That no more serious faults than this can be found with the book is perhaps the best compliment to it. Far more important than such minor matters is that it greatly amplifies and brings down to date a description of English criminal justice for which previously the most convenient reference had been the able but comparatively brief, articles in volume one of the *Journal of Criminal Law and Criminology* by Professors Keedy and Lawson. Professor Howard's book deserves and will surely get a career of active usefulness among those interested in criminal procedure.

University of Chicago.

E. W. PUTTKAMMER.