

THE FRENCH PENAL CODE OF 1810 AS AMENDED 1959. Translated by Jean F. Moreau and Gerhard O. W. Mueller. 1960. xviii and 158 pp.

THE KOREAN PENAL CODE. Translated by Paul Ryu. 1960. x and 145 pp.

THE NORWEGIAN PENAL CODE. Translated by Harold Schjoldager and Finn Backer. 1961. xi and 167 pp.

THE GERMAN PENAL CODE OF 1871. Translated by Gerhard O.W. Mueller and Thomas Buergenthal. 1961. x and 177 pp.

Editor-in-Chief for the Comparative Law Project, New York University School of Law, Gerhard O. W. Mueller. [Fred B. Rothman & Co., South Hackensack, N.J.: Sweet & Maxwell, Ltd., London. £1-12-6 each.]

Gerhard O. W. Mueller, the Editor-in-Chief of the New York University Law School Project, informs us in his foreword to the French volume, that “occupation with matters of criminal law has become respectable” in the United States, and he expresses the hope that suitable materials for comparative work will be provided for the various American agencies concerned with reforming the law. The first four volumes of this series of *Foreign Penal Codes* are attractively produced and own the appearance of having been both diligently and lucidly translated. In their present form they represent a useful first step towards accomplishing the project’s aim.

The translated texts of the four codes are introduced by essays from the pens of criminal jurists from the countries of their application. But these, with the possible exception of Dean Ryu’s on the Korean Code, are allocated such meagre space that they amount to little more than sophisticated nutshell commentaries on the historical development of each code, its present structure and the main factors which motivate its penal outlook. The unusual punitive distinction adopted by the Norwegian legislators as between insanity and voluntary drunkenness (where both induce states of “unconsciousness”), and the startling breadth of the French definition of larceny are notable indications of the need for greater elucidation of the respective statutory provisions than that now afforded by the introductory essays. Other instances abound and, to a greater or lesser degree, all four volumes suffer from the same general limitation. Comparison between the Malayan Penal Codes and those of France, Korea, Germany and Norway may not be an entirely fair one—due to the former’s greater dependence on case law (though, admittedly, less on authoritative writings). But one is nevertheless tempted to speculate on the value of the impression that a French lawyer is likely to derive from a translation into his tongue

of the wording of, say, section 511 (Attempts) of the Malayan Codes, when his only extra-textual information on the actual law of attempts to Malaya and Singapore is provided by an explanatory piece comparable in brevity to those provided in the volumes under review. If a well-known saying from the common law world may be excusably inverted, Professor Mueller and his colleagues have succeeded in using "the bloody horse" all right, but where's "the snaffle and curb"?

An answer to this question is somewhat tentatively proffered by the Editor-in-Chief when he states, "It is to be hoped, however, that in a subsequent series, treatise-like and encyclopaedic information on the codes can be made available." Could not the publication of the texts have been usefully postponed until that necessary amplification is forthcoming? Since the value of a future appearance of such explanatory matter, unaccompanied by translations of the relevant statutory provisions, would be seriously impaired, the reasons which prompted the separate publication of the present series are difficult to fathom.

The provision of a horse already snaffled and curbed is surely worth delaying the journey for — especially where the road is likely to prove a hard one.