

J. A. COUTTS: THE ACCUSED, A COMPARATIVE STUDY. By British Institute Studies in International and Comparative Law No. 3. [London: Stevens & Sons. 1966. 282 pp. £3. 5s.].

This book is a comparative study of the various criminal processes (particularly from the point of view of efficiency) adopted by different countries whereby an alleged offender is brought to justice. In particular, the inquiry is based upon "a study of the balance between the public interest and the interest of the accused." (p. 3). It seeks possible answers and solutions to questions like:—

What are the various powers (checks and balances) of arrest, search, seizure, detention, bail, limitations of right to consult with legal advisers?

Is preliminary inquiry essential?

What is the composition and the role of the jury?

All these aspects, and many others of criminal procedure are investigated.

The reason for such a study is quite obvious *viz.* illumination of one's own existing system and also with a view to reform. To quote Sir Leslie Scarman in the foreword: ". . . at a time when serious doubts are being entertained . . . as to the efficacy of . . . criminal procedure, it is necessary that we should appraise it

in the light of accurate knowledge of the procedures of others. This work enables the lawyers of many countries to take a fresh look at their own procedures in the light of the experiences of others. It makes a significant contribution to the cause of law reform — everywhere.” (pp. vii-viii).

Turning now from consideration of the basic purpose of the work as expressed above to the actual contributions one may fairly raise the fundamental question — has it achieved its objective in a most satisfactory and pleasing manner? The reader unfortunately will be somewhat disappointed in this, for all that he is afforded is nothing more than a general resume of the machinery of the various represented legal system. Very little is attempted in the way of analyzing the problems that are implicit in a conflict between public and private interests. Thus, one often encounters statements such as “some people may consider that the accused is excessively protected . . .” (p. 34), but on the other hand it does not tell us by what comparison and on what principles the accused is supposed to be excessively protected? Granted that such principles are incapable of accurate formulations but surely there are at least some quite successful attempts at such formulations. In the United States, for instance, it is generally known that considerable rethinking of the criminal process, of the extent of police powers of arrest and interrogations, of bail requirements, etc. are being carried out today. As such, this could have provided the basis for a deep analysis into the very nature of the types of private and public interests that one would have protected in the judicial administration of criminal justice.

Finally, turning to the United States contribution it must be noted that there is no apparent justification that such an important case like *Escobedo v. Illinois*, 378 U.S. 478 (1964) should merely merit a footnote reference.

All in all however, the book provides a useful guide and digest for those who are interested in a comprehensive summary of various current rules and practices of various systems.