

at City Hall. Dr. Lorimer's warning is important and these dangers do exist. However, this course is not pre-determined. These possibilities need not happen. A progressive future for the One City will depend on the role and actions of the people, and in the first place, the labor movement in alliance with the poor people's movements and the youth. This valuable book is both a warning and an exciting challenge. After all, the urban crisis cannot be solved by archaic policies and public officials who refuse to change, and urban government is too important to be left any longer as the private preserve of the politicians and the powerful bureaucratic establishment.

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### CASES AND MATERIALS ON CRIMINAL LAW AND PROCEDURE

By M. L. Friedland; (University of Toronto Press: Toronto),  
third edition, 1970; 695 pp., Index 6 pp.

Until recently, teachers of criminal law have relied for instructional materials primarily upon casebooks composed of the opinions of appellate courts. Since Langdell popularized the case method at the Harvard Law School a century ago, most North American law schools have resorted to the casebook as the medium to instruct students in a common law system based on precedent and counter-precedent. And since the casebook is problem-oriented, it has been assumed that case analysis was the perfect tool to instill in the student that amorphous talent known as 'legal reasoning' or the 'analytical mind.'

In recent years, many law teachers have come to realize that, while the case method is a necessary tool of legal education, it is not in itself sufficient. This realization is especially evident with respect to criminal law, which simply cannot be comprehended as a social (as well as legal) institution if one simply focuses upon high court decisions. I think this realization has developed in great part as the result of research in two areas of vital concern to the student of criminal justice: (1) the development and operation of the criminal law as a socio-political instrument of social control; and (2) the actual administration of the system of criminal justice with focal concern upon such topics as: police discretion, the criminal court as a bureaucratic system in which the traditional role of the defence counsel as advocate has been supplanted in the plea-bargaining process so that he has been reduced

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to the role of a systems-negotiator; the function and operation of the criminal jury; and the thorny problem of disparity of sentencing.

It is thus apparent that the criminal law casebooks of the past have presented a fragmented picture of the criminal law process. The current use of such casebooks cannot be faulted so long as they are supplemented with other materials, but I do not think that they can stand alone. Keeping this observation in mind, it seems to me that the latest edition of Friedland's casebook is in keeping with his scholarly and valuable academic contributions. He does present other materials in addition to case reports, although most of his work does proceed in the old tradition. Friedland does not consider specific offences but rather focuses upon the general principles and doctrines of the criminal law as well as the main defences (i.e. that portion of substantive criminal law which is referred to on the Continent as the General Part). However, he also devotes chapters to a number of other important topics: Morality and the Criminal Law; Pre-Trial Procedures (including arrest, search, and bail); The Trial Process (including a portion of the transcript of the *Truscott* case dealing with the issue of the admissibility of photographs of the victim); and Sentencing (including a discussion of the Model Penal Code provisions on sentencing).

Friedland has provided a greater variety of materials than usually contained in criminal law casebooks (such as Schmeiser's *Cases and Comments on Criminal Law*). His casebook is certainly a worthy contribution to academic criminal law, but one would hope that in the classroom it would be supplemented with material from the growing body of research into the administration of criminal justice. In that regard, one might well recommend Grossman's *The Prosecutor*, as well as Friedland's excellent study of bail practices in Toronto, *Detention Before Trial*.

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