

1911

## Book Reviews

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### Recommended Citation

Book Reviews, 2 J. Am. Inst. Crim. L. & Criminology 447 (May 1911 to March 1912)

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William Hodge & Co., of London, are publishing a series of volumes entitled "Notable English Trials." Two volumes have already appeared: "The Trial of the Stauntons," by J. B. Atlay, and "The Trial of Franz Müller," by H. B. Irving. Other volumes in preparation are: "The Annesley Case," by Andrew Lang; "The Trial of Lord Lovat," by D. N. Mackay; "The Trial of William Palmer," by G. H. Knott; "The Trial of Dr. Lamson," by H. L. Adam, and "The Trial of Mrs. Maybrick," by H. B. Irving. Each volume contains a full history of the case, together with portraits of the principal parties.

J. W. G.

SOCIAL MUSEUM OF HARVARD UNIVERSITY. No. 4 of the publications of the department of social ethics of Harvard University is a bulletin of 43 pages describing the social museum of that institution and its value as an instrument of university teaching. It contains a classified list of the collections in the museum, among which is a large number of photographs, diagrams, pamphlets, tables of statistics and other exhibits relating to crime, police, prisons, defectives, etc.

J. W. G.

THE JUKES. A STUDY IN CRIME, PAUPERISM, DISEASE, AND HEREDITY. By Robert L. Dugdale. Fourth Edition, with an Introduction by Franklin H. Giddings, Professor of Sociology in Columbia University. New York and London: G. P. Putnam's Sons, 1910. Pp. 120.

We take much pleasure in noticing a new edition of Dugdale's classic study. The fact that this work has not been available for years to the needed extent in class use and otherwise has long been felt regrettable. The work itself represents such an honest endeavor and is written in such a simple, straightforward style that it has many commendable qualities over and beyond the facts which it presents. Dugdale was a man who collected first-hand information, and in the course of field work done for the New York Prison Association, which may always be proud of the fact that it started him, ran across in one prison a group of people which started the inquiry which has proven so significant for careful students of both criminology and general social conditions. Dugdale had no preconceived thesis and apparently collected his facts with a good deal of intellectual honesty. The result is that here we have a simple presentation of points which are important both for the student of heredity and environment. He was open-minded enough to give us a straightforward and unique account of living conditions, of personal character, of types of crime, as well as a collection of statistics of illegitimacy, alcoholism, and mental aberration.

Tentative conclusions he offers from time to time in his work, but all with an air of modesty which is very satisfying. Added to the special study of the Jukes family, which he was able to register to the number of 700 out of 1,200 descendants—which in itself shows the author's in-

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dustry—Dugdale has included some general prison statistics which, it must at once be confessed, are of far less value than the first part of his book. It is when he has done the personal and more intensive work that he has contributed the studies which have become classical. This last edition is well printed in handy form and forms a volume which should at some time be in the hands, one is tempted to say, of every student of social conditions, whether or not they are specialists in criminology. Dugdale's study will long continue a work to be reckoned with.

Chicago.

WILLIAM HEALY.

LE VAGABOND. SES ORIGINES. SAS PSYCHOLOGIE. SES FORMES. LA LUTTE CONTRE LE VAGABONDAGE. Par *Le Dr. A. Pagnier*. Paris: Vigot Freres, Editeurs, 1910. Pp. 244.

This is a very readable work on vagabondage. Pagnier's study of the subject is in general extensive rather than intensive, although he gives numerous résumés of particular cases. He devotes some chapters to a historical study of nomadic impulses and evidently feels himself thoroughly justified in attacking the question from this side because he holds atavistic theories in regard to the matter. The production of real innate vagabond tendencies, he thinks, is not so much a matter of direct inheritance as it is of a new growth of ancient racial characteristics. However, the author is not confined alone to this theory. He dwells considerably on the relationship of vagrancy to mental and nervous disorders. In a long chapter entitled "The Fight Against Vagabondage" most stress is rightly laid, as we think, upon the prevention of conditions in childhood which lead to the production of vagrancy. The adult tramp or vagrant is beyond cure. What should be done about his case depends entirely upon the exigencies of the particular civilization under which he lives. Pagnier gives us a short comparative study of efforts to check vagrancy in different countries. It is notable that in the United States the vagrant, as a rule, has his full freedom, although in some states there is an effort to punish vagrancy as a misdemeanor by enforcing some months of labor in a house of correction. However, even in the countries that have developed a system of definite prosecution of vagrancy the result has been most unsatisfactory and there has been no reduction of tramp life. The only sensible way to attack the problem is by getting at the causes of vagrancy which surround children. There must be more effort to prevent the breaking up of families. There must be a better fight against alcoholism and the forces which make for degeneracy, whatever they may be, in any given environment.

In the older, more fixed and more crowded civilizations of Europe the tramp and wanderer is much more of an anomaly and anachronism than he is in this country, and that is probably why such a number of volumes on vagrancy have been written, mostly in French. American scientific authors have evidently thought the subject hardly worth their prolonged attention. Articles and even volumes of a sociological and biographical nature have appeared, but they have quite a different standpoint from the works of French writers on the subject. An unsatisfactory point in connection with practically all of the studies of vagrancy is in regard to the estimation of the mental attitude of tramps or

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vagrants. In various studies, as in Pagnier's work, there is some attention devoted to the so-called psychology of the vagrant, but, compared with work which might well be done by qualified persons, the efforts presented are most inadequate.

WILLIAM HEALY.

Chicago.

DER EINFLUSS DER GESINNUNG DES VERBRECHERS AUF DIE BESTRAFUNG. Von *Dr. Philipp Allfeld*. Neuntes Heft, Kritische Beiträge Zur Strafrechtsreform. Leipzig: William Engelmann, 1909. Pp. 192.

First one considers the meaning of the title of this book and of the captions of its chapters wherever the word "Gesinnung" is used. The sense is not at all obvious even to scholarly Germans whom the reviewer has consulted. The trouble is, perhaps, due to the present tendency of academic authors to reintroduce thoroughly Germanic terms in place of words derived from Latin sources, which have long been used in German textbooks. It is strange that Allfeld does not at first take pains to make clear this point of terminology which he finally feels it necessary to dwell on in his last chapter. "Gesinnung" apparently signifies intent as the guiding rule of one's actions. This is distinguished, on the one hand, from motive, which may be an incidental matter related to the single act in question, and, on the other hand, from the character of the individual, which is a thing too widespread through an individual's life to be practically considered in the punishment of an offense. So far as the reviewer can make out, the legal definition of intent, namely, the state of mind in which or the purpose with which one does an act, most nearly covers the meaning of the author's term, which is so important for the understanding of his work. To be sure, he finally comes around to the view that study of the motive is the immediate way in which the intent can be understood and so must be taken somewhat into consideration.

The whole volume represents a philosophical consideration of the underlying basis of punitive measures and especially of possible criminal law reforms. One does not see expressed much that is new in thought, but the whole subject is well put and the work should be read by those who have constructive measures in view. The author's discussion is largely aimed at the "Gesinnungsstrafe" of the sociological school, which he thinks is inclined to over-emphasize the study of the offender as such and to over-believe in the possibility of extensively doing away with crime by treatment of the personal peculiarities of the criminal. To the outspoken demand that in the criminal code of the future punishment shall be proportionate to the criminal intent of the offender he offers a considerable amount of critical material which takes up the major portion of his work. Cases are not cited, individual studies are not in any way given, but the whole contention is handled from a philosophical and critical standpoint, with much drawing upon the literature for a background. The author's conclusion is that the criminal law of the future will still, as a starting point, have to present the idea of evil for evil: the definite and concrete offense must have a specific punishment. Only so far as it bears in mind this fundamental proposition will criminal law reform need to follow the tendency to punish definite criminal acts. It

will become plain, moreover, that the view of the sociological school, namely, to make the intent of the offender the central point of punishment, can in a certain measure be taken into camp, so that in practical criminal work the fundamental law of both schools will have its place.

The steps by which Allfeld arrives at his conclusions, while impracticable for the reviewer to enumerate, are worthy of consideration, as we said before, especially by those who have new things in mind for criminal law reform.

WILLIAM HEALY.

Chicago.

DISKUSSIONEN DES WIENER PSYCHOANALYTISCHEN VEREINS. I. HEFT:  
 UBER DEN SELBSTMORD, INSBESONDERE DEN SCHULER-SELBSTMORD.  
 Beiträge von Prof. Freud, Dr. Adler, Dr. Friedjung, Dr. Molitor,  
 Dr. Reitler, Dr. Sadger, Dr. Stekel. Wiesbaden: J. F. Bergmann,  
 1910.

The purpose of the publications of these "discussions" is, in the first place, to approach and deal with psychological problems that are of interest for the public weal, before a larger circle of physicians, psychologists, pedagogues and criminologists, from the standpoint to which the practice of the psycho-analytical method leads. This method, first applied by Breuer in the treatment of nervous diseases, was subsequently further developed and perfected by the highly gifted physician, Prof. Sigmund Freud and his school, until at the present day it offers a means of taking hold of the psychic phenomena that appear in both healthy and diseased persons, explaining them in genetic and dynamic directions and uncovering their subconscious mechanism. It makes use of the notions that occur to the patient and of his communications in order, by systematically removing layer after layer of the final psychic phenomena, to construct the original situation common to all the symptoms and which is the root of the illness. The successful use of this method presupposes accurate knowledge of the child-soul and its development, including the sexual instinct and the art of preventing one's personal lines of thought from influencing the examination, allowing oneself, on the contrary, to be led by the thoughts and feelings of the patient.

The first number is principally concerned with the suicide of school-boys—and, in fact, of juveniles in general—which has increased so alarmingly in the last decade in all highly civilized countries and especially in Germany and Austria. Why do so many hundreds put an end to their lives in the bloom of youth? Where does the fault lie? With the school, the parents, in hereditary tendencies? It cannot be denied that most of what has been said on this subject belongs to surface psychology and that we can no longer be satisfied to-day to hold, for instance, the admittedly cruel requirements of the German schools responsible for all these tragedies. We want to have new and higher points of view and deeper insight and, therefore, rejoice to find these Viennese physicians taking hold of the subject by its psychological root. But, for the following reason alone, it is difficult to review these discussions; that it is just the Freud school that is constantly exposed to misunderstandings and simply stating its findings without entering more closely into its method is likely to make it still more misunderstood.

In the case of schoolboy suicides, according to Dr. Reitler, the fact seems to be indubitably established that the compelling suicidal impulse is only apparently the direct reaction from the fear of examinations. As the patients themselves can give no other cause, it seems on the face of it very plausible that fear of an examination (especially the "matura") may drive a young student to the thought of suicide and eventually to carrying it out. But the psycho-analytical uncovering of the subconscious lines of thought discloses quite different, much deeper lying motives. Above all, the psycho-analysis shows that the fear in all phobias at the beginning was not directed toward any object—that is, that the person suffering from it, before he feared thieves, fire, examinations, etc., passed through a stage in which all these objects of his fear did not exist, in which he felt fear absolutely without any motive. Some patients characterize the feeling as that "terrible fear of fear." According to Freud, this primary, objectless fear is most frequent when the sexual instinct, failing to find normal expression, is suppressed. The ungratified sexual tension turns into fear. Hence, it is not onanism, for instance, but the struggle against it, the suppression of the libido, that very often produces the neurosis of fear. It is, to be sure, an enormous relief to the patient to find an object toward which he can direct the groundless fear in the toils of which he is perfectly helpless; but as this primary object is usually found in the injuries of masturbation his condition is indeed improved, but still remains unendurable. For by the nature of this object the fear, though intellectually determined, at the same time becomes permanent. And now follows a further psychic achievement: the transference of the fear from the original, sexual sphere to a harmless, social one: in the case under discussion—that of the youthful student—to the school. And thereby much is gained, for the fear that was formerly constant thus becomes subject to temporary alleviations and moreover by this transference to a harmless sphere the cultural tendency to belittle as far as possible the emotional effect of the sexual instinct is also taken into account. Among youthful students we often find the motive of fear to be that an examination cannot be passed because the intellectual abilities, and above all, the memory have been injured by masturbation; (we cannot utter too strong a warning against the so-called "instructive" writings that describe the "terrible" consequences of masturbation)—hence a partial return of the fear that has been transferred to the examination to the original "onanism-complex." Children who keep their sexual fear closely associated with the false object, the school, soon seek relief in the same way that all sufferers from phobia do: they avoid the object that excites their fear. So the boy begins to shirk school and it would be well indeed if this were not always regarded merely as a tendency to vagrancy, but in some cases as the result of terrible fear. Children that do not dare to run about the streets at school time attain their ends just as well by pretending to be ill, and it may be said in passing that if this perfectly conscious simulation is repeated frequently, actual hysterical functional disturbances may result. As a last resort to escape from the fear of examination there remains suicide, although generally suicidal impulses suffice, and, as a matter of fact, the mere idea of being able to put an end to fear once for all is so com-

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forting in its effect that it almost looks as if it were only their suicidal impulses that kept many people alive.

It is a welcome sign in modern psychology and medicine that people are no longer satisfied to-day simply to call diseases by their names. The bare verification that the suicide was a neuropath is of service to no one. What is it that is common to all the cases? Only the most thoughtless can fail to notice one common characteristic of all forms of suicide, the limitation of mental powers, the inability, with the aid of will, intellect or imagination, to conceive of a way-out or a change in the unendurable condition. Goethe excuses Werther's act: "nature finds no way out of the labyrinth of confused, resisting forces and the man must die." In psycho-analysis the Freud school believes it has in its hand the red thread that leads out of this labyrinth.

Only a few more sentences that may be regarded also as the Leit-motive of the different lectures that are collected in this book. "Not for nothing is suicide psychosis *κατ' ἐξοχήν*, melancholy, a disease that belongs to age, thus to men who themselves perceive that their ability to love is decreasing and who also can no longer hope to be loved by others. Only those give up life who have had to give up hoping for love" (Sadger). "The same thing is true of juvenile as of adult suicide; it is a punishment that the man who is departing from life inflicts on himself. The principle of the *'talion'* seems to me to play the main part in this. No one kills himself who has not desired to kill another, or at least desired his death" (Stekel). "The school is not the cause of the school-boy's suicide, but that it does not prevent child suicide is its one great fault. It ought to help the child over the difficult period when his air castles collapse and stern life shows him the impossibility of realizing his fantasies. The child and the neuropath die from the irreality of their fantasies" (Stekel). "In all cases of nervous, unusually able men and in those suicides where an examination was possible I always found proof that in their early childhood they had possessed an especially deep feeling of inferiority" (Adler). Etc., etc.

ADALBERT ALBRECHT.

South Easton, Mass.

CHANGES IN BODILY FORM OF DESCENDANTS OF IMMIGRANTS Washington: Government Printing Office, 1910. Document No. 208, 61st Congress, Second Session.

An intensely interesting and instructive paper which throws a very important side light upon the limitations of criminal anthropology has been published through the United States Immigration Commission, by Professor Franz Boas of Columbia University. A careful compilation and study of certain anthropometric data has been worked out for two European types, namely, Sicilians and East European Hebrews, from which the following deductions have been drawn. The head form, which has always been considered as one of the most stable and permanent of human body relationships, undergoes far-reaching changes due to the transfer of the races of Europe to American soil.

1. "The fact is one of the most suggestive ones discovered in our investigation, because it shows that not even those characteristics

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of a race which have proved to be most permanent in their old home remain the same under our new surroundings; and we are compelled to conclude that when these features of the body change, the whole bodily and mental make-up of the immigrants may change."

2. "The influence of American environment upon the descendants of immigrants increases with the time that the immigrants have lived in this country before the birth of their children."

3. "The changes in the head form which the Europeans undergo here consist in the increase of some measurements, in the decrease of others."

4. "The differences in type between the American-born descendant of the immigrant and the European-born immigrant develop in early childhood and persist throughout life. This is indicated by the constant occurrence of the typical differences in the measurements of children of all ages. The influence of American environment makes itself felt with increasing intensity, according to the time elapsed between the arrival of the mother and the birth of the child."

5. "Among the East European Hebrews the American environment, even in the congested parts of the city, has brought about a general more favorable development of the race, which is expressed in the increased height of body (stature) and weight of the children. The Italian children, on the other hand, show no such favorable influence of American environment, but rather a small loss in vigor as compared to the average condition of the immigrant children."

6. "The type of the immigrant changes from year to year, owing to a selection which is dependent upon the economic conditions of our country."

7. "It has been observed that, while immigrants have large families, the size of the family is very materially reduced in the second generation. An inquiry into our material has shown that the reduction of the size of the family goes hand in hand with the improvement of the physical development of the individual."

Chicago.

WILLIAM HEALY.

LA PENA E IL SISTEMA PENALE DEL CODICE ITALIANO. By *Ugo Conti*. Società Editrice Libreria, Roma, 1910. Pp. 970.

Prof. Conti was one of the delegates sent by the Italian government to the International Prison Congress at Washington, where he resisted the vote to approve the principle of the "indeterminate sentence." It is interesting to follow his train of thought and see how, by a different route, he reaches substantially the conclusions of American defenders of the so-called "indeterminate sentence."

We start with the conception of penalty ("pena", which is defined as an evil inflicted as a counterpoise of crime. The justification of penalty lies in the necessity of establishing public peace and reaffirming law. This is not revenge, nor is it, in essence, protection of society or intimidation; penalty is for a crime actually done, and does not refer to future crimes. Penalty does not aim to reform the offender, nor to eliminate criminals, except incidentally, but to "restore public peace." An insane person cannot be subjected to penalty, because disease has destroyed his

responsibility, and a child cannot be punished, because of immaturity. Care ("cura") is for the irresponsible. The government reform schools of Italy, although superintended by the prison department, are not places of punishment ("pena"), but of educational treatment.

Penalty must correspond to and be measured by the crime ("reato"). The indeterminate sentence is a contradiction of the essential conception of definite proportion. A whole chapter is devoted to the method of measuring the penalty required by the various kinds of crime; it is the "classic" doctrine. The author insists throughout the work that the "pena" must be measured by the crime and that all indeterminateness must be excluded. The argument is too subtle and prolonged to follow here; it is familiar to all lawyers.

At once, however, this simple abstraction, which is so attractive because of freedom from all practical considerations, begins to dissolve. By a series of fine distinctions, plausibly and ably argued, this position is practically abandoned. First of all, the penalty may be shortened, although it would be unjust to prolong it. Furthermore (p. 47), no exact or absolute equivalence between crime and penalty can be found, but only a relatively exact measure of guilt. The abstract notion is also modified by the fact that, after all, the nature and disposition of the offender himself, as well as his crime, must be considered by legislators and judges in fixing sentences. The author admits "substitutes" for penalty and enlarges the usual discretion of the judge in several directions.

When the convicted prisoner enters upon his period of punishment he discovers another variation: no two prisons are alike, and the penalty becomes more or less severe according to the conduct of the prisoner. Duration is only one element; penalties vary in intensity as well as in length. The author's definition of penalty seems to exclude any purpose of reformation of the individual (p. 179).

But the most important modification of the abstract idea of penalty is found in the author's really admirable plea (p. 249) for "conditional liberation"—which is a defective form of our "parole system." This is treated as the last stage of long sentences and a necessary part of it. The prisoner is not to have favors, grace or pardon, but liberation on the ground of good conduct and conditioned on upright behavior while conditionally free.

This period of supervised liberty is as truly a part of the penalty as the previous stages of incarceration in cell and community life. Passing over the discussion of transportation, fines, amends and details of substitutes, we come to the author's special contribution to the discussion—the doctrine of "complements" of penalty. "Substitutes" for penalty are designed for first offenders, "complements" for dangerous, habitual and professional criminals with whom the ordinary measures are inadequate. Penalty is a factor in criminal law; the supplementary restriction of liberty is a measure of public security employed by the police. The state has three agencies for dealing with offenders—the criminal law administered by courts, the prison department, and the police—and each branch contributes its own peculiar service in the prevention of crime. Penalty is in definite proportion to the crime; the police control

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follows the execution of penalty and is indeterminate; that is, it continues so long as the offender is dangerous to public order. This is precisely the argument for the "indeterminate sentence," which Conti rejects as unsound, so far as it is fixed by the trial court as "penalty."

The individual offender is not left to the arbitrary and secret control of the police during his period of "complement." The administration of this police measure is to be placed in the hands of a "penitentiary commission" composed of judges, prison officials and representatives of the police. Their decisions are reached upon the basis of all the facts collected in the trial court, in prison during the term of incarceration, and by the police inquiries. Hence, the "complement" cannot be adopted until at or near the end of the penalty fixed by the trial court. The treatment under the "complement" is supervision, compulsory labor, detention in prison or penal colony, if necessary. In this treatment there is to be no maximum limit fixed by law.

Noteworthy is the chief reason given (p. 674) for not giving the trial court the power to decide the "complement": "because the process, even the most accurate and precise, does not sufficiently reveal the criminal. The process considers the criminal deed, and the man himself comes into full light especially while serving his sentence." The author insists, as all advocates of the "indeterminate sentence" have done, that the prison administration alone has the opportunity to make a detailed, scientific study of the personality under controlled conditions. The value of criminal anthropology and sociology in this study is urged (p. 683).

We must omit analysis of the author's interesting discussion of deportation, treatment of recidivists, reprimand, restriction of domicile, penal and civil consequences of conviction, and the immensely valuable collections of provisions from codes of all civilized countries. Even when one is not prepared to accept the author's argument, his learning, clearness of thought and strong grasp of the real factors in debate must be acknowledged. The recommendation of a penitentiary commission, with judicial, prison and police representation, was adopted by the International Prison Congress at Washington and had already been proposed by several Americans in connection with improvements of our parole system.

C. R. H.

CELEBRATED CRIMINAL CASES OF AMERICA. By *Thomas S. Duke*, Captain of Police, San Francisco. San Francisco: The James H. Barry Company, 1910. Pp. XII, 657.

This book purports to be an accurate account of the 110 most important criminal cases in America that have taken place during the past eighty years. In addition to the narration of these criminal cases, the volume contains a brief history of the San Francisco police department and a number of incidents in which the police of San Francisco took a more or less prominent part.

The criminal cases treated are those that impress themselves upon one because of some element of mystery, cruelty, or of degeneracy. They all have a dramatic interest. None of the tales, however, have a scientific interest, unless it may be in the study of the facts surrounding the out-

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rages that resulted from the act of some degenerate or pervert. Here, undoubtedly, though the abnormal mental condition has received no study in itself, the student of psychiatry may glean and gather some valuable scientific information. The stories of crime are told, in the main, in a straightforward and in a fairly clear manner. However, what is emphasized most is the unraveling of the crime, the cruelty of the criminal, and the mystification that surrounded the crime and rendered its solution more difficult. But the book is not a study of criminology; it is only fair, however, to say that the writer does not purport that his work should be scientific. Instead of approaching his subject from the point of view of a scientist, he has treated it entirely from the point of view of a policeman or a detective.

Where an element of mystery appears, the method of treatment has been to tell of the mystifying circumstances surrounding the crime and the incidents and facts, immaterial to the criminologist, but which finally led up to the apprehension of the criminal. Police methods, in other words, are at all times emphasized; consequently the selection of cases is important only from the policeman's point of view. The relation of environment or social economics to crime, the psychology of the criminal mind, the study of the physiognomy of criminals, or even a suggestion of what might either tend to prevent or lessen crime, is singularly absent. As already said, the criminological aspect is entirely neglected, hence the book is likely to be found only on the shelves of those who are interested in stories and escapades of desperadoes of the Jesse James type.

It would be of no particular value to review the story of any particular crime set forth. Nor would it be of any particular value to point out certain inaccuracies of the narrator, or the manner in which the stories of the narrator might have been improved. Suffice it to say, although the book is well enough written for what it purports to be, it is of no value to the student of criminology.

Chicago.

HERBERT J. FREIDMAN.

**CRIMINAL PSYCHOLOGY; A MANUAL FOR JUDGES, PRACTITIONERS, AND STUDENTS.** By *Hans Gross*, J. U. D., Professor of Criminal Law at the University of Graz, Austria. Translated from the Fourth German Edition by Horace M. Kallen, Ph.D. Boston: Little, Brown & Co., 1911. Pp. XX, 514.

This treatise forms a volume in the "Modern Criminal Science Series," the purpose and scope of which are perfectly familiar to the readers of this JOURNAL. A special "Introduction to the English Version" is written by Dr. Joseph Jastrow, professor of psychology in the University of Wisconsin. The general plan of the work is to consider, first, "the subjective conditions of evidence" as they are reflected in "the mental activities of the judge," and, secondly, the "objective conditions of criminal investigation" as found in "the mental activity of the examinee."

In the first part of his work the author illustrates and emphasizes the fact, often overlooked, that the mental activities of the judge, especially those of "taking evidence" and those of "defining theories," are

just as much subject to psychological laws as are the mental activities of the examinee. The judge should, therefore, know himself, and be on guard against the weakness of his own human nature, as serious legal errors may arise from his failure to recognize the psychological laws and conditions which limit and determine his own mental activities. His success in obtaining correct testimony depends, to a great extent, upon his patience in taking evidence, upon his ability to descend to the intellectual level of his witnesses, *i. e.*, "to presuppose as little as possible," upon his effort to arouse their interest in the proceedings, and upon his use of the factors of egoism, laziness, and conceit as "the only human motives on which one may unconditionally depend. Love, loyalty, honesty, religion and patriotism, though firm as a rock, may lapse and fall" (p. 27).

Especially noteworthy is the author's discussion of the outward expression of mental states, based partly upon Darwin's "The Expression of the Emotions." Gross advises the judge to study the whole character of a person, not merely the particular feature most prominent in a given case, and to remember that "people show their weaknesses most readily before those whom they hold of no account" (p. 62). At the same time he points out the differences between real and simulated emotions, and warns against overhasty generalization from a few observations.

Since one of the important problems of the legal profession consists in drawing the right inferences from the material presented, some eighty pages are devoted to a very illuminating discussion of proof, causation, skepticism, the empirical method in the study of cases, analogy, probability, chance, persuasions and explanation, inference and judgment, mistaken inferences, and statistics of the moral situation. Instances from law and general literature are quoted with striking effect and reveal the author's "stupendous erudition." We may overlook the fact that modern methodology would regard the discussion of most of these topics as a matter of logic rather than of psychology.

The second main part considers, in the first subdivision, the general conditions—such as perception, imagination, intellectual processes, association of ideas, recollection, will, emotion—and the linguistic forms, of giving testimony. The criminalist must be cautious in the acceptance of testimony concerning facts perceived. He must keep in mind that sense-perceptions are usually mixed with imaginations, judgments, etc., and that they may be translated from one sense-department into another. The lawyer must remember, also, that an examinee may be intellectually proficient in one respect, but utterly incapable in others. The discussion of memory, while emphasizing certain idiosyncrasies, illusions, and memotechnic devices, neglects, however, to mention the recent experimental contributions to his subject, and the treatment of the topics of will and emotion are similarly disappointing, at least from the psychologist's point of view.

In the second subdivision the "differentiating conditions of giving testimony" are taken up, and about a hundred pages are devoted to what may be called special characterology. More than half of this discussion deals with woman, while the remainder treats childhood, senility, and the influence of nature and nurture on mankind. Here the

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author makes excellent use of his wide knowledge of the literature and his keen insight into human nature. Nevertheless, he carefully avoids sweeping generalizations and advises his colleagues to study each case separately. Under the heading of "isolated influences," the topics of habit, heredity, prepossession, imitation and the crowd, passion and affection, and honor, are studied with the same broadmindedness.

The last seventy pages of the book return to topics more psychological in character. The illusions produced by the various senses are considered, and their significance for legal purposes is pointed out. The optical illusions, as illustrated by the ten figures on pages 430-434, are not very apparent or convincing, owing to the thinness of the white lines on the black background. The study of the hallucinations, according to Gross, should be of special importance to the lawyer, because these phenomena occur most frequently in subnormal conditions, where it is difficult to determine the degree of responsibility. With regard to the lie under normal conditions, the author assumes Kant's "standpoint of absolute rigorism" (p. 475), while he has recently become convinced of the fact "that the pathoformic lie plays an enormous part in the work of the criminalist and deserves full consideration" (p. 480). Legal complications may arise from the confusion of dreams with experiences of waking life and should be looked for particularly in children's testimonies. The analysis of consciousness at different stages of intoxication is also of great legal importance for the determination of personal responsibility, but the legal problems that arise from the influence of suggestion must await further psychological investigation.

Two bibliographies, one including criminological works easily accessible to English readers, and one referring to works on psychology of general interest, are added by the translator. He has, furthermore, omitted many references in the text or sometimes substituted such as are more accessible to English readers. Unfortunately, he has not indicated his own insertions, and, consequently, the reviewer found himself at times puzzled as to the connection between the text and certain references in the footnotes. In fact, the footnotes in general do not seem to have received due attention, for most of the typographical errors occur among them. The translation itself is not free from occasional crudities. We feel like protesting, for instance, against the coinage of such terms as "constantification" (p. 11).

The readers among the legal profession should also be cautioned not to accept the author as a standard authority for modern scientific psychology. He has neglected to utilize recent experimental results of importance. The plan of dividing the subject-matter into the mental activities of the judge and of the examinee does not seem very fortunate, as it suggests that the mind of the one is essentially different from that of the other. Besides, it is impossible, even for the genius of Gross, to carry the distinction through with logical consistency. But this defect does not materially detract from the value of the book as an aid to the understanding of the most difficult subject of human knowledge—the mind and character of man.

L. R. GEISSLER.

Cornell University.

## BOOK REVIEWS

IMPORTING WOMEN FOR IMMORAL PURPOSES. A Partial Report from the Immigration Commission on the Importation and Harboring of Women for Immoral Purposes. Sixty-first Congress, Second Session; Senate Doc. No. 196.

This report is a compilation of the evidence secured by the investigators of the Immigration Commission in regard to the participation of foreign women in immoral occupations. While statistics are presented of the number and nationality of those arrested for public solicitation in the larger American cities, of the immoral women deported, and of procurers arrested, a considerable proportion of the evidence is of cases which are assumed to be typical of the importation and exploitation of women. In this fashion information is given concerning the extent and methods of the traffic in women, the systems of exploitation, profits, and effects of the trade. A number of recommendations are made which involve further coöperation among immigration officials at home and abroad, and of greater efficiency in the prosecution of individuals arrested.

New York.

L. D. UPSON.

DIE KRIMINELLE FRUCHTABTREIBUNG. Von Dr. *Eduard von Liszt*, K. K. Bezirksrichter in Wien. Zürich: Art. Institut Orell Füssli. Vol. I, 1910, pp. 274; vol. II, 1911, pp. 274.

The long review of this work that was at first intended has become a short one. It proved to be altogether impossible to do its rich contents justice within the confines of a review at all. It is scarcely saying too much if we affirm that, for thoroughness and versatility, these two volumes are unique in the great mass of juridical literature on this question that has been put forth in the last twenty years. They bear magnificent testimony to the high humanity of a European jurist, as well as to the modern scientific methods, and clearly prove once more how greatly the treatment of every juridical theme gains by presentation from the standpoint of comparative law. (Over 200 different codes of law of all ages and peoples are quoted.) It is apparent that a subject lying so obviously in the borderland between law and medicine also demands intimate acquaintance with medical literature, and we gratefully follow the author on his excursions into this province. His historical and legal philosophical education, however, enable him to make the work interesting, not only to specialists, but also to show a larger circle of readers what an immeasurable amount of blood and despair the treatment of this grave and momentous subject has cost in the course of thousands of years, and that it is the duty of every right-minded man to do his utmost to further the improvement of the conditions that prevail in this matter. Though Dr. von Liszt disclaims all partiality in his standpoint, yet he has always the courage of his convictions. Neither ruling opinions, nor laws, nor decisions of the highest courts are able to swerve him from what he has once recognized as right, and though his attitude is always correct, he does not fail sometimes to criticize sharply.

The first volume contains most exhaustive examinations of the reasons that make procuring abortion punishable and of the nature of the

deed; and it shows how a human custom could be regarded in one age as a capital crime, in another as a slight offense; by one nation as a grave infringement, by another as a normal and therefore unpunishable natural phenomenon; by one people as a transgression against the law, by another as an entirely private affair. Indeed, by some peoples in some ages procuring abortion has even been regarded as a meritorious and praiseworthy act. It is proved that harsh—more, even inhumanly cruel—punishments were not and are not able to prevent criminal abortion as an extensive practice and that it is impossible to compile statistics of this “crime” because the state cannot punish any deed before it is discovered, and criminal abortion, for obvious reasons, rarely is discovered. Five chapters are devoted to a searching inquiry as to whether by the act in question a wrong (an infraction of the law) is committed against anyone and the following factors are taken into consideration: first, the growing life itself (the foetus); second, the pregnant woman; third, the procreator; fourth, the state (society), and fifth, morality. If, and in as far as a right of any one of the first four factors is not injured by procuring abortion, the latter ceases to bear the character of an infraction of the law, hence also of a crime. But, apart from the rights of these factors, morality itself, as the foundation of society, must be protected. On the answer to the question whether and to what extent an injury to a right of one of the foregoing factors or to morality is committed by procuring abortion depend the demands that a future code of law must embody. Dr. von Liszt comes to the following conclusions: procuring abortion must remain unpunishable *de lege ferenda* if the following conditions are fulfilled: (1) If it is carried out within a certain period at the beginning of pregnancy, which period must be neither too long nor too short and is to be definitely fixed by law; (2) if, in the case of legitimate pregnancy, both husband and wife consent, in the case of illegitimate pregnancy, the pregnant woman consents; (3) if it is carried out by duly qualified individuals who are responsible to the authorities. If any one of these conditions is not fulfilled, procuring abortion is punishable, and the extent to which it is so is to be determined by the judge, in each individual case, with careful consideration of all the circumstances, in accordance with a law that shall leave as wide room as possible for variation of the penalty.

The second volume contains admirable discussions of the subject and the object of the deed, special legal regulations relative to medical men, the duty of reporting cases that devolves largely upon them, the method and means of procuring abortion, the development of the foetus, etc. The important question of the danger involved for the pregnant woman is also most carefully dealt with. With the aid of a large mass of medical material, the author proves that the cause of most of the injuries to pregnant women is just the fact that procuring abortion is prohibited altogether, with the result that it is performed in secrecy, and, in place of further comment, he cites the words of St. Augustin: “*Talia sunt multa, sed oculos quærun*.” Of special value are many of the remarks that are only indirectly connected with the theme, but that stimulate the reader to think about questions of general interest, as, for in-

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stance, that "morality can never demand as its right anything that is aimless," or that, "in spite of increasing 'humanity,' love of one's neighbor is decreasing"—an assertion that also sometimes applies to the legislator of to-day, unfortunately with full justice. ADALBERT ALBRECHT.  
South Easton, Mass.

SCIENCE AND THE CRIMINAL. By *C. Ainsworth Mitchell*. Boston: Little, Brown & Co., 1911. Pp. XIV, 240.

This is an interesting book, evidently written with the object of being readable rather than scientific. There are chapters upon: systems of identification—photography, finger prints, etc.; identification and handwriting; distinguishing inks in handwriting; identification of human blood and human hair; poisoning trials; adulteration of food, and brief histories of quite a number of notable forgery, murder, poisoning trials, etc., including the Maybrick case.

The author, Mr. Mitchell, is well known as joint author of a work on inks and is a contributor to the English magazines on the identification of documents, mainly through ink. While Mr. Mitchell has given considerable space under various chapter headings to the identification of the individual by means of handwriting, yet in each case he has seen fit to quote examples where handwriting experts either were mistaken or somebody said they were mistaken. The book shows a deliberate attempt to minimize the work of the handwriting expert, to put it in its mildest form, not to say to so slur the handwriting expert as to make him appear a minor factor in the scientific identification of the criminal. Those judges, lawyers and others in this country who know of the scientific work of the handwriting and document expert know that, while not infallible, he is scientific, skilled and conscientious, and is called in to aid in a surprisingly large number and variety of cases. Evidently Mr. Mitchell's experience, either as handwriting examiner himself or with other handwriting experts, has not been one productive of confidence in the work of the handwriting examiner. All of the cases referred to in the book are English and the only references to American work in this line are some illustrations from the work of two American handwriting experts—and one of these is not credited to the United States. Lovibond's tintometer is illustrated and described, but evidently at the time Mr. Mitchell wrote the book he had not learned that Mr. Albert S. Osborn of New York had made a decided advance in the use of the tintometer to compare and examine inks by the invention or adaptation of an uniquely designed and constructed ink comparison microscope with two accurately paired objectives. This permits of the examination of ink lines under magnification and the use of the Lovibond color glasses at the same time.

Mr. Mitchell still maintains that heredity has much to do with handwriting and reproduces in the book the same illustrations that he used in connection with his article on this subject in "Knowledge" in London some two years ago. I think the illustrations themselves negative his theory, and they are probably the very best that he could find to sustain it.

If an American or English child were sent to Germany before he

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learned to write, never saw any of his parents' handwriting, and was educated in the German schools, was taught German script until the age of twenty-one, and was then brought back to the United States or to England, we would then have a good opportunity of seeing just what influence was exerted by heredity and what by environment. I do not think it would require much argument to demonstrate that this particular young person would not only write the German script without a trace of English or American in it, but, in point of fact, would never be able to master a fluent English or American style of writing—to say nothing of the heredity of its English or American parents exerting itself in handwriting. Boys are apt to copy their father's handwriting, just as girls are apt to imitate the writing of their mother, and this imitation is often mistaken for heredity. Teachers who have taught a large number of pupils know this. There is no more widely mistaken notion in regard to handwriting than that heredity asserts much influence on it, while, in point of fact, it is environment and imitation that produce the resemblance.

Mr. Mitchell writes well and the book will prove a very acceptable addition to any library having to do with science and the criminal.

New York.

WILLIAM J. KINSLEY.

CRIMINAL MAN, according to the classification of Cesare Lombroso, briefly summarized by his daughter, *Gina Lombroso Ferrero*. Introduction by Lombroso. With a synopsis of the principal works of Lombroso and a bibliography of his writings on criminology. New York and London: Putnam's, 1911. Pp. 279.

This volume contains the conclusions of Lombroso on the subject of criminology. These conclusions are set forth in a lucid style and in good English. The writer has done much to make it an attractive volume to the lay reader. The appearance of Lombroso in English, even in so condensed a form, is certainly an event to be hailed with pleasure. Unfortunately, the condensing of so much material necessitated the omission of practically all the statistical matter which was of so much value in Lombroso's own work. Perhaps the great name of her father may give the simple statement of his conclusions proper weight with the English reading public, but we almost regret that Mrs. Ferrero did not include more of the experiments and figures at the expense of a heavier and a little less readable book.

In spite of this apparent defect the book is a valuable one. It is introduced by a gem from the pen of the dying scholar. This introduction shows his mind clear, bold and comprehending to the very last. "It will, perhaps, be of interest," he writes, "to the American reader . . . to learn how the first outlines of this science arose in my mind and gradually took shape in a definite work—how . . . the Modern School came into being." His two great ideas, namely: that crime should not be studied in the abstract, but in the criminal himself, and that the congenital criminal is a pathological and atavistic anomaly, did not come to him under the spell of a single great inspiration. In fact, his first extensive investigations were undertaken with the intention of demonstrating the fallacy of the assertion of a group of French scholars

that there was a similarity between criminals and lunatics. While making an examination of the skull of the famous brigand, Vilella, he discovered the depression *median occipital fossa*, characteristic of birds and animals. "It was not merely an idea," he writes, "but a revelation. At the sight of that skull I seemed to see, all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal—an atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals. Thus were explained anatomically the enormous jaws, high cheek bones, prominent superciliary arches, solitary lines in the palms, extreme size of the orbits, handle-shaped or sessile ears found in criminals, savages and apes; insensibility to pain, extremely acute sight, tattooing, excessive idleness, love of orgies, and the irresistible craving for evil for its own sake, the desire not only to extinguish life in the victim, but to mutilate the corpse, tear its flesh, and drink its blood."

His second inspiration came to him later, in the case of Misdea, who in an epileptic seizure killed eight of his superior officers and comrades, fell into a deep slumber lasting twelve hours, and awoke with no recollection of the crime. Misdea, while representing the most ferocious type of animal, manifested also all the phenomena of epilepsy. "It flashed across my mind," writes Lombroso, "that many criminal characteristics not attributable to atavism, such as facial symmetry, cerebral sclerosis, impulsiveness, instantaneousness, the periodicity of criminal acts, the desire of evil for evil's sake, were morbid characteristics common to epilepsy, mingled with others due to atavism."

Finally, his investigations revealed the fact that epilepsy frequently reproduced atavistic characteristics. The task of the Modern School was the transformation of the basis of the penal code to make laws obey facts instead of manipulating facts to suit the laws founded on dogmatic assumptions. A long and patient life work of a most painstaking nature, aided by a large number of younger disciples, gave to the world a new conception of crime and the criminal. The bitter antagonism of some European jurists delayed the adoption of his principles there, but America has long been enjoying the benefits of the juvenile court, probation, suspended sentences, conditional liberation, indeterminate sentences, and reformation for the young and for "criminaloids."

The book does not bring to us much that is not brought by McDonald, Ellis, Drähms, Ferri, and others, but it has the stamp of the authority of the pioneer, while they reproduce in a measure.

The second part of the work, in which the author describes various institutions and their success, is not particularly strong, mainly because the American public has been told repeatedly of the nature of its remedial institutions in more detailed form. Furthermore, we are inclined to be somewhat skeptical of the reports of "cures," "reformations," and "conversions" wrought by our reformatories, republics, and salvation armies when the "patients" enjoys treatment from a few moments to a year or two only. Without doubt a great number of persons are restored to good citizenship, but we still have to adjust ourselves to the fact that large numbers of our criminals are criminals because of abnormal personality and crime is their normal function. The hope of reforming

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such persons is slight. Lombroso himself demonstrated the hopelessness of the task.

The third part of the work is of great value. It consists of a study of the character and types of criminals, with abundant textual illustrations and a good description of the methods and instruments used in getting information. Such information will be enlightening and convincing to the American public.

On the whole the volume is well prepared for the lay reader. It is comparatively free from the use of technical terms, except where these terms are explained. We hope it may have a wide reading, for it contains information that the public ought to possess.

PHIL A. PARSONS.

Syracuse University.

MEDICAL JURISPRUDENCE, FORENSIC MEDICINE AND TOXICOLOGY. *R. A. Witthaus and Tracey C. Becker*. Second Edition. Four volumes. New York: William Wood & Co.

The appearance of the fourth and final volume in the second edition of this standard work calls for appropriate mention. In the first edition, which was completed fifteen years ago, Witthaus and Becker, with the assistance of a score of well-known specialists in various lines, produced a work characterized by exhaustive and scholarly treatment of those topics which present serious difficulties both to the lawyer and to the medical man. The second edition follows the same general plan as the original work; the section on pure medical jurisprudence is followed by one on forensic medicine, of which the subsections on thanatology, bio-thanatology and biology, with an exhaustive index, fill the first three volumes. To the student of criminology these volumes appeal through their wealth of carefully collated material on medical subjects of marked legal importance to-day. The precise determination of injuries, crimes of violence of all types, railway injuries, the medico-legal relations of insurance, insanity or mental deficiency, of marriage and divorce, show the range of topics treated. Copious citations enable the student to run down readily any desired item, and a case table facilitates greatly the finding of items.

Special mention should be made of the last volume of the present edition, for which Prof. Witthaus is alone responsible and which has undergone a radical revision necessitated by the advance in chemical knowledge and methods. It deals with the subject of general and special toxicology in 1,261 pages of well-arranged and carefully digested materials. The table of cases, which forms the preface of the volume, and the exhaustive index, with which it closes, are evidences of the thoroughness of treatment that is further indicated in the abundant footnotes embracing exact references to the sources of the text. The comprehensive character of the work is well indicated by the discussion, for instance, of the use of boracic acid in the preservation of food products, though, as the author justly notes, this phase of the subject "is hygienic rather than toxicological."

HENRY B. WARD.

University of Illinois.

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LE CHIEN DE POLICE, DE DEFENSE ET DE SECOURS. By *René Simon*. Paris: Pedone, 1909. Pp. 32.

In this pamphlet M. René Simon calls attention to the fact that civilized man lacks the sensual acuity and physical prowess which the savage possesses for the detection of danger and personal protection, and that the dog possesses those qualities which make him a most valuable complement to man in this regard. The use of bloodhounds for police work in America has not been perfectly satisfactory because these dogs are not properly trained and are too ferocious. The Belgian sheep dogs are best suited to police work and are used for this purpose not only in Belgium, but also in Germany and France and to a slight extent in the United States. These dogs are carefully trained in special schools for a period of from six months to a year. They may be utilized not only as assistants to the members of the police force, but also as watch-dogs for personal protection and for sanitary work. Dogs were first used for sanitary work in Germany when St. Bernard dogs accustomed to rescuing travelers in the Alps were utilized to search for wounded soldiers on the field of battle. These sanitäts hunde were used in the Russo-Japanese war and the Anglo-Boer war.

M. Simon's observations regarding the value of dogs for police work are generally sound. He does not, however, seem to point out clearly that they may be employed to advantage only in the rural districts and in the suburban districts of cities. He seems inclined to advocate their use in the large cities. Practical police experience would seem to indicate that their value in the large cities is comparatively small.

New York City.

LEONHARD FELIX FULD.

THE WHITE SLAVE TRAFFIC IN AMERICA. By *Dr. O. Edward Janney*. New York: National Vigilance Committee, 1911.

The purpose of this little book is to further the work of the National Vigilance Committee, the American branch of the international organization for the suppression of prostitution. It contains a brief description of the white slave traffic, based largely upon the report of the United States Immigration Commission; a notation of the more important causes of prostitution in America, and some account of the steps taken for the suppression and prevention of the evil. While the book may have an educational value to those unacquainted with the subject, it is too brief and too lacking in statistical matter to be of service to the serious student. The appendix, however, contains a number of the treaties, together with the federal and state acts pertaining to the suppression of the vice.

L. D. UPSON.

New York City.

LA REVISIONE DEI GIUDICATI. STUDIO DI PROCEDURA PENALE. By *Pasquale Arena*. Torino: Unione Tipografica Editrice Torinese, 1910. Pp. 239.

Germany, Italy and Switzerland are at present preparing a revision of their codes of criminal procedure. During the preparatory stages two factors play an equally important role. First, we find governmental

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commissions, to whom the elaboration of the new rules is entrusted; and, second, associations of lawyers and judges, similar to the bar associations in the United States. Members of both bodies have to find out by the study of comparative legislation what other countries are doing along similar lines, and how the different rules affect the way of justice. This done, they prepare the new regulations, after which they are published and submitted to public criticism. Members of the legislature, consequently, get plenty of material for the amendment or change of the proposed laws.

The right to ask for a new trial decision in cases where an appeal cannot be taken differs in different European countries. In countries where the code Napoleon of 1808 is in force we frequently find four grounds for granting such a trial: first, if, after condemnation for murder, evidence can be produced proving that the supposedly murdered person is still alive; second, if two people are condemned for one crime admittedly committed by one person; third, if some of the witnesses are afterwards convicted of perjury; fourth, if new evidence or new facts after conviction come to light demonstrating the probable innocence of the condemned. In case of acquittal it is not possible to prosecute a person again.

Germany allows a new trial in cases of, first, falsification of documents which led to conviction; second, of perjury of experts and witnesses; third, of violations of their duties by a judge; fourth, when a civil sentence which served as a basis for the criminal prosecution is annulled, or when new facts come to light which would, if found true, justify either a milder sentence or acquittal.

The state can ask for a new trial in case of an acquittal when it can be proved that the documents were falsified or witnesses committed perjury, or when the acquitted person later confessed his guilt. In both legislations the unjustly condemned person is entitled to indemnity.

Italy has so far admitted only the first three cases of the French code as sufficient reasons for a new trial, and, like France, does not know of such in case of an acquittal. But these three grounds have for a long time proved to be absolutely insufficient to protect accused persons from judicial errors. Italy has had a number of cases where, after condemnation new facts and evidence showed the absolute innocence of condemned people and where the king had to use his power of pardon because the courts could not interfere. Such injustice ought to be avoided, and modern jurists in Italy believe in extending the reasons for a new trial by incorporating the admissibility in cases of new facts and new documentary evidence. The danger that the authority of the courts would suffer by extending the reasons for new trial and that the number of cases would increase immensely is not true for France; why should it be different in Italy? The question of what constitutes new evidence is easily decided; it is more difficult to decide the question of new facts and whether they make sure that a judicial error was committed or simply lead to presuming it. The French law demands the first, while Germany, Belgium, Austria and Norway are satisfied with an important presumption. Italian jurists would be satisfied if the new law would admit only such new evidence as makes it absolutely sure that a mistake

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was made. Unfortunately, the author is willing to let the present law, which does not allow for a new trial in case of acquittal, remain in force if persons are not prosecuted whose guilt is beyond a doubt. This is an injustice and tends in no small degree to diminish in the eye of the public the esteem of the court. He rightfully insists that a new trial should not be restricted to criminal cases, but should extend to all others where an appeal cannot be taken, because everybody ought to be equally protected against injustice. A person acquitted upon a new trial ought to be reinstated in his former rights and the state should pay an indemnity for his economic losses and in some way publicly acknowledge the mistake, so that the reputation of the person would not suffer. The whole study is full of modern ideas and the presentation of comparative legislation is very precise. It can only be wished that the Italian Parliament may adopt in the near future the suggestions of the author and the different commissions which have worked for a long time on these new regulations.

A complete index, quotations and a very complete biography facilitate the further study of this particular subject. Among the German quotations are quite a number of errors which could have been easily avoided.

VICTOR VON BOROSINI.

Chicago, Ill.

DIE FORENSISCHE BLUTUNTERSUCHUNG. Ein Leitfaden für Studierende, beamtete und sachverständige Ärzte und für Kriminalisten. Von *Dr. Otto Leers*. Berlin: Verlag von Julius Springer, 1910. Pp. 212.

This little book is a very complete manual covering the examination of blood for forensic purposes. It begins with a general discussion of the subject, emphasizing the importance of prompt action and caution in the collection and care of samples to be submitted to the examiner, and also calls attention to the important function of photography as applied to this department of forensic work. The detection of bloodstains, when attempts have been made to wash them out, being sometimes revealed by this method alone.

The author discusses the classification of blood spots, taking up in turn the characteristic appearance of spatters, drops and smears. The effect of age upon bloodstains is described, together with the conditions which facilitate destruction and decomposition. This general discussion is followed by a special section covering more detailed study of blood. This section is divided into a chapter describing preliminary tests to be made, followed by methods for formation and study of crystals. Here excellent detailed instructions are given for the production of Teichmann crystals under the varying conditions met with in practice. Another chapter covers the use of the spectroscope, giving a description of the instrument, the various blood spectra, and the relative value of various solvents recommended when dry blood must be dissolved in a manner proper for examination. In this connection micro-spectroscopic methods are also thoroughly discussed, as are also those of spectroscopic photography. Another chapter treats of the identification of blood corpuscles, taking up in turn the methods of restoration and differentiation. An-

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other treats of the identification of the different kinds of blood, beginning with an historical sketch of methods proposed before the discovery of precipitins. This chapter describes agglutination and biological precipitin reactions, under which head complete instructions are given for the inoculation of animals, the preparation of the serum and the general technique of the test. The subjects of standardizing the serum and its preservation are also included.

The book closes with a short chapter on the use of precipitins in food examinations for the purpose of differentiating meats, another short chapter on the Wasserman test, and, finally, a few pages covering the quantitative determination of blood. A very complete bibliography closes the volume, but the absence of an index is regrettable.

New York City.

JOSEPH A. DEGHUEE.

LOS NEGROS BRUJOS. By *Fernando Ortiz*. Madrid: Liberia de Fernando Fe, 1906. Pp. XVI, 432.

"Notes for a Study in Criminal Ethnology" is the subtitle which Dr. Ortiz gives to his book on the negro sorcerers. In fact, it is a very thorough consideration of negro necromancy as found in Cuba in all its aspects, and especially in relation to criminality. The book is divided into two parts. Of the first, the initial chapter is devoted to a general survey of crime in Cuba and the two following to a complete general account of the negro in Cuba. The author finds a greater amount of delinquency proportionally among the negroes than among the whites in Cuba. He also finds that the free negroes are more delinquent than were the negroes in a state of slavery, and the negroes born in Cuba are likewise more delinquent than those born in Africa. The mixed bloods occupy a position between the two races in respect to criminality, being more prone to delinquency than the whites, but less so than the pure negroes. Dr. Ortiz also finds an increase in crime in Cuba more pronounced among the negroes than among the mixed bloods and whites. The second part of the book is devoted to a detailed study of negro sorcery in Cuba. In general it may be regarded as a more or less modified form of the fetichism which was the prevailing form of religion existing in the western regions of Africa, whence came most of the Cuban negroes. In particular, the beings addressed in the rites of the conjurers may very generally be identified with certain deities of the Yoruba-speaking peoples of the west coast of Africa. Sometimes they are disguised under names of saints of the Roman church. The Yoruba customs also often furnish a key to the superstitions and practices of the Cuban conjurers. These are fully described and their significance in the life of the negro in Cuba considered. The book is a painstaking study in a very interesting field bordering on criminology. E. L.

DIE PROBLEME DER GRAPHOLOGIE, ENTWURF EINER PSYCHODIAGNOSTIK. By *Dr. Ludwig Klages*. Leipzig: Johann Barth, 1910. Pp. 260.

Dr. Klages would have his book regarded, not as a dogmatic or diltante brochure, but as, perhaps, the first serious attempt that has been made to lay down the fundamental bases of the science of expression in general. Handwriting, in other words, constitutes one of the many

forms of expression of character and personal traits. It is, moreover, in his opinion, the form of expression that is most significant and that offers the most hope of accurate analysis.

The introductory section of the monograph reviews the work of Michon and of Preyer. The next section is devoted to the problem of the effect of various influences upon the natural hand. The general conclusion is that personality is expressed in writing, but subject to modification by various physiological and psychological conditions. This leads incidentally to a discussion (pp. 19-27) of the work of handwriting experts. To these few pages we shall give our attention.

The comparison of specimens of writing to determine their authenticity offers problems that cannot be solved by ordinary officials, even though they may be called upon to handle and decipher large numbers of written documents. To be a handwriting expert one should be well versed in the psychology of handwriting. Unfortunately, the science and art of analytical diagnosis of handwriting has not yet been carried far enough in many directions to serve fully the demands of legal practice; and, again, a good deal of the information that has been developed by expert graphologists has never been formulated or set forth in books of instruction. A book on criminal graphology is very much to be desired.

However, there are certain requirements for securing reliability in the comparison of written documents that may even now be laid down by the graphologist. Thus, in the first place, the authentic and the questioned specimens ought to have been written under conditions as closely similar as possible. It will not do, for instance, to compare two samples written at different periods of life, on paper of quite different form and texture, or in totally different emotional conditions. It is not well to compare a sample written in haste with another written at leisure, nor one written in ink with another written in pencil.

Graphology next raises two questions to which it alone can supply the answers: first, does the questioned document show internal evidence of a disguised hand; and, secondly, judging by the writing, may the writer be assumed to possess the ability to disguise his hand?

The first question may, under favorable conditions, be answered by inspection of the specimen. Disguise may be deemed probable if there appear general uncertainty and insecurity, or if there appear signs of uneven tension; disguise may be proved, or at least the fact of writing under some compulsion may be proved, by the presence of internal inconsistencies which are the objective signs of the conflict between the intent to disguise the hand and the strong bonds of habit. But the inconsistencies that impress the layman are not those that impress the expert graphologist; to the former the fact that one specimen was upright, heavy and condensed, the other slanting, light and extended, would seem conclusive against identical authorship; but the expert seeks his evidence in more specific characteristics.

Ability to disguise writing may be trained to some extent, but it is mainly one expression of a general capacity to dissemble. A hand that is naturally "fluid" and "labile" indicates lability of mind, so that, in such cases, ability to disguise may be inferred directly from the natural handwriting.

## BOOK REVIEWS

Many so-called handwriting experts use, in establishing the authorship of two specimens of writing, a method that is as fallacious as it is invitingly simple. They merely count up the total number of points of resemblance and of points of difference between the two specimens and argue identity of authorship if likeness predominates, difference of authorship if differences predominate. These "experts" fail to see that coincidences between two hands may have all degrees of significance; that it is not a question of *how many* resemblances, but of *what kind* of resemblances, the hands exhibit. Thus, we cannot make safe inferences from the general similarity of two hands (height of letters, slope of line, form of word connections, etc.). Better, but still uncertain, evidence may be gained from similarities in "inconsequential" movements, *e. g.*, making a left-hand or backward turn at the ends of certain letters. The best proof of the identical authorship of two hands is found in identical ways of making certain movements that are conditioned by a complex of factors. A good instance is the way in which the *i* is dotted. If the dotting of the *i* is identical in two documents with respect to its distance from the main stroke, direction, height above line, its shape, and so forth, such a demonstration would countervail numerous divergencies in the general appearance of the two specimens.

Space forbids further description of Klages' monograph, save to say that the remainder is taken up with the consideration of what we might term the symptomatology of writing, *i. e.*, the tracing of the relation between various mental and moral traits and various elements or characteristics of handwriting. Whether the author has made good his claims to having presented a reliable scientific system of character-reading from handwriting, the reader who is interested may determine for himself (particularly by inspecting the 178 figures and their legends). The present writer has not been convinced that the system of deductions from handwriting has reached the dignity of a science. G. M. W.