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## Reviews and Criticisms

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## REVIEWS AND CRITICISMS

CRIMINAL SOCIOLOGY. By *Enrico Ferri*. Translated from the 1905 French edition by *Joseph I. Kelly* and *John Lisle*. Edited by *William W. Smithers*. With introductions by *Charles A. Ellwood* and *Quincy A. Myers*. Little, Brown & Company, Boston, 1917. Pp. XLV, 577, \$5.00.

The translators of this remarkable book have rendered an enviable service to English-speaking lawyers and scholars. For it is more than an ordinary book; it is in fact an encyclopedia of positivist thought, a high water mark of the contributions of the Positive School of Criminology. In no mean sense the work is an autobiography and a history of forty years of thinking along a definite line. Merely to run through the elaborate footnotes and bibliography not only gives the measure of the patience and the alertness of Professor Ferri's mind, but also reveals the amazing richness of the field of criminalistic science as it has developed in the last half century. It is particularly gratifying to have access to a better edition of the work than Morrison's abridgement and translation offered.

The argument of the book is so elaborate and detailed that it is almost impossible to give an adequate idea of its contents. This follows from the author's concept of criminal sociology as wider than law or statistics or anthropology. Ferri, being an "organicist," is naturally inclined to emphasize the biological and anthropological aspects of societal life: criminal sociology, he says, is inseparable from criminal biology. Yet he vigorously denies any bias, and still holds to the synthetic theory which he developed as early as 1881. This theory, in his own words, considers that "crime in general is the resultant of combined biological and social factors, and that the reciprocal influence of biological and social factors is different for each of the crimes, not only in their different forms of homicide, robbery, and rape, but also for the varieties of each criminal species (homicide committed from passion, or for the purpose of robbery, or from insanity, or for revenge). Thus social factors predominate in crimes against property; biological factors in crimes against the person; although both classes of factors concur always in the natural determination of every crime" (p. 74).

This statement of the case renders it impossible to exalt any one set of causes over any other. Hence Ferri criticizes a whole series of what appear to him one-sided theories, including orthodox socialist belief that economic considerations are basic to both normal and abnormal conduct. Likewise he presses the futility of attempting to get at "first causes." His attachment to Darwin, Spencer and Lombroso on the one hand brings him back constantly to reiteration of the claims of psycho-biology in a proper understanding of either causes or treatment of criminality. But on the other hand his discipleship to Marx makes him look to economic reconstruction for the way out. Thus he says, "The remedy can only be found in an amelioration of

the conditions of human existence through a more satisfactory economic organization of society" (181). "In the new human civilization which will succeed the bourgeoisie civilization, as the latter succeeded feudalism, the conditions of existence will be assured to every man in return for moderate labor. And thus morality will be strengthened and elevated. \* \* \* Toil, socially regulated and rewarded, will be an effective preservative against crime and vice. They will cease to be epidemic and will be restricted to isolated cases of acute pathology. \* \* \*" (182). "Thus by adopting the collective ownership of the means of production and labor, and by thus assuring really human conditions of life to every human being who shall have done his duty (children and the sick excepted) in furnishing his daily toil in some form or other, will be accomplished the drying up, as Fauchet says, of 'three great springs of crime: extreme riches, extreme poverty, and idleness.'"

A second basic thought is his famous "law of criminal saturation." Every phase of civilization has its peculiar criminality and every social group has its appropriate quota of criminality. "As a given volume of water at a definite temperature will dissolve a fixed quantity of chemical substance and not an atom more or less; so in a given social environment with definite individual and physical conditions, a fixed number of delicts, no more and no less, can be committed. \* \* \* In the same way that misdeeds are natural phenomena resulting from different factors, so also there is a law of criminal saturation, in virtue of which the physical and social environment, combined with hereditary and acquired tendencies and occasional impulses, determines in a necessary way the quota of misdeeds" (pp. 209, 285, 178 ff, etc.). This is perilously near being a truism, and springs perhaps from Spencer's dictum that every people has just as good a government as it deserves.

A third point is his really illuminating distinction between anti-human or atavic and anti-social or evolutive criminality; for this distinction reconciles the notion of the atavic criminal as a degenerate with that of the evolutive criminal as a forerunner of future morality, and reduces the apparent paradox in Emerson's hard saying to the effect that the highest virtue is always against the law. It also gives point to the claim that a high rate of crime is an index of social progress.

A fourth, which the author never wearies of pressing, since it is the key to his whole system, is the denial of free will and moral responsibility as a basis for either studying the problem of crime or treating the criminal. Freedom of the will he holds untenable in the light of statistics, psychology and the whole of modern physical science; and he rejects as mere equivocation every attempt to compromise the issue, for example, by positing "limited" or "relative" freedom. He also separates moral responsibility from penal or social accountability, and discards moral culpability as a prerequisite to determining criminality. One must recognize, as Ellwood points out, that the psychology Ferri utilizes for his thesis is somewhat antiquated; and the summary scrapping of the whole moral element is faulty sociology.

Much ambiguity and wordiness could be eliminated by substituting the term and the concept "responsiveness" for "responsibility." It would also serve to round out the objective notion of social accountability.

Finally, these points crystallize in a five-fold classification of criminals: the criminal insane, the born criminal, the habitual, the criminal by passion and the occasional. As Ferri's critics have repeatedly observed, this classification, while suggestive, is faulty, because based on no apparently sound principle of theory or practice. It may claim to be "synthetic," but is really a series of anthropological categories. At any rate it no longer offers anything to either the investigator or the administrator. The whole trend of modern psychology is also against it. The work of Binet, Janet, Jung, Freud and their American co-laborers has opened up whole new continents, the investigation of which is bound to crack the rigid categories of Lombroso and his school.

In line with these theoretical ideas Ferri elaborates his scheme of procedural reforms. First of all, procedure is to divest itself of all spirit of brutal vengeance and to "assume the character of a defense pure and simple, imposed by the necessities of social conservation" (320). This involves a criticism of the current "exaggerated confidence in punishment" as an effective social defense (236-40). The core of positivist procedural reform may be stated thus: "If the positive school reduces the practical importance of the penal code to a minimum, it throws a clearer light on the laws of procedure and criminal measures, for the very reason that their object is to take punishment out of the ethereal regions of legislative menace and place it in the practical sphere of the social clinic for protection against the disease of crime" (442). And its innovations depend upon three general principles, as follows: "(A) An equilibrium of right and protection must be established between the individual to be judged and the society which judges, in order to escape the exaggerations of individualism introduced by the classical school, which failed to distinguish between dangerous and not dangerous, atavistic and evolutive delinquents. (B) The duty of a criminal judge is not to determine the degree of moral responsibility of a delinquent, but his material guilt or physical responsibility, and this once proven, to fix the form of social preservation best suited to the defendant according to the anthropological category to which he belongs. (C) Continuity and solidarity between the different practical divisions of social defense from the judiciary police to sentence and execution" (443).

The chief concrete deductions from these principles may be cited. The common principle of "presumptive innocence" must be modified to square with facts. Juries should be allowed to render other verdicts than mere acquittal or condemnation. Appeals should be allowed from acquittals. Legal reparation should be made for unjust conviction. Juries, being amateur and unscientific, should be abolished. (His arguments would hold here if judicial procedure could be made absolutely and mathematically exact; but since even the best of judges, anthropologists and psychologists are human, fallible and subject to bias, the jury, weak as it is, must still serve to round out law with

public opinion.) The criminal bench should be specialized and separated from the civil. Judges should be elected for limited terms to keep them from becoming too highly professionalized. Law school curricula will need modifying to supply this specialized ability. Trials are to be conducted by science and not by mere legal wits. To every magistrate's office should be attached an expert or committee of experts in criminal anthropology. Anthropometry, the sphygmograph, hypnotism, etc., could contribute new types of evidence. Public defenders on the same plane as prosecutors would promote more substantial justice. Suspended sentence and probation upon condition of restitution to the aggrieved party he approves. And he accepts in general terms the indeterminate sentence; but fastens responsibility for its administration upon special courts rather than upon prison authorities. Naturally he condemns the short sentence.

In the matter of penalties he proposes two correlative schemes. First, a series of equivalents or substitutes for punishment—really preventive measures. Among these are free trade, freedom of migration, lowering import duties, progressive income tax, administrative federalism with political unity, public works in years of scarcity and hard winters, regulation of manufacture and sale of alcohol, substitution of metallic for paper money, institutions for popular and agricultural credit, proper salaries for public functionaries, limited hours of labor, elimination of unemployment, development of good roads, good city lighting, destruction of slums, building of decent lodging houses and workmen's homes, new types of education, athletics, public baths, free or almost free theaters, protection of neglected children—in short, raising the standard of life of the mass of the people. These indirect but constructive methods are admirably conceived even though we may not all agree as to the relative value of details. Second, what he calls a rational system of penalties borrowed and adapted from Garofalo's "Criminology." These range from the death penalty through deportation to imprisonment for indeterminate periods and fines or restitution. So far as I can see these are the traditional penalties. The "rational" part of the scheme consists apparently in its flexibility, the individualization of treatment, and the assessment of penalties according to anthropology instead of to criminal code. Undoubtedly this "system" is capable of just as procrustean administration by a blindly devout positivist as ever any member of the much-abused classical school could have accorded his penal code.

On the subject of prison administration Ferri has comparatively little to say, save that prisons must be hospitals where delinquency is treated, that they must not be places of ease but centers of industry in which inmates may work at remunerative occupations and earn the wherewithal to make reparation to those they have injured. Incidentally the use of electric shocks and cold douches is recommended for prison therapeutics. As a consequence of his theory of the insane criminal he advocates special institutions for this type. As a substitute for the old cellular type of prison, he urges penal farm colonies either at home or in colonial possessions. Moreover he suggests utilization of the incorrigibles in reclamation schemes for land which malaria

has rendered uninhabitable. Such schemes are phases of deportation for-life, which in the "rational system" is prescribed treatment for habituals.

Capital punishment is to be retained for certain types of homicide, although it is recognized that "in its monosyllabic simplicity it is only an easy panacea, and under this head, it certainly does not solve a problem as complex as that of dangerous criminality" (530). But the chief objection to it, when judged by the logic of facts, is its ineffectiveness as a repressive measure; it is a mere judicial scare-crow. To make it an efficient means of "artificial selection" it would have to be applied more seriously and courageously. For Italy alone this would mean the execution of over 1,500 individuals annually—"an absolute moral impossibility" (532).

Whatever we may think of the result, Ferri is altogether consistent in his attempt to maintain the sociological point of view. Throughout the book this synthetic attitude dictates both the choice and the elaboration of his materials. And he closes the book in this same mood: "Henceforth, criminal science, while remaining a juridical science in its results must nevertheless in its basis and its means of research become a branch of sociology" (555). And finally this note of optimism: "Criminal sociology, as well as criminal science will finally lose its importance, for it will dig its own grave, because through the scientific and positive diagnosis of the causes of criminality, and hence through the indication of partial and general individual and social remedies to combat it in an effective manner, it will reduce the number of delinquents to an irreducible minimum, where they can enter into the future organization as a daily modification of civilized society and where the less penal justice there shall be, the more social justice will necessarily follow" (569).

This is undoubtedly a great book which has rendered yeoman service to the positivist cause and still serves as a chart for the orientation of thought away from mere legalism to social science. But like many other stimulating books it inevitably lends itself to challenge in numerous places. Many of its weaknesses flow from its adherence to Spencerian sociology and Marxian economics. For example, few sociologists accept the theory that society is literally a "natural living organism" (349); or again, the altogether too broad assertion that "equally buried in the past is the individualistic illusion that denies in the world of biology the infinite power of physical and psychical heredity, and creates in the field of sociology artificial obstructions between the individual and society" (406).

In spite of his attempt to be synthetic and to account for all possible factors in human life, he sticks too closely to old-fashioned materialism to be thoroughly convincing to a generation nourished on Bergson. Hence his defense of the physical or telluric factor in crime sounds strained and weak. The influence of Marxian dogma appears in his emphasis upon the economic factor in criminality: for example, in the charge that alcoholism is caused primarily by industrialism; in such statements as his conviction that "scientific socialism is the logical and inevitable conclusion of sociology, which otherwise must remain

sterile and impotent" (334), and that "sociology will be socialistic or it will not exist" (17). Fortunately for sociology, socialism has either gone beyond the scientific socialism of the nineteenth century or has not reached it yet!

The biological bias leads to such pitfalls as his dictum (p. 88) upon the predominant value of the face in the diagnosis of the criminal type, or his exaggerated emphasis upon craniology, or his dogmatic pronouncement of the hereditary tendency to tuberculosis and criminality. Again it obtrudes the moot issue of genius as "degenerescent abnormality" (104). And it enables him to voice the fallacy (which his own distinction between atavic and evolutive crime should have averted) that crimes may have some useful effect in society just as pain and even disease may have in the individual organism (104).

It is unfortunate that most of the statistical material is somewhat out of date, and particularly that it was gathered and manipulated before modern biometric methods had been worked out. Real statistical correlation might put a somewhat different face upon much of this data. In this connection it seems impossible to agree with the author that from the figures on page 219 it is clearly evident that there is a continual increase in the proportion of acquittals in France. The figures seem to show exactly the opposite.

On several occasions the reader is asked to accept the author's subjective impressions as scientific proof: One needs only to have seen a microcephalic idiot, as I did once in Turin, to give up every argument contrary to mine, etc., etc. (see p. 67). Occasionally, too, the author resorts to mere *obiter dicta* to get out of a tight place: for example, the quotation from Goethe, p. 123. Moreover, an almost puerile vanity is permitted to skyrocket across certain pages (e. g., p. 327), and leads the author to make unwarranted claims for a monopoly of truth by the positivists. This trait manifests itself further in an almost truculent attitude towards scientific opponents: they are all too frequently labeled with epithets. I get the impression that every man who is not a positivist out and out is either a spiritualist, a statistical logician, or a miserable Byzantine word chopper. Thus the attack on Saleilles (p. 372) seems wholly gratuitous. The extreme repetitiousness of the book reveals also an overweening faith in the reader's patience.

On the whole the make-up of this volume is quite in keeping with the high standard set by its predecessors in the Modern Criminal Science Series. The editorial prefaces and particularly Professor Ellwood's introduction enhance its value. One cannot help wishing that the index were equally extensive: it omits such important items, for example, as probation, reparation, penal farms, suspended sentence. A few slips occur: Comte is frequently spelled with  $\tilde{a}^p$  (pp. 82, 85); Demolins is called Desmoulins (118); De Roberty appears as De Koberti (351); Kraepelin as Kroepelin (317); Schaeffle's *Bau and Leben des Socialen Körpers* is cited as *Bau und Struktur*, etc.; Mouton's book is dated as 1827 instead of 1887 (421). The author's statement about Coxey's army marching on Washington a hundred thousand strong (263) should have been corrected to the proper figures, which never reached one-tenth that number.

Barring these slight imperfections the editors and printers have acquitted themselves notably in handling the hundreds of foreign names and titles which bristle in the footnotes. Not the least substantial service performed by this Series is just that habituation of Americans to scrupulous care for such details.

After all is said and done, and however we may disagree with details of Professor Ferri's work, he still remains the outstanding figure in the field of criminal sociology. And long after this pioneer book itself has been scrapped it will remain as one of the foundation blocks in the protective wall which positive science seeks to build about a progressive human society.

University of Minnesota.

ARTHUR J. TODD.

THE DEVELOPMENT OF INTELLIGENCE IN CHILDREN. By *Binet and Simon*. Translated by *Elizabeth S. Kite*; with an introduction by *Henry H. Goddard*. Published by the Training School at Vineland, New Jersey, 1916, p. 336.

The Binet-Simon Scale has been used to such an extent and has been modified to such a degree in America that the average reader coming in contact with one of the modifications is likely to ask just what Binet and Simon did. Heretofore one would have had to go to the original French to answer such a question. Miss Kite has made the historical material accessible to the English reader.

We find this statement in the introduction; "This book as a whole constitutes a complete history and exposition of the Measuring Scale as Binet left it," and such it is. The book is divided into five chapters each of which represents an article that occurred in *L'Anne Psychologic* from 1905 to 1911. The first four were written by Binet and Simon, the fifth one by Binet.

Chapter I is historical. The lack of any uniform idea as to what inferior intelligence is, and the necessity for a scientific diagnosis of it is emphasized. The work of some seven men, mostly in the medical world, is briefly mentioned. Their methods of diagnosis are described.

The title of the second chapter is "New Methods for the Diagnosis of the Intellectual Level of Subnormals." Here we find a description of their first results obtained with the use of the so-called "1905 Tests." The paper is divided into three parts: First, The Psychological Method. The purpose of the tests is told and then thirty tests are presented, together with a description of the methods of procedure. Second, Pedagogical Method, which is simply evaluating knowledge gained in school. Third Medical Method, which includes Hereditary Influences, Anatomical and Physiological examinations.

In the third chapter we have a detailed description of the efforts of the authors to determine standards of intelligence. The methods and results of work are given as determined by experimenting with normal children of three, five, and seven to eleven years; also institution cases including idiots, imbeciles and morons; a third group made up from subnormal children of the primary schools. Thus we see the

thoroughness with which the authors attacked this most vital problem.

The remainder of the book consists of two papers dealing mainly with the later revisions of the scale. The first paper gives the 1908 revisions which arranges the tests for children ranging in age from three to thirteen; this also contains an emphasis on the necessity of making an estimate and an interpretation of the results. The necessity of great care and accuracy is urged; this is followed by illustration of the method of recording results. An excellent discussion of the use of the scale is placed at the end of this paper, the authors claiming that the greatest value of the scale will be found in testing subnormals rather than normals. The last chapter of the book deals with the 1911 revisions of Binet. Following the description of the revisions is a discussion of the methods of teachers' judgment of the intelligence of their pupils, and in contrast with this relatively poor and inaccurate method is given some results obtained by Intelligence Tests. The final part of this paper is Binet's answer to the objection to his tests, that differences exist in the intelligence of children belonging to different social conditions.

A critical review of this book is not the reviewer's purpose; we aim simply to report the contents of the translation. Ample critical summaries have been made of the original articles. The purpose of the publishers has been well accomplished—that of making more usable to American readers the original work of Binet and Simon.

Northwestern University.

L. W. WEBB.

SOCIAL DIAGNOSIS, By *Mary E. Richmond*, New York, Russell Sage Foundation, 1917, pp. 511, \$2.00.

Up to now each person engaged in whatsoever type of social service in the sense in which the phrase, "social service," has come to be used, has been a law unto himself. There has been no attempt worthy of the name to bring together the experience of a great number of workers, to make an analysis of these experiences, and to pick out what is common to all; and finally no attempt has been made to bring together scientific productions in various fields and to focus them upon the special problems of the social worker. In these respects, Miss Richmond's work is a milestone. She has tried to point out in this volume, after an extensive study of case work from various sources, those things that are common to all workers. "The elements of social diagnosis, if formulated, should constitute a part of the ground which all social workers could occupy in common."

As a preliminary to bringing the data together, two case workers of experience were engaged, one experienced in family work and the other in medical work, to study original cases for one year. The reading of cases was done in five different cities. The aim was to bring to light through this reading the best social work practice that could be found, provided it was in actual use and not exceptional in character.

For the first time within the reviewer's knowledge, we have here applied to the problem of the social worker a discussion of the nature

and uses of social evidence, types of evidence, competence of witnesses, bias of witnesses and inferences—how they are made and corroborated, and the risks involved in them—the potency of predispositions, assumptions and habits of thought. In other words, the author is thinking out some of the fundamentals of our problem precisely as the lawyer and the detective must think out their problems. The competence of witnesses and the reliability of evidence depend in a very great degree upon certain psychological characteristics of the witnesses.

The fundamentally scientific attitude of the author toward her life work is reflected in this volume in her use of the word "diagnosis" in preference to "investigation." Diagnosis suggests the process of accumulating evidence, of making analyses and finally of gaining insight into the setting before the diagnostician. It is suggestive of the professional attitude also that she uses the term "client" in referring to the person or persons whose social condition is the object of diagnosis.

The technical aspects of the problem of obtaining data in social diagnosis are presented in several chapters entitled, "The First Interview," "The Family Group," "Outside Sources in General"—including a discussion of statistics of outside sources and principles governing the choice of sources which, by the way, is an extremely illuminating discussion—"Relatives as Sources," "Medical Sources," "Schools as Sources," "Employers and Other Work Sources," "Neighborhood Sources," "Miscellaneous Sources," "Social Agencies as Sources," "Letters, Telephone Messages," etc., "Comparison and Interpretation," "The Underlying Philosophy." All the foregoing are embodied in Part II entitled, "The Processes Leading to Diagnosis."

In Part III, the author presents variations in the processes in chapters entitled as follows: "Social Disabilities and the Questionnaire," "Plan of Presentation," "The Immigrant Families," "Desertion and Widowhood," "The Neglected Child," "The Unmarried Mother," "The Blind," "The Homeless Man," "The Inebriate," "The Insane," "The Feeble-minded," "Supervision and Review."

It seems to the reviewer that this volume is altogether indispensable to students and to teachers in college and university classes which are attempting to train young people for social service or even to give them an insight into the problems that confront the public welfare worker.

The workmanship on this volume is of the best order, characteristic of the publications of the Russell Sage Foundation, and the book is written in a style that should commend itself to the good taste of intelligent readers.

Northwestern University.

ROBERT H. GAULT.

MENTAL ASPECTS OF DELINQUENCY. By *Truman Lee Kelley*, University of Texas Bulletin No. 1713, March 1st, 1917, pp. 125.

This report is comprised in six chapters entitled as follows: I. The Problem; II. Tests and Measurements; III. Norms used; IV. Test Results; V. Case Studies; VI. Summary and Recommendations. The measurements used by Dr. Kelley in this investigation were:

A. Physical tests including height, weight, vital capacity, vital

index, circumference of head, breadth of head, length of head, cephalic index test, pubertal development, strength of vision, astigmatism, hearing and hasty examination of nose and throat.

B. Psychomotor tests including strength of grip, handedness and tapping.

C. Mental functions including school grade, Binet age, constructive ability and completion test:

Smedley's norms were used for height, weight, vital capacity and grip; Ernst's for left-handedness; MacDonald's for head measurements; Smedley's for hearing. The Binet ages were corrected according to Thorndike, Rogers and McIntyre. No above-12-year tests were employed. The institution in which Dr. Kelley made his investigations, the Gatesville Industrial School, is a good example of one in which a great variety of cases are mingled within the same walls. Equipment is wanting there for what is necessary to bring about a proper segregation of types.

Northwestern University.

ROBERT H. GAULT.

#### PUBLICATIONS RECEIVED

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Testing Juvenile Mentality. By *Norbert J. Melville*. New York: J. Lippincott Co., 1917. Pages 140.

The Jukes in 1915. By *Arthur H. Esterbrook*. Washington: The Carnegie Institution, 1916. Pages 85.

Negro Education—A Study of the Private and Higher Schools for Colored People in the United States. By *Thomas Jesse Jones*, Department of the Interior, Bureau of Education, Bulletin 1916, Number 39, 1917. Two volumes, Pages 423 and 724.

The Philosophy of Conduct. By *S. A. Martin*. Boston: Richard G. Badger Human Personality Series, 1917. Pages 238, \$1.50.

Society's Misfits. By *Madeleine Z. Doty*. New York: The Century, 1916. Pages 255, \$1.25.

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