

Winter 1931

Reviews and Criticisms

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Recommended Citation

Reviews and Criticisms, 21 *Am. Inst. Crim. L. & Criminology* 621 (1930-1931)

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REVIEWS AND CRITICISMS

THORSTEN SELLIN [Ed.]

OUR CRIMINAL COURTS. By *Raymond Moley*. xxiii+265 pp. Minton, Balch & Company, New York, 1930. \$3.50.

In "Our Criminal Courts" Professor Moley submits a second interpretative study of the data gathered in the various criminal surveys of the last few years. In "Politics and Criminal Prosecution" he dealt primarily with the influence of the public prosecutor in the criminal administration, pointing out his dominating importance and depicting the role which politics play in the conduct of the office. In this book the scope of the author's interest is broader, and includes some consideration of most of the important phases of the prosecution from the preliminary hearing to the final appeal. Professor Moley is well qualified to discuss these matters. He has been actively identified with most of the important surveys—in fact, he has probably contributed more to them than any other individual. What he has to say is, accordingly, of more than ordinary interest to other students of the subject.

In a stimulating introductory chapter entitled "Perspective," the author deals with the conditions of the problem of administering criminal justice. That the problems involved are multifarious and complex is made evident, and that there are no easily discoverable formulae to solve them is made equally clear. It is apparent that the author views "reformers" with suspicion, and one guesses that he would particularly dislike being classified as one. The necessity for collecting reliable data upon which to base conclusions is emphasized as, of course, it must be in any scientific approach to this subject. Tentative remedies for certain abuses are indicated here and there, but no panacea is submitted, nor is any program for reform offered for consideration. The author is not much impressed by current suggestions for improving conditions, some of which appear to the writer to have considerable merit.

In three chapters entitled "The Appearance of Justice," "The Grimy Court of the Magistrate," and "Bail or Gaol"—the preliminary stages of a criminal prosecution are described. The picture, entertainingly presented, is a dismal one, but familiar to anyone acquainted with the operations of the minor judiciary. It is quite evident that the administration of criminal justice will never be placed upon a satisfactory basis until radical measures are taken to improve the character of the personnel of the minor bench, and to introduce business-like methods in the procedure of the magistrates' courts. The story has been told so often that it is inconceivable that any informed person is still ignorant of the true state of affairs. The most discouraging aspect of the matter is the apathy of the bar concerning existing conditions. The author's vivid description of the manner in which the

preliminary steps are conducted contribute to overcoming this professional indifference.

Under the caption "The Gentlemen at the Bar"—the author points out that the business of representing the criminal elements has fallen largely into the hands of second-rate lawyers whose standards of professional ethics are none too high. This is due partly to the fact that the compensation, generally speaking, is small, and hence does not attract the abler members of the profession; and also because the atmosphere of the criminal courts is uncongenial to many lawyers. The public defender system is offered as a remedy for certain phases of the problem. The plan offers definite possibilities for improvement, and it is to be noted that it is being followed successfully in various parts of the country. It seems to the reviewer, also, that if we raise the standards of the minor judiciary and place the criminal administration upon a higher plane, criminal practice is likely to appeal to a more representative section of the bar, in view of the high degree of human interest in such practice and its social usefulness.

The archaic rules of procedure in the courts is the subject of a chapter entitled "Rules." The author expresses the situation when he says "We have long since passed the time when it is possible to convict an innocent man, and the problem which confronts us today is whether we can convict a guilty man." On this subject, however, Professor Moley is not very sanguine of the efficacy of current proposals for reform. "They do not notably aid in bringing the processes of criminal justice into harmony with our advancing scientific knowledge of crime and criminals." It seems to the reviewer that in this the author approaches the crux of the whole situation. After all, is not the failure of criminal justice due in very large part to the confusion which exists in our thinking as to what should be done with the criminal? If we are not clear upon this important matter, is it not inevitable that the weak links of procedure will be used to accomplish by indirection what is considered to be a just result for the individual offender? Is it not frequently true that an accused is let off by the magistrate, the grand jury, the prosecution, the court or the petit jury, when guilt is apparent but conviction is not desired because of mitigating circumstances, or because the penalty upon conviction is deemed too severe, or because the crime itself is not condemned by public opinion? When this happens, a desired result is accomplished at the expense of orderly procedure. What is needed is the formulation of an acceptable policy to be followed in the disposition of persons convicted of crime—a policy which takes into account all extenuating circumstances, mental characteristics, environmental conditions, and so on, and relieves the courts of imposing rigid penalties not in accord with modern concepts of responsibility. If such a policy were formulated, it would reduce the strain to which criminal procedure is subjected.

In a chapter entitled "The Decay of Trial by Jury"—the author discusses the relative unimportance of the jury in the criminal process, pointing out facts brought out in the various crime surveys, which show that only a small percentage of prosecutions ever reach a jury

trial; the others being disposed of in the preliminary stages or by pleas of guilty.

"The Riddle of Insanity" is a well thought out presentation of a vexed subject. The absurdity of determining the issue of insanity under a plea of not guilty by partisan experts is made evident. Determination by a non-partisan body of experts is disclosed as a preferable method, and progress in this direction is discussed. The author points out, however, that the subject of insanity is really only a part of the much larger problem of criminal responsibility in general. Should we continue to follow the legal theory that the individual is a free agent in choosing the right or wrong path, or should we frankly recognize that the theory is no longer in accord with modern scientific knowledge? He believes that all signs point to the need for less emphasis upon the fixing of responsibility for crime, and more emphasis upon the "means by which society may supervise the conduct of those who have committed acts of which society does not approve."

"The Art of Human Relations" deals with probation and parole. The author points out the shortcomings of existing methods, but believes that these instrumentalities offer real opportunities for effective work when supervised by persons of broad understanding. "Trial by the City Desk" is a chapter dealing with the effects of publicity upon the administration of criminal justice and contains some interesting comparative data upon the methods of domestic and foreign newspapers. The comparison gives us no cause for satisfaction. "Faith in Facts" is a chapter devoted to the thesis that it is necessary to find out the facts before remedies can be applied. The lack of reliable criminal statistics and the inadequacies of existing agencies for compiling information is pointed out.

In a final chapter entitled "Career Men"—the author discusses the extent to which the criminal administration has fallen into the hands of lawyer-politicians who use the various offices as stepping-stones for political advancement. The development of a high grade personnel on the bench and in the office of state's attorney is viewed as one of the major problems facing those who would improve the administration of criminal justice.

Professor Moley has produced a thought provoking study of outstanding problems in this field. It is, however, much more than a restatement of old problems. There is a freshness in the point of view which is invigorating. Old concepts are subjected to critical examination and found wanting. This is especially true of the doctrine of criminal responsibility, which he finds no longer acceptable. The book is a challenge to old theories and a plea for a rational development of new ones. The author has, however, no illusions concerning easy means of solving the problems presented but, on the whole, he displays a moderate degree of optimism in his view of the future. He preserves throughout an attitude of objectivity which is commendable. The book is well and entertainingly written, and should appeal not only to the professional reader but to anyone interested in important problems of government and social well being.

University of Pennsylvania.

CLARENCE N. CALLENDER.

PSICOINFEZIONE CRIMINALE. By *Alfredo Giannitrapani*. 432 pp. Ed. Sandron. Naples, 1930. 15 Lira.

This volume seems to have been written primarily to show the fallacies of the Classical, Positive and Neo-Idealistic schools of thought, with special reference to the application of the theories of these schools to juridical and penological methods. Lack of space makes it impossible for us to review the criticisms which the author makes in regard to these schools. However, the reader may infer these criticisms from a brief exposition of the author's own theories.

For Giannitrapani, every human action is the result of a psychic process. When this process leads to a complete psychic synthesis, the act is regular and normal. When the process ends in an incomplete synthesis or in no synthesis at all, the resulting act is irregular or abnormal. In the latter case the act is the expression of a particular idea or motive. The normal and regular act comes from a complete synthesis and fusion of all motives, both ideal and material.

According as the psychic process is synthetic or asynthetic, the individual has free will or does not. The same individual may be free one moment and not free the next. He is free when his acts result from a complete synthesis of his motives. He is not free if his acts follow an incomplete psychic synthesis or no synthesis at all. In the absence of synthesis, the individual is guided by a few particular ideas or motives which take possession of the whole psychic field. Criminal action is the result of such a situation.

It must follow from this that the criminal need not be an abnormal being in body or mind. In fact, he *cannot* be abnormal or pathological. For, the instant that occurs he is no longer a subject for criminology but passes into the hands of the medical expert. The criminal is simply the victim of a more or less temporary suspension of the synthetic psychic process, which, for the writer, is the normal psychic process.

The process by which an idea or a motive spreads over and takes possession of our entire consciousness, to the exclusion of other ideas and motives—i. e., to the exclusion of psychic synthesis—is called *psycho-infection*. It seems like another name for suggestion. As physical infection refers to infection of the body, so psycho-infection refers to infection of the consciousness. The criminal is afflicted by the latter and not the former. The criminal is not a sick man, but one with a weakened power of psychic synthesis. The reason why criminals are in such small minority is because the domination of one's consciousness by some form of mono-ideism rarely occurs. Crimes occurring under such states of consciousness are inevitable, but the states of consciousness themselves are evitable.

The author accepts, practically intact, the classification of criminals of the Positive school (specifically Lombroso and Ferri), but maintains that criminal types are never the result of heredity but always the result of environment. The born criminal is not really born but has acquired his criminal tendencies in childhood. The insane criminal does not include the mentally sick but the morally insane

and therefore nothing hereditary is implied. The various classes of criminals are always *relatively* corrigible or incorrigible, never absolutely so. Corrigibility must always be considered with reference to the available penal methods.

The various conceptions of the value and aims of punishment, so far developed (retribution, deterrence, social defense, correction, education, etc.) suffer from a common fault, according to the author. They are too simple and appeal to the lazy intellect. The criminal must undergo such punishment as to render him capable at least of preserving, if not of improving, the State. Justice consists of inflicting punishment upon the criminal, but the punishment must be of such a nature that the criminal himself will profit thereby. It does not consist only in the infliction of pain, but also in the imposing of discipline that will reform the character of the criminal and will restore order to the State. In Giannitrapani's opinion, the method to accomplish this is one which will appeal to the sense of honor or shame which is at the bottom of every human heart, and which, if diligently cultivated, may raise the dignity and self-esteem of the individual. Punishment, therefore, should consist in the disciplining of the sense of honor.

Mr. Giannitrapani's critique of the various schools of penology is far more pertinent than his own theory is practical. Starting with a rather doubtful psychology as a basis, his theory develops into something almost as mystical as the theory of the Neo-Idealistic school, which he criticizes so severely. The book is of value in that it gives, in a clear and concise manner, the evolution of penology in Italy and the present reaction toward the Classical, Positive and Neo-Idealistic schools in general and toward Lombroso, Ferri, Croce and Gentile in particular.

Western Penitentiary of Pennsylvania. G. I. GIARDINI.

DIE RÜCKFÄLLIGEN BETRÜGER. By *Fritz Beger*. (Kriminalistische Abhandlungen herausgegeben von Dr. Franz Exner. Heft VII.) vii+79 pp. Ernst Wiegandt, Leipzig, 1929. M. 4.20.

DIE RÜCKFALLSDIEBE: EINE UNTERSUCHUNG ÜBER ERSCHEINUNGSFORMEN DES VERBRECHENS. By *Alfred John*. (Kriminalistische Abhandlungen herausgegeben von Dr. Franz Exner. Heft IX). 96 pp. Ernst Wiegandt, Leipzig, 1929. M. 3.60.

DIE PRAXIS IN DER WAHL DER GELDSTRAFE. By *Werner Pitschel*. (Kriminalistische Abhandlungen herausgegeben von Dr. Franz Exner. Heft VIII.) 43 pp. Ernst Wiegandt, Leipzig, 1929. M. 2.85.

Mr. Beger's monograph is the first of a series in Exner's *Kriminalistische Abhandlungen* on special types of criminals, such as thieves, swindlers, murderers, and pimps. Formerly the *Heidelberger Abhandlungen* had a similar series of studies of types of criminals, but the monographs in that series were based on small numbers of individual case studies while the present series is based partly on the

criminal statistics of Germany and partly on other monographic studies. The statistical portion of the study of swindlers or confidence men by Dr. Beger is concerned with the annual rates of conviction of recidivists in confidence games and the analysis of this criminal group in terms of sex, age, and occupation. The other portion of this study is an attempt to describe the psychology of the confidence game, and to classify and describe types of confidence men and their techniques. The statistical analysis indicates that confidence games have increased since 1882 in proportion to population except during the period of the war, that the interval between convictions decreases with the number of previous conviction, that the rate of increase is greater for those with several previous convictions than for those with no previous convictions, and that the effect of a prison sentence decreases with the frequency of previous imprisonments. The descriptions of specialists in confidence games is concerned with such types as forgers, antique swindlers, marriage swindlers, street shows, and begging swindlers. The monograph contains a bibliography of eighty-seven items.

Mr. John's study of the recidivist thief contains two types of information. The first is the analysis of the criminal statistics of Germany for the purpose of determining the distribution of thefts by recidivists by years from 1882 to 1926, by sex, age, family status, occupation, and a few other categories. The second is an analysis, based principally on monographic and descriptive literature, of the personality and situation of recidivistic thieves, and a classification and description of such types of thieves as the safe-breaker, the jewel thief, the hotel thief, the pickpocket, the burglar, the merchandise thief, the prostitute-thief. The following are some of the generalizations derived from this study: First, petty larcenies have decreased and grand larcenies have increased, but the change in each case is about one-half as great for recidivists as for first offenders; that is, the rate has been more nearly constant for recidivists than for first offenders. Second, the proportion of cases of theft in which the offender has associates increases with the seriousness of the offense. Third, recidivists in thefts have associates in their crimes much more frequently than first offenders do. Fourth, the variations in rates of recidivistic theft in different areas in Germany are related roughly to the proportion of the population foreign-born in those areas. Fifth, the age of greatest frequency per 100,000 population of the same age class is 18 to 21 for thieves convicted the first time, but 30 to 40 for recidivists. Sixth, the proportion of female recidivists to all recidivists has decreased decidedly since 1882. Seventh, the interval between the thefts by recidivists decreases in proportion to the number of previous convictions; that is, the thief with a larger number of previous convictions is more quickly convicted of a new offense. This difference in the interval between convictions may be due to differences in the certainty of detection or to differences in the rapidity with which criminality is resumed after release from the institution. This monograph contains a bibliography of eighty-six entries, including many autobiographies of prisoners, and case studies.

Dr. Pitschel has made a careful study of the criminal statistics of Germany for the purpose of determining the variations in the ratio of fines to all sentences in different years, in different districts, and for different offenses. He found a steady decrease in the proportion of fines except during the period of the war and during the years 1921-23. The increase in 1921-23 was due to changes in the laws which were made in 1921. The proportion of fines varies considerably among the different sections of Germany but a distinct trend toward greater uniformity is apparent. The proportion of fines varies widely from one offense to another, but for most offenses taken individually the proportion of fines has increased and decreased in accordance with the trend for all offenses taken collectively.

University of Chicago.

EDWIN H. SUTHERLAND.

THE SEVENTEENTH-CENTURY SHERIFF. A Comparative Study of the Sheriff in England and the Chesapeake Colonies, 1607-1689. By *C. H. Karraker*. 219 pp. University of North Carolina Press, Chapel Hill, 1930. \$2.50.

This is a careful comparative study of the office of Sheriff in England and the colonies of Maryland and Virginia between 1607 and 1689. The author's purpose has been to determine with reference to one office the extent to which the new environment compelled changes in an ancient English institution of local government. His study shows that during the period surveyed the similarities in the office in England and the colonies were decidedly more numerous than the differences. "In most fundamentals it remained conspicuously English throughout the seventeenth century." The chief divergences are found to be the increase in financial powers, the lack of judicial functions, the temporary loss of election duties, the more purely local than royal and provincial character of the office, the more democratic character of the office, and its more important place in colonial county government.

Dealing as it does with an office of real importance in every American county today, this study is of significance in our understanding of the background of local institutions. From the point of view of scholarly workmanship the book leaves little to be desired and is worthy of high praise.

University of Nebraska.

LANE W. LANCASTER.

CRIMINOLOGY. By *Fred E. Haynes*. x+417 pp. McGraw-Hill Book Co., New York, 1930. \$3.00.

In no other phase of human endeavor is there such a gulf between our scientific knowledge and our actual practice as in our handling of the crime problem. We groan under a billion dollar crime bill, but we insist upon attacking crime with the ideas and attitudes of the sixteenth century.

What would we say if we were faced with a great epidemic and still went on using the therapeutic and sanitary conceptions and equipment of the year 1600? What would be our comment if our surgeons

followed Ambroise Paré and amputated legs without an anaesthetic and plunged the bloody stump in boiling oil as an antiseptic measure? Yet we are doing things wholly comparable to this in our criminal court procedure and in our administration of prisons.

We assume that the criminal is no different from the rest of us except in his criminal act. He is a person who could go straight if he only chose to do so. But he wills otherwise and commits an anti-social act. Therefore we must punish him as an act of social revenge and a horrible example to deter others.

We now punish by putting a man in prison and making him lead a life as different as possible from that outside. We thereby hope to make him perfectly fitted to live a life of freedom when released—not unlike trying to train an Olympic diver on the scorching sands of the Sahara. Then when the convict's time is up we turn him loose with the brand of Cain upon him and expect him to seek the companionship of good people and go straight in a law-abiding career.

But we have a science of criminology and penology as well developed in advanced quarters as our best hospital practice. There is no reason why we should be running our courts and prisons as Columbus might have conducted them. The crime problem is not so much an issue of finding out what to do as it is actually doing what every enlightened student of the problem already knows should be done.

We now know that the criminal is not like the rest of us, though there is no sharp dividing line between the first offender guilty of a minor crime and the formally law-abiding citizen who skirts the crime line closely and just manages to keep within the law. The criminal is a victim of a defective heredity or of unfortunate circumstances or both. We must apprehend him effectively and try him scientifically.

Once convicted he must be carefully studied to find out what makes him a criminal. Only thus can we tell whether or not he can be reformed and, if so, how it may be achieved. We should no longer try to find a punishment to fit a crime, but rather seek a treatment which will be adapted to the needs of a particular criminal. And we need not expect that we can train a man to live well in society by removing him from the experiences and responsibilities of social life.

If he is not a good citizen when he comes to prison he cannot be a good one when he leaves unless we give him training in good citizenship while he remains in our custody. Finally, there is no sense in turning a man loose under conditions which are bound to insure his return to prison. We must help him to get readjusted, as we would a person discharged from a hospital for the insane.

This is no idle theory. It has been utilized with the greatest success by a few enlightened criminologists who have had the courage of their convictions and a practical opportunity to apply their knowledge and experience. There is no instance in which the newer scientific system has failed when given a fair trial. The present book is both a competent survey of current methods and attitudes and a

discriminating presentation of the scientific conceptions of crime and punishment.

Professor Haynes is well known as a careful scholar and a painstaking assembler of information. He has here enhanced that reputation. His book is a sane and dependable summary of the scientific attitude toward crime and convicts.

The reader will at once make comparisons with Sutherland and Gillin, the two most directly competing books in the field. Professor Haynes' book is not so systematic or meticulously planned as Professor Sutherland's splendid survey of the field. Nor does it present the vast mass of materials assembled in Professor Gillin's encyclopedic handbook. But it is far more original than either and departs much more decisively from the established rubrics and terminology of classic criminology.

Professor Haynes gives plenty of credit to Healy and others who have approached crime and its repression from the standpoint of the psychology of the individual delinquent, but he stresses more thoroughly than any other textbook author the social responsibility for crime and for the reformation of the criminal. It is preëminently a book on criminal sociology.

Several special points call for notice and commendation. He abandons the old attempts at the classification of criminals and adopts one based on the behavior and personality types of offenders. He gives more than usual attention to penal and reformatory institutions and to extra-mural measures. Indeed, half of the volume is devoted to penology, which raises the question of the wisdom of so limited a title as that given to the book. There are two particularly fine chapters on Osborne's system of convict self-government and methods of preventing crime.

In short, while Professor Haynes draws heavily on standard authorities, he has managed to put together the most interesting, original and stimulating textbook which has thus far been published in the field.

The question is:—Shall we continue putting books like these on the shelf and go on depending on Moses and medievalism for our guidance in handling the delinquents? Or shall we do as we are accustomed to in most other aspects of modern life and apply our knowledge to the practical problems in hand? Not until we can answer the last question in the affirmative shall we be making any headway with criminals.

New York City.

HARRY ELMER BARNES.

AKTUELLA KRIMINALITETSPROBLEM I PSYKOLOGISK BELYSNING. By *Olof Kinberg*. 382 pp. Bokförlaget Natur och Kultur, Stockholm, 1930. 12 kr.

This is a timely addition to the rapidly growing literature dealing with crime from the point of view of social and individual psychology, psychiatry, biology, and "natural science."

In twelve chapters, the author reviews briefly the historical conceptions of criminal behavior and the methods employed in the treatment of criminals. He describes the difference between the classical and the positive school of criminologists, sets forth the relationship between the naturalistic or deterministic conception of crime and moral responsibility and between defective and psychopathic states and criminality, discusses the criminological bearings of recent medical, psychological, and biological investigations, reviews the methods in vogue in various countries for the investigation of offenders, and offers various recommendations regarding procedures that should be followed in the study of criminals and the prevention of crime.

The author definitely rejects the indeterministic or free-will conception of crime posited by the classical school, not only because it is anti-scientific, but because, at bottom, it is also anti-moral, instead of being a necessary postulate of moral responsibility. Unless we accept the assumption that the law of causality (determinism) rules in the human world, as in the physical world, no science of human conduct or of penology is possible. The positive school studies crime as a natural phenomenon by the methods of observation and experiment, and bases its reformatory methods on empirically observed and verified causes of behavior symptoms, and not on dogmatic assumptions regarding certain fictitious qualities, such as moral responsibility.

In harmony with his conclusions regarding the causes of crime and the nature of criminals, the writer stresses the importance of the early detection of the criminalistically inclined, the control of the individual's environment and milieu, and the necessity of applying appropriate eugenic measures. He recommends the establishment of mental clinics for the examination of school and pre-school children and all others subject to intellectual, emotional, or conduct abnormalities, early adjustment of the school work, through special classes and otherwise, to meet the needs of the children, skilled treatment of emotional and character disorders, instruction of parents respecting the proper handling of problem children, institutional treatment for those difficult to socialize (some on permanent detention, others on indeterminate commitment), and registration of all potentially and actively "asocial" individuals.

Professor Kinberg rejects the method of voluntary birth control as wholly ineffective for reducing defective strains. Sterilization, he says, is the only means by which this can be done. His ardent advocacy of sterilization is based on the following considerations:

Criminality is due mainly to the individual's pathological nature, which, in turn, depends upon irremediable constitutional defects.

Punishment is becoming more lenient and the period of incarceration shorter, hence a larger proportion of offenders is now at large in society.

A larger proportion of dysgenic classes is now preserved by modern hygiene and medicine than was the case formerly.

The dysgenic classes produce larger families than the higher social classes because of the voluntary use of contraceptives by the latter.

Statistics point to a heightened increase of the mentally disordered and abnormal classes.

About 30% of births (in Stockholm) are illegitimate, about 13.5% of the mothers of such children being defectives.

Naive belief in the constantly progressive tendency of evolution and development is not justified, because of the progressively increasing number of the biologically unfit. (According to Galton, the capacity of the Athenians from 530-430 B. C. was as much greater than that of the modern Englishman as the capacity of the Englishman is superior to the African negroes.)

Therefore, since defectives will be preserved by technical and medical progress, which inevitably will continue to go forward, since the practice of voluntary family limitation is inevitable among the higher classes of society, and since this method of control is impractical among the defective strains, no recourse exists except the enforced sterilization of defectives.

Professor Kinberg has presented his case clearly and cogently. He has carefully weighed many phases of the problem, and has taken pains to familiarize himself with the European literature on the subject. His citation of American references, however, is very meagre. The conclusions reached are in harmony with the views of many American students of the crime problem.

Atlantic University.

J. E. W. WALLIN.

STATISTICS IN SOCIAL STUDIES. Edited by *Stuart A. Rice*. xii+222 pp. University of Pennsylvania Press, Philadelphia, 1930. \$3.00.

This collection of studies is the first to be issued by the Committee on Social Statistics of the American Statistical Association. Its principal aim is "to exhibit the nature of the problems that are encountered when the methods of statistics are applied to social and sociological studies."

These problems and methods are described under twelve different titles, by eleven contributors, the editor furnishing a brief introduction to statistical interpretation and a summary of methods used in the analysis of attitudes and opinions.

The readers of this journal would find the chapters by Gehlke and Marshall on criminal and civil statistics of immediate interest. But the problems discussed in the other contributions, those dealing with the measurement of personality (Rice, Kirkpatrick) or with such data as the family, dependency, and race (Ogburn, Hurlin, Young), are equally pertinent to the student of crime. Three chapters, devoted to an exhaustive analysis of statistics relating to both sides of the Prohibition question, and the chapter on the cost of medical care indicate elementary difficulties involved in definition of terms or in the classification of facts.

Three different varieties of problems are considered by the book as a whole: the practical difficulties involved in the analysis of heterogeneous data; technical problems in the choice of valid methods; and qualitative difficulties in fields such as health, income, or prohibition which are involved with attributes of morality or indifference by the public. In each chapter the material is presented in a readable and comprehensive manner; there is no unnecessary duplication or padding. It would be an excellent supplement to any text on statistical methods.

Brown University.

HAROLD A. PHELPS.

THE ADMINISTRATION OF JUSTICE FROM HOMER TO ARISTOTLE. By *Robert J. Bonner, and Gertrude Smith*, Vol I. University of Chicago Press, Chicago, 1930.

The exigencies of space prevent such a notice as it deserves of this very learned and exhaustive work by the Professor and the Assistant Professor of Greek in the University of Chicago. While crime considered as an offense against the State, whether as diminishing its strength or as calling for chastisement by the gods, was unknown to Homer and all wrong was tort and a personal matter, there was an evolution and by the time of Aristotle a well established criminal law, substantive and adjective, existed. The student of the history of criminal as of other law will find his needs met by the result of the authors' researches.

All the Greek legislators from Draco to Cleisthenes are dealt with and their legislation analyzed and evaluated: not only Aristotle and the Greek tragedians, comedians, and orators are quoted but also more modern writers in Latin, English, French, German and Italian. I know of none of any importance that has been overlooked, and it is a gratification to note that the great importance of Aristophanes in matters of law and practice is fully recognized.

The reader will be interested in the facts that the "Gerrymander" was well known in Athens, and that Solon provided for a "Recall of Judicial Decisions" to enable the people to protect themselves against "crooked" decisions by magistrates.

These and many other facts which are of great interest as showing that "there is a great deal of human nature in man" and "There is no new thing under the sun," will be found described in detail and with great skill and learning in this admirable treatise.

Osgood Hall. Toronto.

WILLIAM RENWICK RIDDELL.