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Book Reviews

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BOOK REVIEWS

THORSTEN SELLIN [Ed.]

THE CRIMINAL. By *Henry A. Geisert*. xii+466 pp. B. Herder Book Company, St. Louis, 1930.

This volume is unusual because it is written by a Roman Catholic priest who has had a long prison experience as a prison chaplain. It is published moreover with the approval of the author's ecclesiastical superiors. One would naturally expect therefore a rather new and interesting study of delinquency and delinquents.

Anyone who knows modern prisons realizes only too well how small a role religious practices and instructions play in prison life. The average Protestant chaplain is either a sort of glorified social worker who supervises the correspondence of the prisoners and arranges moving pictures and other entertainments or who delivers every Sunday some sort of a so called inspirational address that has very few points of contact with the ordinary life of his hearers. The Catholic chaplain functions in quite a different way. It is not necessary for him to define the religious faith that he teaches for he knows that his Catholic prisoners accept the faith as it stands even though they may be imperfectly instructed in it. His work is largely the work of the Christian sacraments, the bringing into the life of prisoners a source of objective and divine power and strength. So far as I know, no book has ever been written that studies from a psychological view point the results of the sacramental

life upon the personalities of delinquents and prisoners. Unfortunately material of this type is not prominent in Father Geisert's book. In many ways the book might have been written by a non Catholic layman. One feels that in his desire to write a book on the Criminal that will appeal to the non-Catholic reader he has pushed into the background the very things that are really of interest and that only a Catholic prison chaplain could write about with authority and experience.

Father Geisert has consulted a long list of authorities and his bibliography at the end of the book bears witness to his wide reading. One misses, however, in his bibliography all the contributions made to Criminology by French and Italian writers. Important contributions such as the books of Professor Ferri are not mentioned.

The introductory chapters on psychology represent the psychology of the average American diocesan Seminary. It is the psychology, if one may so call it, of St. Thomas Aquinas and of the Scholastics. Father Geisert has apparently not been touched by the modern scholasticism of such an important center of learning as Louvain and the *École Néo-Scholastique*. Such criticisms, however, are unimportant. The section on the etiology of crime has an interesting part on the criminal's view of the cause of the crime. The sections on the psychology of crime, the pathology of

crime and characterology are less satisfactory. The writer's own experience forms a valuable basis for a section on environment and I can especially commend chapter eight of this section on newspapers. The whole subject of religion is relegated to a section of Part Three on Prophylaxis and is summed up in twenty, short pages.

By religion the writer does not mean Catholic faith and practices, which is the one subject on which he is especially qualified to write. It does not interest us very greatly to hear that the golden rule is the foundation on which the decalogue is built. One can hear the same thing from a thousand Protestant chaplains on fifty-two Sundays of each year.

The chief value of the book lies in the case material that is scattered through it (e. g., in the chapter on alcohol). This case material is often illuminating. It is discouraging, however, to find in the chapter on narcotics the old exploded concept that "narcotics cause 50% of the crimes perpetrated." Moreover no modern writer should speak of "drug fiends" and "dope fiends" any more than he would speak of "alcohol fiends" or "tuberculosis devils."

Father Geisert, however, has set an example that other Roman Catholic prison chaplains might well follow. There have been books enough on delinquents written by Protestant ministers. There are all too few written by devoted Catholic priests.

JOHN RATHBONE OLIVER.
Baltimore, Md.

STELLT. By *Hans von Hentig*. vii + 291 pp. Carl Winter, Heidelberg, 1930.

This closely-printed volume is an exhaustive study of the whole subject of Appeal, etc., in criminal law. The author is already favorably known by his works on criminal law, as well as his studies on *Macchiavelli* and *Robespierre*. The present volume, *more Germanico*, approaches its subject from the theoretic side; but it also abounds in practical descriptions on actual laws and proceedings.

As was to be expected, the English law receives little attention—the fundamental principle of that law being that all revision of judicial errors is a matter for the individual concerned and not, as in the Civil Law, for the State. The law in Germany is admirably treated from a historical point of view; while that of France receives adequate attention and Austria, Italy and Belgium are not neglected. But a very few of the many discussions can, in the limits of this short review, be so much as mentioned—the following will suffice to indicate the treasures to be found in the book.

In all countries, Common Law as Civil Law, relief in one form or another from judicial mistakes is shown to have advanced materially in the course of time and, be it said, the growth of the sentiment of humanity. Even in the old Civil Law of Rome, with its didactic *Res adjudicata pro veritate habetur* and the Ciceronian *Status Reipublicae maxime judicatis rebus continetur*, had a limited *licentia supplicandi*; but its rigidity had to give way to the absolutism of the French kings: in 1670, under Colbert, it was expressly ordained that an appeal

WIEDERAUFNAHMERECHT: DIE WIEDERAUFNAHME DES STRAFVERFAHRENS DOGMATISCH UND RECHTSVERGLEICHEND DARGE-

could be taken against error of law or of fact without restriction. The Constituent Assembly abolished appeal as well as pardon, considering that the open, public, oral trial and adjudication on sworn testimony was a sufficient guaranty of justice having been done. The shocking and well-known instance of an admittedly innocent man going to his death on the wheel because of this abolition is not mentioned, but it is said that hard facts soon dispelled the illusion; and the Ordinance of May 13, 1793, at least, partially, reinstated the means of relief. From time to time, sporadically, reforms came in, the last being July 19, 1917, on the motion of Paul Meunier determining the case of the incurably insane Jules Durand.

An interesting parallel is suggested with the English law in which the full right of appeal does not appear until 1903: the principle came to complete life in Germany in 1848, the *annus mirabilis* in more aspects than one in that land and elsewhere.

The demand for full opportunity to have judicial errors corrected is seen to grow with the growth of publicity: in Roman as, in most instances, in German law, publicity of trials was considered a sound principle, while with people like the English ever watchful over personal freedom, it was always insisted upon—the newspaper, the radio, increase the publicity and intensify the insistence upon this right.

Such curious questions as the right of the dead to justification or his liability to condemnation are carefully considered: it will be remembered that in English law, the dead has no right to complain—nor has anyone for him—of defama-

tion; and Stübel's dictum was that the death of a man left nothing for the application of the criminal law but the memory of his fellow citizens.

Anyone who desires to see this subject scientifically treated, the student of the history of law, will do well to read this solid volume with care—of course, "there's no money in it."

WILLIAM RENWICK RIDDELL.
Osgoode Hall, Toronto.

V TIORME. OCHERKI TIOREMMOI PSICHOLOGII. (IN PRISON: ESSAYS ON PRISON PSYCHOLOGY.) By M. N. Hernet. 263 pp. Yoričicheskoe Isdatelstvo Ukrain, Leningrad, 1930.

In a series of brilliantly written essays, the author describes the various aspects of prison psychopathology as a result of his own studies as well as numerous references to literature dealing with the subject. The material refers only to Russian and European prisons of the pre-revolutionary period. The whole book is a fiery denunciation of the jail as a penal measure, it corrects nobody and makes worse, many.

Although the author states that the present jails in Russia are devoid of these defects, he does not describe the Russian penal institutions.

Talking about the sex life in jails, the author stresses the tremendous incidence of auto-erotism and homosexuality. There is an excellent description of the emotional life of prisoners. The emotional starvation appears very soon after the commitment, and the slightest affective stimulus gives rise to a most explosive outburst of pent-up feelings.

The prisoner looks for every opportunity to develop an emotional outlet, and esthetic experience becomes one of the sources. The few clouds, the strip of the blue sky, the grass in the yard, all become sources of gratification for the prisoner. Development of shallow sentimentality is gained at the price of emotional callousness about most of the important things in life.

The intellect in the jail becomes tremendously preoccupied with the most fantastic plans of escape, and there is a marked development of day dreaming and a life of fantasy.

The other chapters of the book are devoted to the reaction of the prisoner to the passing of time, the reactions to night as well as the social life of the jail. One cannot but regret that the volume deals only with the emotions and feelings of the "intelligentsia" and does not deal with the reactions of the common people of Russia to their punishment. The bibliography is very complete.

J. KASANIN, M. D.

Boston Psychopathic Hospital.

MITTEILUNGEN DER KRIMINALBIOLOGISCHEN GESELLSCHAFT. BAND II: TAGUNG IN DRESDEN IN OKTOBER, 1928. 216 pp. Ullr. Mosers Verlag, Graz, 1929. M. 15.

This volume represents the proceedings of the second meeting of the criminal-biological society in Dresden in 1928. This society was founded a few years ago by Professor Adolf Lenz, head of the criminological institute of the University of Graz, for the purpose of promoting research in "Criminal biology." The sessions here dealt with were well attended. The

papers read, as well as the discussion, were excellent.

The opening paper on the nature and the systematics of biological types was read by Professor Gruhle of Heidelberg and turned out to be a challenge to the whole program of the society. The speaker analyzed typological research and reached the conclusion that any attempt at a standardized classification of criminals on a biological basis is impossible. He assumed that certain psychological similarities exist between some criminals but that these similarities are conditioned by social and not biological factors. The pessimism which ran through the paper was opposed by Professor Mezger of Marburg and Dr. Weissenrieder of the Ludwigsburg prison in their papers on the "Importance of Biological Personality Types for the Administration of Criminal Justice" and "Biological Types in Penal Treatment." The discussion which immediately followed these papers was opened by Professor Asschaffenburg who approached the position taken by Gruhle. He explained himself as fully conscious of the significance of Kretschmer's typological research which has played such a large part in the development of the program of the society but he was doubtful about its usefulness in any practical program in penal treatment. He advocated the indeterminate sentence and suggested that the court should leave to those executing the penalty the work of classification and treatment of criminals. The discussion was continued by Dr. Leppman who expressed himself as particularly skeptical of the value of hereditary research in an understanding of criminal causation. Dr. Bürger reported that the Prussian Ministry of Justice had already

established a central organization of criminal-biology at the Berlin jail and was planning another at Breslau. Professor Exner stressed the need for classification of criminals based on the demand for different types of treatment. He furthermore emphasized the need for training of judges and prosecutors in order to better assist in the disposition of offenders.

Professor Carrara of Turin read a paper on the methodology of the anthropological examination of criminals, wherein he reviewed the revival of the theories of criminal anthropology of Italian extraction, and suggested that the time had come to utilize the ontophylogenetic method in criminal anthropology. This he claimed would help to establish the relative frequency of certain structural peculiarities in normal men, and in degenerative criminals and thus help to establish the character of the criminal type.

Professor Michel presented a paper on "Psychopathic Recidivists" using as its basis a study of 400 serious criminals at the prison for men at Graz. Among these, 302 were recidivists at least twice and all of them felons. He claimed that in 83% of these cases he discovered psychopathic inferiority. He defined the psychopath as a person who "lacks psychic balance, the normal coordination of psychic powers, full of contradictions, and unable to adjust himself to the social environment and to the demands of others." He found these individuals lacking in self-control, conflict natures on the border line between psychic health and disease. "Their name is legion." He maintained that endogene factors were most important, and he cited in support various percentages concerning the age and alcoholism of the

parents and the size of the family. The economic factor in crime he held to have been greatly overestimated. In his own study he found that most of the recidivists had come from homes where the economic conditions and the housing were good. He claimed that in these cases, however, the family life was poor, strife being the order of the day, leading in many cases the father to drink or gambling. Many of the recidivists had passed through reformatories which had completed the destructive work of bad homes. Furthermore, most of these men were from the unhealthful regions of the large cities. As to the type of crimes, he found theft most common, although he occasionally found a thief turn into a murderer or a robber. Vagrancy was a common offense in the early period of their criminal careers and he found as many as thirty or forty previous convictions among those studied. The life histories of these psychopaths were very similar—lying, instability and tendency to theft from members of the family, disciplinary troubles in school, truancy, cruelty to animals, school retardation through lack of desire for study and inability to obey rules, a poor work record, with numerous jobs held for but short periods, and change of dwelling and work every two or three months. During the post-war period these men were parasites, pimps, beggars, petty smugglers, or gamblers. An examination of war records showed that many of them were volunteers, but out of 170 in the service 90 deserted for motives which indicated their psychic inadequacy. Many of them tried to secure release through self-inflicted injuries, while others were insubordinate or mutinied. The lack of space makes it impossible to con-

tinue the very complete characterization given by the author.

A paper by Judge Hellwig of Potsdam followed, entitled "Criminal Biology and the Sentencing Process." The author pointed out that the breakdown of the classical school of law had made the task of the judge much more difficult, but judges are still finding sentences through emotional processes instead of through reason, with the result that definite patterns of sentencing are formed in the mind of the judge and applied regardless of the individuality of the prisoner. Knowledge of the individual offender is needed for the proper work of the judge, and the law must take cognizance of this fact. A better method of selecting judges for the bench, the increase of judicial salaries, better working conditions, such as more vacations, protection from an unscrupulous press, and better court libraries would undoubtedly help to raise the standards of the court. Finally the training for the bench must be organized. We need better trained criminal lawyers, more popular education in crime problems, better methods of selecting and training jurors. In the future the author hopes that the court will be composed of a professional judge as chairman, with two assessors, one a psychologist, trained in criminal-biology, and one a sociologist who is also an educator, and their work must, of course, be based on the indeterminate sentence.

In a paper on "Criminal Biology and the Training of Officials," Dr. Starke pleaded for the criminal-biological training of prosecutors, judges, and wardens. Professor Lenz and Police Director Brandl read papers on the methods of criminal-biological study in use in the

institute at Graz and in the Vienna Police Department. There were also papers read by Dr. Fetscher of Dresden on the work of his research bureau, by Dr. Eichler on criminal-biology in the light of legal philosophy, and finally an extremely interesting paper by Professor Krassnuschkin of Moscow, reviewing the first five years' work of the Moscow Bureau for Research into the Personality of Criminals and into Crime.

THORSTEN SELLIN.

Bureau of Social Hygiene.

LA COSTITUZIONE DELINQUENZIALE NELLA ETIOLOGIA E TERAPIA DEL DELITTO. By *B. Di Tullio*, 204 pp., Anonima Romana Editoriale, Rome, 1929, 15 Lira.

He who first runs hastily through this work is likely to assume that it is an up-to-date restatement of the doctrines of Lombroso. The author is justly proud of the role Italy has played in the development of criminal anthropology, and the early chapters contain a brief review of the outstanding contributions. He believes that at last this science has reached the stage of integration and has become the study of the criminal morphologically, functionally, psychically, and sociologically. The work under review is limited to a study of what the author calls the "true criminal." He has excluded, therefore, "occasional" and "political-social" offenders. The research material is represented by the thousands of prisoners which have passed through his laboratories at the police institute and at the Regina Coeli prison in Rome. To these he has applied the methods evolved in the last decade in the study of constitutional types.

As a result of the author's research, he believes that he has found the "specific factor" in criminality, a "delinquent constitution." To him the "true criminal" is "always the product of a morbid or degenerative heredity which acts on the germ cells and especially in the foetal stage of the individual's development so that his personality becomes defective and causes an imperfect development of the morphological-physical-psychical attributes of the highest order which are of major importance for the socializing of the individual."

The delinquent constitution expresses itself in more or less specific forms. One form corresponds rather closely to Lombroso's "born criminal," a regressive - atavistic type, produced by an inherited abnormal and degenerative biological development, resulting in an individual who is incapable of entertaining high sentiments of justice, a normally deficient person governed by base impulses originating in the primitive substratum of the mind, the paleo-psyche.

Another form is neuro-psychopathic in character and possesses a prevalence of epileptic neurasthenic and, sometimes, hysterical anomalies. The psychopathic composes a third rather decided form, and finally there are mixed forms which partake of the nature of all or some of those already mentioned.

While the biological view dominates the author's approach to the study of crime, he nevertheless places greater reliance on sociological data than one might expect. He firmly believes, like Lombroso, that an individual with a delinquent constitution need not become a criminal. While the factors in the social environment and relationships have secondary importance in crime

causation, he holds that a favorable environment may permit an individual with a delinquent constitution so to adjust himself to social life that he never becomes anything but a potential offender. When a delinquent comes into conflict with the laws, it is important that he be studied and recognized, so that his social danger may be estimated. Here the author distinctly invokes the aid of the sociologist, for he states that this danger can not be estimated only by a somatic-psychical examination but must also be sought in biographical (case) study, for it is in the criminal's infancy and childhood, his home and school life, his work and military records, and his everyday contacts that his true character has been revealed.

In prescribing prophylactic and therapeutic measures for the reduction of crime he also relies on sociological measures, for while he stresses the need for eugenics he is not prepared to advocate birth control. He is distinctly opposed to sterilization of the unfit, but is inclined to feel the need of the regulation of marriage, although he is fully cognizant of its limited usefulness from a eugenic point of view. It is on social legislation, in the widest sense of the term, that he places chief reliance.

Significant from the point of view of treatment, is his contention that the true criminal, even the regressive-atavistic type, is not incorrigible. He believes that he may be made socially useful in some way if proper treatment and supervision is provided. In this work he assigns only a limited place to penal institutions. Chief stress must be laid on extra-penal measures from popular education on the one hand to probation, parole, and a carefully planned program of aiding dis-

charged prisoners on the other. He is convinced that the police may be advantageously used in crime prevention work, but he is opposed to their use as probation officers, and demands more rational methods of supervision, aided by modern social case work.

Aside from its intrinsic value Dr. Di Tullio's book is important as it is representative of present-day Italian research in criminology. It carries within itself ample evidence of the fact that the intellectual atmosphere of a country dominates its inhabitants and gives impetus and direction to their labors, be they workers with the hand or with the brain.

THORSTEN SELLIN.

Bureau of Social Hygiene.

CRIMINAL STATISTICS IN IOWA. By Charles N. Burrows. 112 pp. The University, Iowa City, 1930. \$1.00. (University of Iowa Studies. Studies in the Social Sciences, vol. IX, No. 2.)

The author proposes to "present an accurate and detailed description of the criminal situation in Iowa throughout the history of the State. . . . The study begins with the year 1849 because that is the first year in which criminal reports were made to the State by the counties, and it closes with 1927 because that year completes the five-year period centering at 1925. . . . Attention is focused upon the amount of crime over the entire period for which criminal records have been kept, . . . as indicated by the number of convictions and by the number of sentences to penal institutions" (p. 4), per 1000 population. A table and a corresponding diagram are presented for each county and four

summary graphs are given, one for the state as a whole, and one each for the twenty-one most urban, the twenty-one middle and the twenty-one most rural counties. The author concludes that the crime rate is highest in urban and lowest in rural counties, that the conviction rate which includes all offenses fluctuates more than the sentence rate, which includes only more serious offenses, and that both rates decreased from 1898 to 1912, but have since increased, reaching the highest peak in 1923-27.

The value of this study is unfortunately slight. The author has not only failed to discuss the usefulness of these rates as crime indexes, but he has failed to interpret the data he has presented. Furthermore, only total conviction and sentence rates have been given and no analysis attempted of the nature and the distribution of the crimes throughout the period. In some states such analysis would be impossible, but in Iowa detailed figures have been published. An indication of the value and the imperative need of analysis and interpretation may be realized when one considers, for instance, that out of 1229 convictions in 1901, liquor offenses accounted for 95 and automobile offenses for one; in 1926, out of a total of 3,427 convictions, the corresponding figures were 989 and 482. To the extent that the study presents statistics which would otherwise have to be secured from inaccessible annual reports, it has, of course, a certain usefulness.

T. S.

A BIBLIOGRAPHY OF SOCIAL SURVEYS. By Allen Eaton in collaboration with Shelby M. Har-

risson. xlviii + 467 pp. Russell Sage Foundation, New York, 1930. \$3.00.

SOCIAL WORK YEAR BOOK, 1929.
Editor: Fred S. Hall. Asst.
Editor: Mabel B. Ellis. 600 pp.
Russell Sage Foundation, New
York, 1930. \$4.00.

The Russell Sage Foundation continues to make social investigators indebted to it for its valuable publications. The two here under consideration are fully up to the standard set by its previous work. The bibliography lists (Part I) general social surveys, urban and rural; surveys in specialized fields of social investigation (Part II); publications on purpose, method, and standards in surveys (Part III), and finally makes a geographical classification (Part IV) of the material in the first three parts. Under Crime and Criminals, Delinquency and Correction, Gangs, Juvenile Delinquency, Police, Prisons, Probation and Parole, Prohibition, Prostitution, Psychiatric, Reformatories, Sex Delinquency, etc., we find altogether references to about one hundred and seventy studies. Even though one notices omissions, the bibliography is a valuable addition to the bookshelf of the research worker.

The Year Book is a new departure, which it is hoped will be an annual event. It is in reality an encyclopedia of social work as well as a handbook of social agencies of a national scope. Among the articles of specific interest to criminologists we note: *Adult probation*, E. J. Cooley; *Alcoholism*, H. M. Pollock; *Civil liberties*, R. N. Baldwin; *Clinical study of adult offenders*, W. Overholser; *Crime commissions*, R. Moley; *Delinquent boys*, *Institutional care*, H. V. Bas-

tin; *Delinquent Children*, *Foster home care*, A. F. Whitman; *Delinquent girls*, *Institutional care*, C. de F. Penniman; *Detention homes*, H. A. Dobbs; *Domestic relations courts*, K. F. Lenroot; *Juvenile courts and probation*, C. L. Chute; *Legal aid*, J. R. Bradway; *Parole for adults*, C. Wilcox; *Penal and reformatory institutions*, H. H. Hart; *Police-women*, H. D. Pigeon; *Prison labor*, E. S. Whitin; *Prisoners' aid*, F. E. Lyon; and *Psychiatric clinics for children*, G. S. Stevenson. Each article is followed by a brief bibliography.

T. S.

SOCIOLOGIA CRIMINALE. By Enrico Ferri. 5th revised and amplified edition. 2 vols., xxiv + 552; 612 pp. Unione Tipografico—Editrice Torinese, Turin, 1930.

Among the great animators of the science of criminology, Enrico Ferri stands in the foremost rank. For a period of half a century, as teacher, author, practitioner at the bar, editor, and parliamentarian, he was the acknowledged leader of the positivist school of criminal law, which has so indelibly placed its stamp on the legal thought of the present. His "Criminal Sociology" was translated into all the great languages and became in a sense the accepted textbook of modern criminology. It was the American Institute of Criminal Law and Criminology which presented this work to American readers in a translation published in 1917 (Little, Brown and Co., Boston).

The fifth edition was begun some time before Professor Ferri's death, but his departure left the manuscript unfinished. His friend, pupil, and colleague, Arturo Santoro, com-

pleted the editorial work. The revision made is not very extensive except in the foot-note material, which has been brought up-to-date and in the elaboration of the excellent indexes.

T. S.

monials this number contains several articles of interest, prominent among which is one on "Researches in Feeble-mindedness with special relationships to inheritance," by A. Myerson and collaborators.

T. S.

CURRENT RESEARCH IN LAW FOR THE ACADEMIC YEAR 1929-1930. By *Elizabeth S. Iddings* under the direction of *Herman Oliphant*. x + 298 pp. The Johns Hopkins Press, Baltimore, 1930. \$2.00.

This is the second annual compilation of references to American research projects in law and related fields. It is prepared by the Institute of Law of Johns Hopkins University. Chapter Two (pp. 22-60) is devoted to research in crimes, criminal law, and procedure. In other chapters we also find sections dealing with statistics, judicial councils, juries, juvenile courts, law enforcement, juvenile delinquency, mental hygiene, prohibition and medical jurisprudence. The volume is well indexed. Considering its uniqueness and bibliographical importance, it is a pity that the Institute has decided to discontinue this publication series.

T. S.

FERNALD MEMORIAL NUMBER. (Bulletin of the Massachusetts Department of Mental Diseases, vol. XIV, nos. 1-2). Edited by *George M. Kline*, *Douglas A. Thom*, and *George L. Wallace*. 258 pp. Boston, 1930. Free.

A tribute to the memory of Walter E. Fernald (1859-1924) a leader in the study and the institutional treatment of feeble-mindedness. Besides various resolutions and testi-

CRIMINAL LAW IN COLONIAL VIRGINIA. By *Arthur P. Scott*. ix + 335 pp. The University of Chicago Press, Chicago, 1930.

Professor Scott presents in a well written manuscript the story of the development of criminal law in early Virginia. It is divided into three parts, the first being devoted to the sources of law in Virginia, the second to the subject of law enforcement and criminal procedure, and the third to criminal law in its substantive phases. Most of the book is devoted to an elaboration of Part III. The first part describes the conflicts which developed as a result of the arbitrary procedures established by the officials of "The Virginia Company." After a few years, of company control, the king assumed direct control of the colony, and it was not long before the common law became the law of Virginia with some local variations resulting from colonial legislation.

Part II, relating to law enforcement and criminal procedure, is most interesting because of the very great similarities which are shown between the law as it existed in Virginia three hundred years ago and the law as it exists in most of our states and in England today. Professor Scott confesses his exasperation at being unable to discover in the records the rules of practice in use in the courts. Then as now, these rules were to a large extent unwritten and became estab-

lished by current usage upon the part of those who were engaged in the work of law enforcement.

Among other things we find the practice of arresting as vagrants all those who were unable to give satisfactory account of themselves, in order that they might be investigated to determine whether they were fugitives from justice, wanted for more serious offenses. Initiation of prosecution by indictment, presentment and information were all known to the early Virginians and in common use. It was also common practice to divide the fine with the informer and in some instances he was permitted to bring a civil action against a violator of the criminal law.

The harshness of the Common Law, which denied to persons accused of crime, most of the well known protections of today, had a concurrent vogue in Virginia. As these rules were changed in England, however, they were changed also in Virginia.

Part III of the book is principally interesting because it reveals so clearly the social life and conditions of the people who lived in the colonies. We find, for instance, comment to the effect that as time went on it was discovered that more and more offenses were being committed by transported English convicts, an interesting reflection upon a policy which resulted in a selective process for the development of the law abiding citizenry of England, but at the same time sent into the United States a restless, undigested group of malcontents, who have contributed throughout the years to social disturbances and violations of criminal law.

Except for the severity of punishments, the criminal law of the colony was not unlike that of today.

Many instances are found of the use of increasing punishments for habitual criminals, a device which has been lately stumbled upon by zealous reformers who have assumed that they have discovered something quite new.

The colonists were equally interested, as many present-day legislators, in the attempt to regulate the moral conduct of their fellows, even to the extent of killing people for being witches and punishing them for failing to attend the established church. As time went on, we find instances of persecution of Quakers, Puritans, Catholics, Baptists, and Presbyterians. If we may judge from this book, drunkenness, cursing and swearing, Sabbath breaking, gambling, lotteries, vagrancy, fornication, miscegenation, and all of the other sexual offenses were common indeed. Laws specially directed at such crimes upon the part of magistrates, ministers, legislators, as well as common citizens, seem to have been more or less usual, together with an occasional provision for special punishment of prosecuting attorneys who failed to prosecute effectively in such cases.

JUSTIN MILLER,

Duke University.

LES CLINIQUES PSYCHOLOGIQUES
POUR L'ENFANCE AUX ÉTATS-
UNIS ET L'OEUVRE DU DR. HEALY.
By *Harold H. Anderson*. De-
lachaux & Niestlé, S. A., Paris
& Neuchatel, 1929. 5.50 fr.

This book has a very interesting and suggestive preface by Edouard Claparède, in which he points out that the European scientists were the pioneers in the study of psychological and sociological antece-

dents of delinquents. The American scientists, on the other hand, have the honor of leading the world in making practical applications of the knowledge obtained from these psychological and sociological researches.

Dr. Anderson's book is a survey of these applications as they are found in the American psychological clinics. The title of the book is slightly misleading, for it might just as truthfully have been called "The Work of Dr. Healy and the Psychological Clinics in the United States." However, since Dr. Healy's work is so outstanding, the reader gets a very clear picture of one of the best of the United States psychological clinics dealing with "problem cases." The book is almost entirely limited to the type of clinic which works with the delinquent, and the illustrative material is freely quoted from the works of Dr. Healy. Very little is said of the clinics which are doing work in other fields of psychological investigation.

The material of the book is well-chosen, interestingly presented, and well-balanced. The author's conception of the cause of crime does not allow space for fads; in fact, he makes some rather pointed statements about those who hold that the cause of crime is impacted teeth, or diseased tonsils, or defective endocrine glands. In the same way he is just as skeptical of the numerous panaceas which have been advocated to "cure" criminals. His whole outlook is scientific. The book is an excellent example of the use of the "total situation" concept, which is becoming increasingly popular in the better type of investigations in the social sciences.

To the European reader this book will serve a very worthwhile pur-

pose in informing him of the work of American psychological clinics working with juvenile delinquents. To the American reader unacquainted with the writings of Dr. Healy it presents a very useful summary of the writings of one of the outstanding authorities in this field. To the reader unacquainted with the work of psychological clinics in the field of juvenile delinquency this book will be an excellent introduction.

FREDERICK J. GAUDET.

Dana College.

CRIME AND PUNISHMENT IN GERMANY. By *Theodor Hampe*. viii + 175 pp. E. P. Dutton & Company. New York, 1929. \$3.50.

THE ELIZABETHAN UNDERWORLD. By *A. V. Judges*. lxiv + 543 pp. E. P. Dutton & Company. New York, 1930. \$6.50.

For those who have read *A Hangman's Diary* published a couple of years ago, the book by Dr. Hampe will be of special interest because it covers the same period, the 16th century, and the same city, Nuremberg, although it is based upon other source material. Here there is a wealth of information of value to the sociologist as well as to the historian of penology. The book gives interesting descriptions of the criminal class and provides us with an insight into the nature of punishable offenses and the penalties applied to those committing them. Professional crime seems to have been as difficult to combat then as now. Some of the thieves who met their fate in Nuremberg had carried on international operations ranging from England and Scandinavia in the north to Turkey and

Sicily in the south. Evidence even pointed to an organization in the trade of thieving. Crimes against property were apparently most common, then as now. A variety of crimes were capitally punished which today meet with little or no legal reaction. In spite of the threat of the death penalty, the "gallows thief" apparently operated undisturbed by the law and it was common to find the bodies on the gallows stripped of clothing the morning after the execution. Light on the mores and beliefs of the day is thrown by incidental references. For instance, we find that in 1497 eighteen Jews were burned alive "for murdering four Christian boys in their cells," showing that the belief in "ritual murder" is of no recent origin. We are told of a case in 1674 when the executioner gathered up the blood of a certain decapitated criminal and gave it to some epileptics to drink, who "were healed." Finally, we read that on one occasion a group of criminals knelt and wept with joy when they learned that instead of being hung, they were to be decapitated. Hanging was an infamous penalty while beheading was not. Toward the end of the 16th century, evidence recurs to show a lessening severity toward young delinquents. In 1576, for instance, eight boys "too young to be hanged" were chained together and made to sweep the pavements.

The book by Mr. Judges deals with the same turbulent times, although the scene is laid in Elizabethan England, an era notable for its contribution to criminal law and to punishment. Faced with the serious problem of vagrancy and itinerant criminality, the government instituted workhouses in an attempt to apply on a large scale corrective

institutional treatment instead of capital and corporal punishments. Mr. Judges has reprinted here the most important of the "rogue literature" and he supplements these pamphlets with a splendid introduction which surveys prison life, criminal justice and police methods. In all, this book is a worthy companion to Mr. Aydelotte's excellent *Elizabethan Rogues and Vagabonds*.

THORSTEN SELLIN.

CRIME PREVENTION AS A MUNICIPAL FUNCTION. By *Hubert R. Gallagher*. 66 pp. Syracuse University. 1930. \$1.00.

This is a questionnaire study based on reports from 220 police departments, which indicate an almost complete lack of knowledge of practical and constructive crime prevention work such as case work, co-operation with governmental departments and social service agencies, preventive education and "the correction of crime-breeding conditions." The existence of thirteen "crime prevention bureaus" was reported. The pamphlet aims to show the failure of public authorities in crime prevention work. The need of a program as determined by case studies, suggestions for such a program, and finally, the organization of crime prevention work by the police of selected communities are presented.

PRISONS AND PRISON BUILDING. By *Alfred Hopkins*. xii + 140 pp. Architectural Book Publishing Company, Inc. New York. \$5.

This work presents a prison construction program based upon a definite and inclusive penal policy of economic and social rehabilita-

tion. Emphasis is placed upon the idea of the employment of the prison as an instrument of reformation as well as one in which the necessities of security and supervision are cared for. Consideration of Mr. Hopkin's thesis is merited on account of his recognized competence in his field and the opportunity that he has had to apply constructively his theories in the planning of the Westchester County Penitentiary, Berks County Prison and the proposed Federal Prison in Western Pennsylvania.

The controlling principle upon which the author establishes a scheme of prison construction which will meet the modern demands is classification. "Classification is the most discussed, *the vital* problem of prison administration today and always has been. The architect must provide every possibility for segregation in his structures, and the first thing is to plan the institution on a basis of a number of small units instead of a few large units." One rather feels, however, that the schemes shown exhibit classification rather as an attitude of mind than an achievement of fact.

Interest is directed to the practical working out of the theory of planning small units that will "offer a substitute for home life. Prisoners may well be classified with respect to their suitability to one another as associates. One of the functions of education, and the prison has largely become an institution of education, should be to separate those who wish to learn and those who do not." It would be of great advantage to have this theme more fully elaborated and its application in plan and construction intensively defined.

A complete solution for the segregation, better treatment and hous-

ing of the irresponsible part of the prison population has not been provided for in the elaboration of the author's architectural theory. Intensive surveys have demonstrated that approximately sixty per cent of the prison population is mentally subnormal. If a system designed to educate normal individuals can be applied to a criminal group in which there is a definite absence of the ability to be responsible to the requirement of society, the prison plan presented in the volume constitutes the long sought goal in the search for the best methods of housing and handling criminal wards.

It is felt that a satisfactory treatment of the criminally blighted humans of a state must involve the consideration of, not merely the state prison, but its feeder, the city jail and the county prison and work house conceived as integral elements of the scheme. None will dispute Mr. Hopkins' statement of the "beneficial influence of beautiful building upon the offender," nor that "the effect of environment is just as noticeable and far more important upon the prison official than it is upon the prisoner."

LEWIS F. PILCHER.

Philadelphia.

THE THIRD DEGREE: A DETAILED AND APPALLING EXPOSE OF POLICE BRUTALITY. By *Emanuel H. Levine*. 248 pp. The Vanguard Press, New York. \$2.00.

As its highly colored title indicates, this book was primarily made to sell. Mr. Lavine is a police reporter of long experience, and although the task of composition has admittedly been performed by others, there is no doubt of the unusual

opportunities which he has enjoyed for observing third degree practices. No one can read his account of them without conviction that the third degree as a recognized police institution must go. Yet it is doubtful whether this attack will contribute materially to that end, because the specific cases so effectively presented represent a highly selected group covering the observations of many years, and therefore are not typical of police methods in securing confessions.

That portion of the public which objects to the third degree must be brought to understand that the failure of private citizens to assist police lies at the root of the evil. The police must also be made to realize that use of the third degree tends still further to alienate public support.

Here is a vicious circle. Perhaps some large American police department will take the initiative in breaking it, by forswearing the third degree, frankly confessing inability to solve certain crimes without aid of the method, and thereby perhaps re-enlisting popular support and assistance for police investigations. Despite the involved nature of the situation, some such procedure may be made to yield promising results.

BRUCE SMITH.

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PERSÖNLICHKEITSFORSCHUNG UND
DIFFERENZIERUNG IM STRAFVOLL-
ZUG. By *Dr. Werner Petrzilka*.
Friederichsen, De Gruyter &
Co., Hamburg, 1930. R M 10.

The chief interest of this book is that it contains a full account of the two most prominent European

methods of studying prisoners, namely those of Bavaria and of Belgium. All the items of investigation are given for each system. A good deal of curiosity here in America has been aroused concerning the Bavarian methods of study because of mention in various publications and particularly through the work that Lange has done on the study of identical twins, which originated in the Bavarian reformatory at Straubing.

An immense amount of attention in Bavaria is being given to anthropometry, with many measurements made of the body. This is correlated with the psychological types of Kretschmer, but, in general, psychiatric studies of the prisoner play a very small part indeed.

The Belgian method of study contemplates also many morphological measurements and tests of sensation, with considerable emphasis on heredity, but added to these there are various observations upon personality and character deviations. Also a greater amount of space is given to sociological considerations than in the Bavarian method of investigation.

The book as a whole attempts a critical appraisal of these schemes of study while it presents a sketch of the recent movements for reform in penology in both countries. It is clearly seen that these studies of prisoners particularly by refined physical methods have not yet proved its value. It will be necessary to wait a number of years to see what can be brought forth and whether biological types can be related to conduct tendencies. Certainly no results have yet been forthcoming that lead to better prognosis, while more rational methods of treatment of prisoners are still in the making.

This book is of considerable value for those who would learn of what is going on in penology in other parts of the world. It may be highly recommended for its presentation of methods and its sanely critical attitude. It is a work to be taken account of by criminologists generally because of its scientific point of view and its fair presentation of Belgian and Bavarian present-day attitudes towards understanding the causes of crime.

Perhaps more interesting than anything else to note is the wide divergence of the points of view embodied in these two systems of investigation from the development that is taking place in America. Here we are looking more and more at the mental and social aspects of the life of offenders and at the interrelationships in the hope of gaining an understanding of the causations of social misconduct. There is hardly an echo in these two methods of what we may term the modern psychiatric standpoint. Very little attention is paid to the early influences that make for character formation and no consideration whatever of the more subtle factors of dynamic psychology. The very making of these large numbers of objective physical measurements must necessarily, considering limitations of time, militate against taking into account what we nowadays believe to be the major factors in the protection of delinquency and crime. But nevertheless we must welcome scientific investigations of any sort, for who knows what they may bring forth.

WILLIAM HEALY.

Judge Baker Foundation.

and Harrison Smith, New York, 1929.

This little volume does a good service in bringing together a bit of the history and something of current developments in the field of penology in England. In the opening chapters the author touches upon the various "schools" of criminology, and the distinctions in English law between types of crime. The oft-mentioned, three-fold classification of the theories of punishment are then reviewed, i. e., retribution, deterrence, and reformation, with some indication of the progress made when the State took over from the victim or his kinsmen the right to inflict punishment. Penal methods of the past are then briefly discussed, the author paying his ironical respects to the cruel ingenuities of his native land, not forgetting to mention, however, the heroic work of reformers, such as Bentham, Mackintosh, Romilly and others. There is a brief chapter on the "Judgment of Death," though the author's conclusion on this subject is printed on the jacket of the volume—"The death penalty fails utterly in its purpose. It does not stop murders." A somewhat inadequate discussion of insanity and crime follows, expressing the modern hope that this problem be taken from the legal and given over to the medical profession with their new psychiatric techniques. Juvenile delinquency is treated, showing the development of modern methods of treatment in England, and the author discusses the machinery of justice in England, with praise for the effectiveness of the judicial system in separating the guilty from the innocent, but with criticism of the too standardized and impersonal treatment of the guilty. In a con-

cluding chapter the author calls attention to the somewhat confused situation with regard to penal institutions in England, wherein they masquerade under different names, such as House of Correction, Penitentiary, Prison, and so on, all employing similar unintelligent methods. The new names for old jails are a part of the romanticism which has afflicted this field. Or, is it a phase of Anglo-Saxon pious hypocrisy? This is a good book for the tired business man who can tolerate an idea or two, provided that the analysis is not too prolonged.

ARTHUR EVANS WOOD.

University of Michigan.

THE HORRORS OF CAYENNE. Edited by *Karl Bartz*. Translated by Beatrice Marshall. x + 206 pp. Richard R. Smith & Company, Inc. New York, 1930. \$2.00.

Stories of the French penal colony of Guiana have become fairly common since the war. Most famous, no doubt, is Albert Londres' *Au Bagne*, which provoked a French Parliamentary inquiry. Jacques Dhur and, more recently, Blair Niles have also contributed to the general conviction that a penal colony is not only a pest spot, but financially a very costly experiment.

Few of the prisoners who have passed through the "Horrors of Cayenne" have had the ability or the desire to record them for posterity. The hero of this book is a young 18-year old German who before the war was shanghaied into the Foreign Legion. With the outbreak of the war, he and some other German legionnaires make a dash for freedom. He is captured and sentenced to transportation. After numerous fruitless attempts to es-

cape, he is finally, after over a decade of hard labor, pardoned through the efforts of friends in his home country. While this book fails to give the profound impression left upon the reader by the more naive and detailed autobiography by Menesclou (*Comment j'ai subi quinze ans de bagne*) it nevertheless is a moving and worthwhile psychological document.

T. S.

FESTGABE FÜR REINHARD VON FRANK, ZUM 70. GEBURTSTAG, 16. AUGUST 1930. Edited by *August Hegler*. 2 vol. J. C. B. Mohr, Tübingen, 1930. R M 63.

On the 70th birthday of Geheimrat Reinhard von Frank, the noted German criminologist, a number of his confrères united in contributing articles, forty in number, on different aspects of the science, to form an appropriate "Festgabe"—these are collected in two volumes of 621 and 588 pages respectively, by an editor of skill and judgment, Dr. August Hegler of Tübingen.

The articles are of a most varied character, ranging from the almost wholly theoretical to the almost wholly practical—the authors are in most cases professors in German universities, all of the best known universities being represented; and the book is correctly described by the editor as furnishing in systematic shape, a cross-section of present German scientific criminology, particularly in reference to the labors of von Frank.

The papers are able and carefully prepared. The range may be judged by some of the titles—Systematic Foundations of the Present Day Science of Criminology; The Influence of Civil Law upon Criminal

Law; Casualty and Responsibility; Inciting and Complicity; Procurement; Forgery; High Treason in Future Criminal Law; Punishment in Relation to the Child and the Feeble-minded, and so forth.

Naturally, the book does not lend itself to quotation: the method of treatment may be illustrated by one paper, taken almost at random—*Arzt und Strafrecht* by Dr. Joseph Heimberger of Frankfurt.

The author begins by saying that he plans to deal with the law as proposed in 1927 in an Outline of a Code of Criminal Law for all Germany submitted to the Reichstag and the discussion of it in the Committee of the Reichstag to which it was referred. His treatment of the subject will be confined to its bearing upon the physician, and that only in outline.

The first section deals with the boundary line between the embryo or unborn child and human life, which he considers a very important matter as there is no criminal punishment for killing or injuring anything but a human being. Under the existing law, it was not clear that the boundary was the complete exit of the nascent child from the body of the mother. The Outline provided that it is not criminal for a physician to kill the nascent child to save the mother's life, thus by implication indicating that a child in the process of being born, is a human being. A long discussion follows as to the consequences to be deduced from this *Grenze*.

The next section deals with abortion generally. The prohibition, as a crime, of abortion met strong opposition in committee from the Communists and the Socialists. Members of these parties urged its legitimization in any instance or at least during the first three months

of pregnancy. These propositions failed, the second from the difficulty, if not the impossibility of determining the precise age of the foetus. One Social-Democrat proposed a fine of three Marks, instead of the existing punishment.

Section three is on the interruption of pregnancy and perforation on surgical grounds. It was proposed in committee that such interruption of pregnancy should be permissible on eugenic, social or ethical grounds if the operation was necessary to prevent the birth of a sickly or feeble-minded child, to prevent a child being born into a home of domestic want, or if the pregnancy was occasioned by want, ravishment, incest or intercourse with a child, and so forth. These propositions were rejected. As to perforation, "It is scarcely believable what acrobatic tricks were resorted to to find a solid foundation for the non-criminality of perforation": it stands that the operation is non-criminal "if according to the rules of scientific medicine it is necessary to prevent serious danger to the life or health of the mother." But no non-professional person should undertake the operation, and the consent of the mother should be first obtained.

Section four deals with treatment with or without consent of the sufferer: the Outline whose direction was not changed in committee declared that treatment, manual or otherwise according to the practice of a skilled physician should not be considered a trespass to the person. As to treatment against the patient's will, as "the sick man is master of his own person, he need not submit to treatment against his will"; and in this right, he should be protected by the law. The Outline provided that everyone who treats an-

other for the purpose of healing, but against his will, shall be punished by three years' imprisonment and fine: the *Zentrum* and the *Volkspartei* were especially interested in this in committee.

Section five deals with consent to physical injury in operations: section six with sterilization; section seven with assistance to suicide, the Outline declaring this non-criminal if the suicide expresses a fixed desire to die to escape the torments of an incurable disease; section eight gives the law as to false professional evidence; section 9 as to breach of professional confidence, saying that doctors, apothecaries and medical men generally who, without permission (except upon a lawful occasion, in defense of some public or private right) discloses facts that have come to them in their professional capacity are punishable with three months' imprisonment and fine.

This is a résumé of a most interesting article: I am able to resist a similar treatment of others equally valuable and interesting, only by remembering the exigencies of space in the Journal.

WILLIAM RENWICK RIDDELL.
Osgoode Hall, Toronto.

EL NUEVO DERECHO PENAL. ESCUELAS Y CÓDIGOS DEL PRESENTE Y DEL PORVENIR. By *Luis Jiménez de Asúa*. 241 pp. Editorial Paez, Madrid, 1929. 4 pesetas.

Since his excellent work on the indeterminate sentence appeared shortly before the war, Professor de Asúa has continued to publish books and articles which testify to his wide culture, his keen scholarship, and his great polemical ability. In late years, in particular, he has

had ample opportunity to utilize the last-mentioned quality, for as a determined opponent to the dictatorship in Spain, he has suffered not only indignities at home, but even a period of confinement on one of the penal islands of Chafarinas. (See his *Notas de un confinado*. 201 pp. Madrid, 1930.)

In the book under review, it is primarily the scholar and the philosopher who speaks. He first outlines the historical development of European criminal law and points to the dualism exhibited by recent codes and projects based on the distinction between punishment and "measures of security." In the second chapter, he characterizes the trends in modern penal law, and in the third, which is the most stimulating in the book, he deals with the criminal law of the future, both the near and the remote. Ultimately, the author hopes that "protection" will be the fundamental aim of criminal law and that crime will be but a symptom of a criminal's danger to society, while punishment will lose its retaliatory nature and become only a tutelary and safety measure. Judges will have the full arbitrary power now enjoyed by physicians and teachers. True social physicians, they will possess a rich anthropological, sociological, psychological, and psychiatric knowledge; law is the discipline which they need to know least of all. Prisons will disappear in favor of reformatories, correctional schools, and hospitals. The penal code will have the attributes now possessed by the juvenile court laws.

Before this ultimate stage is reached, a transition period must perforce exist. For this period we need to elaborate two distinct codes. One is a code of sanctions and the other a code of prevention. Good

examples of the former are found in the Italian project of 1921 and in the Russian code of 1926. For the proper application of this code which will give considerable arbitrary power to the judge, a judiciary is needed with specialized training and high salaries. The training should be given in law schools or in special institutes. (Note. In Europe, judges are appointed on a civil service basis.) The indeterminate sentence must be adopted and special advisory commissions shall supervise the treatment and eventually recommend to the court the conditional release of the prisoner. This commission is to consist of three sections, one medical and anthropological, one juridical, and one administrative. When the case of a criminal's treatment or release comes up for discussion, each section shall independently take up the case and present its findings to the court. The author suggests this device in order to meet criticism leveled against the purely administrative application of the indeterminate sentence.

The preventive code which is proposed is not to be one like Longhi's which deals with measures of security to be taken after a crime has been committed, and which only in exceptional cases deals with pre-delinquents. Asúa's code, given the nature of his code of sanctions, naturally deals only with the social treatment of individuals who show anti-social tendencies which might lead them to crime: certain mental defectives, morally abandoned and neglected children, beggars and vagabonds, habitual drunkards, prostitutes, etc., and all those who belong in the category of the *mala vida*. To protect individual rights, measures applied to these groups must never be meted out through the

police, but only through the courts.

In a final chapter, the author presents valuable historical and analytical material connected with the criminal law projects or codes of recent years, particularly those of Spain, Panama, Costa Rica, Argentina, Peru, Mexico (1912), Colombia, Cuba, Brazil, and the Philippine Islands.

THORSTEN SELLIN.

CRIME AND THE CRIMINAL LAW IN THE UNITED STATES. By *Harry Best*. xvii + 615 pp. The Macmillan Company, New York, 1930. \$6.50.

According to the author, as stated in the foreword, this book is "intended as a limited contribution to an understanding of the situation as to crime and the criminal law in the United States. It is designedly of objective character. Practical matters and issues of today are what receive the substance of attention and regard—with little attempt to enter the great historical or philosophical or theoretical fields which lie so close at hand, or indeed upon which is superimposed the entire structure. The work is to be looked upon rather as an elementary text for the student and for the citizen desiring a better appreciation of the problem. In a considerable degree the work is of a statistical character." The author has held very consistently to the purpose described in the extracts quoted above.

The book is divided into eleven parts as follows: general nature of crime; classification of crimes; criminal procedure; extent of crime in the United States; conditions and characteristics of criminal population as reflected in prison population; forms of punishment for the offender; means of release from

prison; penal institutions; non-institutional methods of treatment of offenders; private organizations concerned with the offenders; and possible measures for control or reduction of crime.

The range of topics covers practically all phases of criminology. In fact the title might well have been a more general one. The great reliance and emphasis upon statistics results in chapters that are filled with summaries of statistical tables. One cannot help wondering if these chapters are not likely to prove rather difficult reading for an elementary text and for the general reader. Somewhat more use of historical material would have helped to carry along the details presented in many parts of the treatment. It is hardly fair, however, to criticize an author for not doing the things that he very definitely did not elect to do.

The sections on the general nature of crime and on the classification of crimes contain a great deal of information for the non-legal student of criminology. Such subjects as parties to crime and responsibility for crime are clearly explained. The legal status of homicide in general, suicide, justifiable and culpable homicide, voluntary and involuntary manslaughter are also discussed with clarity. Offenses against the person, against property for gain and not for gain, as to dwelling or habitation, family relations, children, sex, against public peace or order, against public health or safety, public policy or morals and administration of government are presented in a manner to be understood by students and general readers. These two sections seem to the reviewer a very valuable treatment of subjects of great importance for the student of criminology, but subjects

which are usually ignored in the regular textbooks. Dr. Best, with his legal training, has put these matters in terms that are intelligible to persons without legal experience.

The sections on the extent of crime and upon the condition and characteristics of criminal population as reflected in prison population are handled with the same meticulous attention to detail and accuracy. So far as conclusions can be based upon statistical foundations, these portions are exhaustive and complete. The summaries and compilations will be particularly useful to persons to whom the original statistical materials are not available.

The section upon general forms of punishment in the United States presents an excellent summary view of the use of capital punishment, fining, imprisonment, means of reduction of prison term, and time served under sentence. Again the statistical presentation is detailed and accurate. The abstract character of the material and the use of numerous tables forms difficult reading. As a source of valuable information in concise form, it is of the greatest value.

The list of books on crime given at the end of the study seems to be presented in rather inadequate form. Especially to be noted is the lack of any critical estimate of the value of the references. The student or the general reader is left entirely without guidance except so far as the title throws light upon the nature of the treatment.

The defects suggested above do not materially detract from a volume that is an important addition to the growing literature of criminology.

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