

Journal of Criminal Law and Criminology

Volume 23
Issue 1 *May--June*

Article 1

Summer 1932

Editorials

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Editorials, 23 *Am. Inst. Crim. L. & Criminology* 3 (1932-1933)

This Editorial is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

EDITORIALS

(*Note:* At the meeting of the Editorial Board of the Journal of Criminal Law and Criminology held April 1, 1932, upon motion of Professor John H. Wigmore, the Board voted unanimously to entitle the May-June issue "The Robert H. Gault Number," in recognition of Professor Gault's twenty-one years as Editor-in-Chief. The Board was authorized by the action to take charge of the Editorial section for this number and Professor Gault was asked to delegate his function to his associates as far as it relates to this section.)

RETROSPECT

That was a fortunate day for the Journal, some twenty-one years ago, when, as I walked along Chicago Avenue in Evanston with Robert Gault, I broached to him the proposal that he take over the chief editorship of the Journal.

The situation was urgent. The National Conference on Criminology, the first of its kind, had been called in May, 1909, as a useful way to celebrate the 50th anniversary of the founding of the Law School of Northwestern University. At the close of the Conference, it was voted to organize the American Institute of Criminal Law and Criminology; and I was involuntarily elected as its first president. The Conference had gathered in consultation, for the first time, leading representatives of all the branches of science that were concerned with various aspects of the problem of Crime—law, politics, psychiatry, sociology, police, penology. The unanimous conviction had been recorded that all these separate departments of science and practice must thenceforth combine and concentrate their knowledge and experience upon the composite science of Criminology. For this purpose an organ of publication (hitherto non-existent) was indispensable.

And so the Journal was founded. Its first number is dated May, 1910. For its first year, James Garner, head of the political science department at the University of Illinois, consented to act as editor-in-chief. Associated on the editorial staff were a galaxy of

able men (some of them now passed away) whose names deserve here to be recalled:

- Charles F. Amidon*, United States District Judge, Fargo, North Dakota.
- Frederic B. Crossley*, Librarian of the Gary Library of Law, Northwestern University, Chicago, Ill.
- Charles A. DeCoursey*, Judge of the Superior Court of Massachusetts, Lawrence, Mass.
- Charles A. Ellwood*, Professor of Sociology in the University of Missouri, Columbia, Mo.
- Frederick R. Green*, Secretary of the Committee on Medical Legislation of the American Medical Association, Chicago, Ill.
- Charles R. Henderson*, Professor of Sociology in the University of Chicago, and United States Prison Commissioner.
- Francis J. Heney*, United States Special District Attorney, San Francisco, California.
- Charles H. Huberich*, Professor of Criminal Law in Stanford University, Palo Alto, Cal.
- John D. Lawson*, Professor of Criminal Law in the University of Missouri, Columbia, Mo.
- Orlando F. Lewis*, Secretary of the New York Prison Association, New York City.
- Edward Lindsey*, of the Warren (Pa.) Bar. Member of the American Anthropological Society.
- Adolf Meyer*, Director of the New York State Psychiatric Institute, Ward's Island. Professor-elect of Psychiatry in Johns Hopkins University, Baltimore, Md.
- Frank H. Norcross*, Chief Justice of the Supreme Court of Nevada, Carson City.
- Roscoe Pound*, Professor of Criminal Law in the University of Chicago.
- Richard A. Sylvester*, Chief of Police at Washington; President of the International Police Association, Washington, D. C.
- Arthur W. Towne*, Secretary of the New York State Probation Commission, Albany, N. Y.
- John H. Wigmore*, Professor of Law in Northwestern University, Chicago, Ill.
- Lightner Witmer*, Professor of Psychology in the University of Pennsylvania, Philadelphia, Pa.

And Volume One of the Journal, if the reader will look back at its pages, was an excellent embodiment of the new idea in its composite appeal to all the branches interested. It set a standard.

But as the first year drew to a close Professor Garner notified us that his other duties would prevent him from any longer sacrificing them to the editorial task of the Journal. The same disconcerting news was received from the business manager of the Journal, Col. Harvey C. Carbaugh, then judge advocate of the Department of the Lakes, who had ably steered the Journal through its first-year of life.

Fortunately for the business management, Professor Frederic B. Crossley, librarian of the Elbert Gary Library of Law (which had just installed an unexcelled collection of works on Criminology) accepted the post, and the Journal's circulation gradually increased until it could be found in the libraries of almost every civilized country.

But the editorship seemed to require an incumbent outside of the field of law; for at that period few if any lawyers (or professors of law) had enough knowledge of the workers in the other fields

to be able to evoke contributions which should represent the composite field of the Journal.

It was in this crisis that the proposal was made to Professor Gault, and ultimately he accepted, to the good fortune of the Journal. His name appears, for the first time at the head of the editorial list, in No. 4 of Volume II of the Journal.

During all this period of his incumbency the contents of the Journal have faithfully reflected the composite field of Criminology. The editorial policy and skill have successfully drawn upon contributors whose published researches have maintained high scientific standards and have established permanently the prestige of the Journal as the best journal of its kind in any language.

To the Editor-in-Chief, now completing his twenty-first year, and to his many associates who loyally cooperated, I offer a tribute of thanks, for myself and for all those who took part in the starting of the Institute and the Journal. It is for them a deep and rare satisfaction to see their original ideal worthily brought to pass in the pages of the Journal.

JOHN H. WIGMORE.

AN EDITORIAL BIRTHDAY

This number commemorates the twenty-first anniversary of Dr. Robert H. Gault's occupancy of the position of Managing Editor of the Journal of the American Institute of Criminal Law and Criminology. It commemorates an editorial service of unusual ability, efficiency and an unselfish effort, the value of which can hardly be estimated. Every editor is to a large extent an altruist. Like a college president, he must work through others. Rarely can he find time to write leading articles which he may have reprinted and broadcasted and for which he may obtain personal credit, and even the editorials he writes, dealing as they do with transient conditions, are often overlooked in the permanent records. His greatness is shown in his comprehension of the whole field of the enterprise for which he furnishes a public outlet and a public utterance, in his discrimination as to subjects to be treated and, above all, in his acquaintance with able writers and his ability to obtain their assistance. In all of these things Dr. Gault has been unusually successful, and few will deny that in the field of criminology and penology the Journal of the American Institute of Criminal Law and Criminology has oc-

cupied a proud and influential place. The foundations were laid under the early leadership of Professor James W. Garner of the University of Illinois, who was the first Editor, and of Colonel Harvey C. Carbaugh, Judge Advocate of the United States Army, Department of the Lakes, who occupied the position of Editorial Director. The furtherance of the work and the later triumphs have been due to the keen and practical business management of Frederic B. Crossley, its Managing Director, and Robert H. Gault, its Managing Editor, though, of course, sufficient credit cannot be given to the able assistance and creative ability of John H. Wigmore and of the various Boards of Associate Editors.

The Journal of the American Institute of Criminal Law and Criminology is almost as old as the American Institute itself. The American Institute of Criminal Law and Criminology is an outgrowth of the National Conference on Criminology which was held in Chicago in June, 1909. This Conference was composed of 150 delegates representing the various professions and occupations concerned directly, or indirectly, with the administration of the criminal law. The idea was new to America, though in Europe Congresses of criminologists had frequently been held and the value of the cooperation of lawyers and scientists in promoting the improvement of the criminal law and the criminal and penal administration had long been recognized. The result of this Conference was the creation of the American Institute of Criminal Law and Criminology whose purposes, it was stated, should be "to advance the scientific study of crime, criminal law and procedure, to formulate and promote measures for solving the problems therewith and to co-ordinate the efforts of individuals and of organizations interested in the administration of certain and speedy justice." John H. Wigmore of Chicago was elected President of the new organization and has always been a dominant factor in its councils. At the same meeting, attention was called to the fact that there was at that time no Journal or Bulletin published in the English language devoted wholly, or in part, to the study of criminal law and criminology or to the problems connected therewith, although there were thirty or forty such journals printed in foreign countries. In realization of these facts the Journal of Criminal Law and Criminology was launched on the sea of journalism.

Throughout his editorial career, Robert H. Gault has realized the interrelationship of the social and political sciences and of the science of the law, and from the beginning has obtained the assistance

and the writing of leading articles and of editorials by men of prominence in the intellectual world. In this he has been preeminent. It is to be doubted, indeed, whether any journal in America has had among its contributors a more distinguished array. Presidents of the American Institute have come and gone, but Robert H. Gault has been in continuous control of the Journal for twenty-one years and its influence has been due to his efforts.

As to the Journal and as to the efficiency of the editorial management the public must judge. One thing, at any rate, we may say, and that is, that rarely has more real and disinterested ability been freely given to any publication than that which has been furnished by the present and now twenty-one year old Managing Editor. The Institute wishes him a happy editorial birthday.

ANDREW A. BRUCE.

THE EDITOR'S TASK

In connection with the work of Dr. Robert H. Gault as Editor of the Journal of Criminal Law and Criminology, one aspect that at once suggests itself as important is the quality of contributed articles secured and published by Dr. Gault in the Journal. Not only has the varied field, or perhaps it would be better to say series of fields, of Criminal Law and Criminology been quite fully covered, thus lending variety to the contents of the Journal, but a surprisingly large number of these varied articles have been of a high degree of merit and there have been relatively few which one would hesitate to characterize as worth while. This is indeed an achievement in a field where discrimination is so essential and quality is so difficult of attainment as is the case with Criminology. Sensational and crank ideas may be had in plenty and are hard to altogether avoid, but worth while contributions are not so numerous.

Of course a writer who has much of value to contribute in his especial field of attention may yet exhibit abysmal though unconscious ignorance of a related field. This is especially common where law is concerned as to which the prevalent view in this country is that there is nothing to know or be known about law but the contents of the statute book. This view is fostered by the attitude, itself a major cause of the notorious absence of respect for law in this country, that the representatives of the people in the legislatures "make" the law and that any undesirable condition may be remedied by

"making" some law about it. It is generally assumed that everyone is as competent in the field of law as the jurist or the legal student—at least to determine what the law ought to be. But the specialist in one line or another who writes on criminology is apt to stress his particular set of influences on the criminal to the exclusion of anything else.

Even a cursory examination of the files of the Journal would substantiate the assertion, I believe, that the articles show a high proportion of contributions which are not only authoritative in their especial fields but also show a breadth of view as to related aspects of the study of criminology. To Dr. Gault is due great credit for the pronounced excellence of this part of his work as Editor of the Journal.

EDWARD LINDSEY.

EXPRESSING THE TREND OF CRIMINOLOGIC THOUGHT

When the American Institute of Criminal Law and Criminology was created, the most continuous burden was thrust upon Robert H. Gault, the editor of the Journal. A psychologist, deeply and actively interested in crime and in the relation of psychology to crime and to law, Professor Gault directed the destinies of the Journal as a form of expression of the trend of the many interests which had to be brought together, and not merely as a bulletin of research and an exchange for the investigator. The worker's experience and the sources and goals of stimulation were uppermost, and yet the pages must be a digest of publications of the wide field of criminal law and practice and penal activity. It is remarkable what a source of information the Journal has become under the skilled and broad-minded direction and the wide contacts represented. Even if, perhaps, little has been effected in the way of legislative reform, the spirit permeating the Journal has had a profound effect in helping to shape legal and judicial and penological opinion. Those of us who share with Professor Gault the interest in the psychological and psychiatric aspects of the broad problem wish to express to him the sense of great indebtedness and gratitude for the most able and judicious direction of the good will of the contributors into its widely accessible expression. Any one who knows the manifold responsibilities and burdens of the editorial leader will want to participate in honoring in him the worker and guiding spirit of a great movement.

ADOLF MEYER.

IN THE EYES OF THE WORLD

The many years of devoted service that Robert H. Gault has given to the *Journal of Criminal Law and Criminology* well deserve this tribute of an issue in his honor. Through ups and downs and hard situations, he has remained steadfast to his job. The place that this *Journal* has taken under his guidance can perhaps best be recognized by the fact that abroad it is regarded as the real representative of American thought in its field. Indeed, I have several times in Europe been asked if anything else at all in its class is produced in America.

Professor Gault has chosen well in avoiding the more popular material which might well have increased circulation, but would inevitably have caused deterioration of the scholarly and scientific aims which Dean Wigmore and others from the very start had for this *Journal*. It always seemed to me far best to have one periodical to which one can turn with the feeling that the articles in it represent really sound thought and scholarship, and I have been proud that the *Journal* has been held strictly to these lines.

The more recent growth of the *Journal* in the development of the different departments offering abstracts has been a wise move and the important reviews of publications maintain a consistently high standard. It is my guess that a large number of professional readers turn to these reviews and abstracts in every issue with a great feeling of interest and confidence.

The *Journal* has won for itself a strong place and all of its readers should be deeply grateful to Professor Gault for his long-time efforts in their behalf. This acknowledgment of his services gives but small recognition to what he has striven for and really accomplished.

WILLIAM HEALY, M.D.