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Book Reviews

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BOOK REVIEWS

THORSTEN SELLIN [Ed.]

THE PRINCIPLES OF JUDICIAL PROOF.

By *John Henry Wigmore*. xix+1056 pp. Little, Brown and Company, 1931. \$10.

This is a remarkable book in many ways. In the first place it transcends the common law tradition. This, if it has not actually been hostile to, at least has discouraged theoretical works. Juristic philosophy, dogmatic theoretical systems have not flourished in common law countries. The common law writer has been preoccupied with the immediate case materials of his legal systems. Theoretical speculations, scientific data, have made impressions upon him only when embedded in litigated instances. Towards comparative legal materials he has been somewhat more receptive but these too, have first had to be transformed by the processes of the common law. The common law, it has been well said, is a "tough" law.

While in recent decades the splendid isolation of the common law system has to some extent been broken down, in one field at least, the modern law of evidence, there has been no reception of alien materials. In its early formative stages the evidential system of the common law was influenced at some points by the experience of the countries of the civil law. But the continental system of "legal proofs" was part of the debris that was swept away in the storm of the French Revolution. In the common law system,

on the other hand, the process of elaborating artificial rules of proof, has continued. The result is that today the Anglo-American law of evidence is a complex system of rules of admissibility. The attention of the common law lawyer is directed towards these rather than towards the logic and psychology of proof, the true province of a science of evidence.

The purpose of Dean Wigmore in the present work, is to introduce the common law lawyer to the natural science of judicial proof. He must not live by the rules of admissibility alone. Indeed Dean Wigmore envisages the possibility that these will disappear entirely just as did the continental system of legal proofs. The mere admission of this possibility on the part of Dean Wigmore is in itself remarkable. For, as it is hardly necessary to say, it so happens that he is also the author of the monumental work in six volumes on the Anglo-American law of evidence. Few men would have the courage of mind to regard as impermanent a large part of the field of learning to which they have devoted the better part of their lives.

The present work is issued as a second edition of Dean Wigmore's earlier one published two decades ago under the same title. Actually, however, it is almost entirely a new production. The older book, which was primarily a collection of extracts and case materials, relating

to the science of proof, was still close to the common law tradition. The new text is written in the form of a continuous exposition of a science in the continental manner. Indeed, it owes a debt to Hans Gros, the author of the famous handbook on criminal investigation, a debt which Dean Wigmore pays by dedicating his book to him.

Dean Wigmore begins with an exposition of the probative process applicable to judicial proof and an explanation of method of analyzing mixed masses of evidence. In the latter connection he offers a scheme for charting a mass of evidence in diagram form by the use of letters, signs and symbols. The average American lawyer will probably regard this as unnecessarily complicated despite its usefulness when once mastered. There follows the main portion of the book which deals with the presentation of the various types of evidence, circumstantial, testimonial and real. To designate the latter Dean Wigmore has invented the term "Autoptic Preference" since the evidence is physically presented to the tribunal. In conclusion the developed principles are applied in the elucidation of mixed masses of evidence drawn from actual cases. These are also a number of appendices of which the most important consists of an examination of the Anglo-American rules of admissibility in the light of the scientific principles of judicial proof.

The ultimate value of a work such as Dean Wigmore's must be determined by the soundness of the psychological and physical science upon which it rests. Dean Wigmore is completely permeated by the scientific ideal but this very fact sometimes leads him to be more positive than the present state of psychologi-

cal and physical science would seem to justify. The facultative psychology of the past generation has been undermined but experimental psychology has made only a beginning. Physical scientific discoveries which have been applied to the law of evidence no longer justify the high hopes which they once inspired. Bullet marks, fingerprints, lie-detecting agents have been shown to be even less infallible than Dean Wigmore supposes. Moreover he proceeds on the assumption that a trial is a scientific inquiry for proof when it is often only a rather desperate game. On the other hand the validity of the legal rules of evidence in the light of the more reliable principles of experimental psychology is not examined in sufficient detail. No note is taken of the interesting work along this line by such men as Hutchins and Slesinger. But while there may be cause for quarrelling with him on this score or that, there is no doubt that his book is a departure in American legal literature. As Dean Wigmore himself says, it is tentative. All pioneering works must be.

WILLIAM SEAGLE.

New York City.

PREDICTION FACTORS IN PROBATION.

By *Elio D. Monachesi*. xvi+117 pp. The Sociological Press, Hanover, N. H., 1932.

The readers of this JOURNAL are familiar with the Warner-Hart-Burgess-Glueck-Vold methods of predicting success or failure in the treatment of criminals from experience tables based on characteristics of individuals who have passed through the process. Dr. Monachesi applied the Burgess method to 1515 probation cases from the Ramsey County, Minnesota court for the

years 1923-1925. Separate experience tables are based on the ratings of 896 juvenile and 619 adult cases according to all or part of 49 factors relating to individual and social characteristics. In general, Dr. Monachesi's results and conclusions differ little from those of previous studies. Delinquents from inferior or broken homes are more likely than those from normal homes to fail on probation. Those who left home, whose parents were criminals, who had little education, who were truants, who did not attend church, who were not reared in small towns or good residential areas, who had habits of smoking, laziness, dishonesty, masturbation, and sex immorality, and who had no associates in crime failed to justify the confidence of the judge. In line with previous studies the author demonstrates that much of the data can be classified with considerable accuracy and that there are significant differences in rates of failure among many of the various categories. Finally, he reiterates that present means of selecting applicants for probation and parole are haphazard and that failure to adopt scientific methods involves unjustified expense and danger to the community.

Though the problem is inherently involved, the presentation is unusually clear. Chapter II is a good exposition of method, and the index is adequate. Table titles are confusingly long and footnotes are sometimes repetitious.

There are a few places in the report that seem immature in the light of work that preceded Dr. Monachesi's. Instead of eliminating subjective classifications like social type, work record, habits, and type of family he added to the list. These additions would have made

no difference had he applied his tests of reliability of classification more rigidly and eliminated from final consideration those factors on which two investigators cannot agree. Similarly, he found a number of factors in which the differential rates of failure among the several categories were of doubtful significance. But this neither led him to examine all the factors for significance nor to exclude those that he did examine from the prediction tables. Here he followed Vold, who stated (in *Prediction Methods and Parole*) that the final tables constructed without the insignificant factors were unaltered by their inclusion. The tables that Vold presented, however, proved that he was wrong. (See his book and the *American Journal of Sociology*, Vol. XXXVIII, p. 139.)

A further criticism of previous studies that is magnified in this one is the incorporation of overlapping or duplicating factors. This really amounts to unintentional weighting and should be justified or corrected. For example, on page 31, Factor 7, Type of Home in Which Reared, has the category "Broken home" while Factor 8, Marital Status of Parents, is comprised of several duplicating categories. Thus individuals from broken homes are twice rated on that point. Similarly, there is more than one factor (like 48 on page 46) under which there are categories that are not mutually exclusive, and which, on that account, must necessarily impede reliable classification.

Faced with accepting records kept by others, Dr. Monachesi found many items on which there was no information. Citing Burgess as a precedent he eliminated these factors in cases where "no information" appeared. But Burgess did

not eliminate them. There are a number of other points of lesser importance which, though not detracting from the author's integrity, do indicate lack of familiarity with all that has been done in the field. For example, on page 74 he mentions three methods of determining reliability of classification, but overlooks the entirely obvious one of expressing variations in simple percentages without the use of the scatter diagram. And then, the book is not devoid of careless statements, such as the following on page 38: "The few that did have fathers and mothers with criminal records were invariably poor probation risks." It is true that 64 per cent were poor risks, but that does not justify the use of "invariably." In the early pages it is assumed that no one factor would serve as a basis for prediction. In later pages the "assumed" is omitted, although no proof is submitted. It is quite possible that a few or even one factor might be found highly correlated with the results obtained from 30 or 40 factors and that it would be adequate for predicting outcome.

The conclusion is that there are still many unsolved problems in this field of prediction and that they are serious enough to call for extended effort.

CLARK TIBBITTS.

University of Michigan.

ANJEA: INFANTICIDE, ABORTION, AND CONTRACEPTION IN SAVAGE SOCIETY. By *H. Aptekar*. 192 pp. William Godwin, New York, 1931. \$2.50.

Professor Barnes' observation in his foreword to this little volume is a very clear summation of its contents:—"Mr. Aptekar has done well

to supply us with a broadly conceived anthropological survey of birth control among primitive peoples . . . He shows that among existing primitive peoples various practices restricting population are well-nigh universal. And each practice, however crude, has a definite defensive and explanatory basis in the social codes of each people. Some form of social pressure exists to back up and perpetuate the practice. Mr. Aptekar makes it very clear that, given any powerful reason, however fantastic, for a desire to restrict births, some practice more or less effective will be likely to spring into being. At the same time, we find nowhere in primitive society any coherent rational philosophy of birth control" (pp. VII-IX).

The volume is small, and easily read,—in part due to a lucid style. It exhibits on the part of the author, an understanding of the methods of social anthropology; and it exhibits, further, an understanding of contemporary population problems as posed by modern social science. The book contains many ideas which are obviously the product of a keen intelligence, and is to be recommended to the perusal of all students of the various social sciences.

Nevertheless, the volume has unfortunate limitations. The data from the primitive societies surveyed, is very scant, and hopelessly divorced from its content. This, however, is not the fault of the author. From my own researches which touch on this field, I am aware of the inadequacy of the materials with which the author had to deal.

Mr. Aptekar has admitted his indebtedness to Carr-Saunders book "The Population Problem", (1922); the fact is that this small volume of

Aptekar's may be viewed as a sort of supplement to Carr-Saunders large, heavy dreary and occasionally intelligent study, a work which suffers like Aptekar's from the failure of ethnographers in the past to investigate primitive population problems in the field.

It is unfortunate that an index was not prepared for the volume.

W. C. MACLEOD.

University of Pennsylvania

THE ALLEGHENY COUNTY WORKHOUSE. By *Lean Stern*. 104 pp., Committee on Penal Affairs of the Public Charities Association of Pennsylvania, Philadelphia. 1932.

Many surveys of county prisons have been made in recent years but the reports of few have been published, perhaps because it has been considered that their import was primarily local. This study, made by the Director of Research of the Pennsylvania Committee on Penal Affairs, reviews the history and describes the function, management physical equipment and routine of a large workhouse; presents an analysis of the population and studies the program of treatment. Special consideration is given the practice of sentencing offenders as "suspicious persons": 1175 persons having been sentenced on that charge in 1930) and to an analysis of parole. Definite recommendations for improvement are made.

The picture presented is that of a fairly typical county prison that has developed, without philosophy or well defined purpose, from a small workhouse and inebriate asylum into an institution housing a heterogeneous population of 1500 inmates including men and women from under 20 to over 60 years of

age, with sentences ranging from a few days to ten years and with offenses varying in seriousness from that of an alien possessing a dog and being a suspicious person to murder. The institution is lacking in those facilities and services currently accepted as necessary for criminal diagnosis and treatment. Parole supervision, except in a relatively few cases, does not exist.

The study is generally thorough and sound. One may quarrel with the author's classification of sixteen offense groups as being cumbersome and not particularly useful and with the recommendation that the New Jersey classification system be adopted in the workhouse. The reader may also wish that a study of the parole-granting machinery had been included. Nevertheless, this report should prove valuable to the Allegheny Workhouse in its future development and should be read by anyone contemplating the survey of a correctional institution.

FRANK LOVELAND.

Department of Correction, Boston.

20,000 YEARS IN SING SING. By *Lewis E. Lawes*. x+412 pp. Ray Long and Richard R. Smith, Inc., New York, 1932. \$3.00.

This book is a contribution in the sense that it places before the layman, in a readable and interesting manner, the vexatious problems of penology and criminology. It succeeds in straightening out many popular misconceptions about criminals and prisons and brings into relief the unpopular fact that criminals are human and that the majority of them are amenable to humane treatment. While this idea is not new, it is only beginning to make its way into the consciousness of the layman.

The author makes numerous, rather shrewd observations on human nature,—and also some naive ones. He emphasizes the multifarious activities of the warden, varying from the conducting of visitors on tour, to the depressing duties of electrocution. The problems of personnel, the question of individual treatment, the fallacies of the popular concept of punishment, the absurdities and vagaries of our judicial system and criminal procedure, are all discussed vividly and cleverly.

The book contains nothing new to those engaged in the work. Mr. Lawes' experiences have been those of many a warden or prison superintendent. Every problem he discusses has been discussed before in books on criminology, surveys and magazine articles, but has never before, so far as I know, been presented in so readable form for the consumption of the layman. Perhaps the only difference between other works in the field and Mr. Lawes' book is that in the latter we have the experiences of a man who has covered the field, the warden who has invariably found a solution for his problems. He has his finger on everything that goes on in his prison and at the same time he looks after the financial administration of the institution, keeps himself informed of scientific advances in criminology, and writes books.

In glancing back over the book as a whole, we are left with the impression that Sing Sing is one of the most up-to-date institutions in the country and that Warden Lawes is the exponent and advocate of the best and most widely accepted views on penology and criminology.

STANLEY P. ASHE.

Western State Penitentiary of
Pennsylvania.

CRIMES AND CRIMINALS. By *William A. White*. viii+276 pp. Farrar & Rinehart, New York, 1933. \$2.50.

The appearance of a new book by the distinguished Superintendent of the Government Hospital of the Insane is not only a psychiatric event, but a literary one as well, for it is given to but few men of professional eminence to present their subjects with a lucidity and polish equal to that exhibited by Dr. White. The literary quality of his latest volume and its popular appeal are attested by its recommendation by the Book of the Month Club.

The author has long been recognized as one of the leaders of American psychiatry. He has in his long experience devoted much attention to the relationship between mental disorder and anti-social conduct. In the present book he gives us at the outset a clear statement of the modern concept of the structure of "mind", and of the factors which influence man in relation to society. Such phenomena as conflict, sublimation, the unconscious and symbolization, for example, are discussed briefly, followed by a discussion of their bearing not only on criminal conduct but on the conduct of the group in its reactions to that conduct (such as the demand for the suffering of the offender under the sublimated guise of "deterrence"). There are chapters on "Punishment", "Suggested Penological Principles", and "Some Informative Experiences" which furnish much food for thought to anyone who is interested in a more intelligent and effective way of dealing with the problem of crime. Two suggestive quotations will serve to illustrate both the point of view and the effective manner of presentation: "And it is for this reason that there is so much in the law,

in the trial and in the decisions about motives, so much that is obscure and misunderstood, because the law has not yet learned to deal with human beings as they are but deals only with fictional creatures of the imagination. The responsible citizen who definitely chooses to do a criminal act when he might as well have chosen either to avoid doing it or to have done something socially valuable instead is as much a fiction as is the usual representation of a confirmed criminal with his small ears, his heavy jaw, his beetling brown, his thick neck, his unshaven face and general bestial expression. It is a sad commentary upon our present society to realize that the defendant who is tried in a criminal court in the ordinary course of events is merely present in person, while he watches a purely imaginary individual being dealt with in accordance with the methods of criminal procedure and being measured over and against the average responsible citizen who is equally imaginary. The whole proceeding from this point of view is a rather ghostly one from which, naturally, few material, concrete and useful results could be expected" (p. 256).

"If we approach it from this point of view then the whole realm of criminology becomes one for scientific investigation, search after causes, an effort to apply remedies, which is done empirically at first, then experimentally until the best results are obtained. This is the unimpassioned, judicial attitude of science, which does not label conduct by opprobrious names but undertakes to understand it and if possible to guide it into useful channels. From this point of view, therefore, the criminal is just as sick as are those who are ordinarily recognized as being mentally ill,

only his sickness is of a little different character and is notable especially because of its obvious aggressiveness and destructiveness to the social structure. It is true that many people who are mentally sick and who are so recognized and who are without so-called criminal tendencies, may be, at least within the realm of their immediate influences, just as destructive. Many a family that might lead a worthwhile and useful social existence has been destroyed by the presence within it of a psychopathic individual" (p. 271).

The book is a valuable addition to the literature on the subject which is available to the public, and should find a wide circle of readers.

Winfred Overholser, M. D.
Mass. Department of
Mental Diseases.

CRIME FOR PROFIT. A Symposium on Mercenary Crime. Edited by *Ernest D. MacDougall*. xx+355 pp. The Stratford Company, Boston, \$2.00.

The title of this book is somewhat misleading, since there is but little crime that does not have individual profit in view and on first sight one would be led to believe that a new brand of crime had been discovered. If, indeed, the editor in compiling his work had been content with dealing with the much debated field of gambling laws as applied to our boards of trade and stock exchanges and to the crimes that are committed or should be held to have committed in relation to our holding companies and other similar individual and financial parasites, the work would have been not only much more intelligible but would perhaps have filled a greater

need. In these fields there is room for original thought and original investigation, for little public or scholarly attention has been directed towards them. When it deals with these subjects this collection of essays furnishes us with some valuable information and suggestions, and this is all that it professes to do since the editor states that the "book is not the result of scientific research in mercenary crime but it is the nature of a preliminary sketch of certain aspects of the problems." When, however, the compilation deals, as it does, with juvenile delinquency and mercenary crime, mercenary crime and politics, religion and mercenary crime, legal technicalities and mercenary crime, character education in Nebraska, unemployment and mercenary crime, it is dealing with topics which already have been the subjects of extended studies and surveys and much writing, and though the articles are interesting they present little that is new or that has not already been the subject of much thought and thorough examination. It is true that in his introduction Mr. MacDougall lays a broad foundation for the book since he defines mercenary crime to be "crime for profit as distinguished from crimes caused by an abnormal personality, passion, jealousy, revenge, etc." According to his idea, mercenary crime includes robbery, bootlegging, gambling, swindling, forgery, embezzlement, and the whole catalogue of crimes deliberately committed for illicit gain in the upper world as well as in the underworld. This definition, however, is so comprehensive that it suggests and in fact necessarily involves reploughing much land that has already been ploughed. The Wickersham Commission has already carefully stud-

ied and analyzed the field of the old common law crimes and the field of bootlegging, and states and local crime surveys, such as those of Missouri and Illinois, have gone exhaustively into the subjects. In fact, each new crime survey reveals the same phenomena as preceding surveys. In all surveys, however, there has been a strange tendency to neglect any thorough study of what we may term the *real* crimes for profit, the crimes connected with gambling and questionable forms of speculation. We are, in short, confronted by the necessity of reorganizing our whole business structure and of inquiring into the validity and the social value of many of our financial practices. In that endeavor the book might have been of greater value if it had not tried to cover so broad a ground.

It is hardly the province of this review to comment on all of the various articles or essays. All of them are well worth reading. Perhaps we may be mistaken in our analysis and in our desire for that which furnishes us information on subjects concerning which the average person knows but little. Of the essays which supply that information we are perhaps most impressed by those on "Small Loan Usury" by Mr. Arthur M. Murphy, "Individualism and Mercenary Crime" by Alexander Jamie and "What Are Financial Rackets" by David H. Jackson.

ANDREW A. BRUCE.

School of Law, Northwestern University.

PEDAGOGIA PENAL. By *Ernesto Roberto Grassi*, with Introduction by DR. LEONARDO PALCOS. 94 pp, La Penitenciaría Nacional, Buenos Aires. 1932.

As the title itself indicates, Grassi's study deals with the responsible subject of penal pedagogy, which he correctly conceives as a part of the penitentiary problem in general. The view is expressed here that prison confinement should be taken advantage of by both society and the inmate himself, as a means of social reintegration of the offender. In this respect, the author stresses the point that isolation alone of the criminal without subjecting him to pedagogical treatment is of little, if any, value, whereas a properly developed system of penal education is likely to produce constructive results. It is suggested that the pedagogical program may be evaluated from three different aspects: a) as a device of reformation; b) as an element of imparting specific knowledge, and c) as an element of education in a broad sense. (p. 45). Grassi believes that the program thus conceived must be permeated with the principle of patriotism, while the courses given to the inmates should be stimulating. However, the latter object can be achieved only on condition that the instruction combines the recreational, utilitarian and aesthetic propositions. (p. 50).

It goes without saying that the author does not propose a uniform program for all the inmates of this or that penitentiary. He gives a tentative classification of curricula, which he divides into four grades, conforming in a general way to the mental levels of the offenders. While the instruction in the class of the first grade is preëminently devoted to arithmetics and geometry (140 out of 360 hours), the fourth, or highest grade, presents a diversified program including literature, courses in artistic subjects, psychol-

ogy, philosophy, and the like (pp. 56-58).

Grassi concludes his instructive study with a discussion of the woman's place in the *Aufbau der Persönlichkeit*, and specifically, in the development of the sense of patriotism in the minds of minors (pp. 90-94).

Grassi's book is all the more useful as it contains, even though brief, references to pedagogical experiments in world famous penitentiary institutions, such as the *Santé* in Paris, *La Forest* and *Saint Gilles* in Belgium, and the model Central Prison in Madrid.

BORIS BRASOL.

New York City.

SEXUALPATHOLOGIE. By *V. Kafka*. 170 pp., Franz Deuticke, Leipzig, 1932.

This volume is a systematic presentation of the facts of sexual pathology based on the author's lectures to medical students, enlarged and modified to be of use to psychologists and lawyers. The author is a well-known serologist who has in the past lectured on psychiatry. For this reason one-third of the book is devoted to sex pathology accompanying organic states such as insanity or disease of the sex organs. The interpretations rest on a basis of mental pathology and the discussions are quite modern. The subdivision of disturbances of sex is (1) quantitative such as premature sex development and excessive masturbation, and (2) qualitative such as homosexuality or transvestism. The whole treatment is introduced by a thorough analysis of the normal physiological elements which points out, where possible, the blending of the normal into the abnormal. In addition to

a short discussion of sex pathology in criminals, there is an appendix which gives extracts from the civil and criminal code of Germany applying to sex offenses, which, strangely enough, are no more adequate than most American statutes dealing with the same topics. There are short medico-legal paragraphs appended to the discussion of each "perversion." These usually state at the beginning that unless the individual has an extreme form of the condition because of which he commits an overt disturbance of the peace, he does not violate any statute. The punishments are more lenient than those in America. However, most sex pathology seems to be grounds for divorce. The book is probably of more value to physicians than to lawyers.

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METHODEN DER KRIMINALBIOLOGIE.

[The methods of crimino-biology.] By *Friedrich v. Rohden*. [Pp. 581-829 of *Abderhalden's Handbuch der biologischen Arbeitsmethoden*, Abt. IV. Teil 12, Heft 4.] Urban & Schwarzenberg, Berlin, 1933. R. M. 14.00.

This is the most important systematic presentation hitherto published of the nature, kind, and limitations of the various research methods in crimino-biology. Dr. von Rohden opens his discussion with a consideration of the place of science in the study of human conduct, breaks a lance for the empirical versus the intuitive approach to such study, and urges what he calls a multi-dimensional methodology, i.e. a combination of all possible methods. With fine insight he deals with the problems

involved in the relationship of the examiner and the prisoner and concludes that crimino-biological research should be entrusted wholly to the direction of psychiatrists.

The specific approaches to crimino-biological studies, the methods and techniques employed, etc. are taken up in a logical manner, each illustrated through critical appraisals of the work of its users. Causation research is represented by studies of biological heredity, special emphasis being laid on studies of twins. There follow discussions of the life-history method, both autobiographical and biographical; the cross-sectional methods, somatological, psychological, psychopathological; the problem of the scientific classification of criminals into types; prognostic methods, etc. The author rightly emphasizes the increasing need of testing the validity of prognoses by catamnestic study. The last part of the book deals with the methods of "applied crimino-biology", being an analysis of the investigation techniques used in the various prison laboratories, primarily those of Bavaria.

The student of criminology cannot but be grateful to Dr. von Rohden for this valuable survey. Its generally balanced attitude toward criminological research should be commended, even though by definition the sociological approach to crime is only incidentally touched. The very rich literature upon which the book is based is exclusively in the German language and almost as exclusively German in origin. Such a limitation may be wise for certain didactic purposes, but in a *Handbuch* of such high scientific standard, one would expect an international viewpoint.

THORSTEN SELLIN.
Bureau of Social Hygiene,
New York City.

IL DUELLO GUIDIZIARIO. [Ordeal by Battle] By *Giorgio Enrico Levi*. xxviii+404 pp. Tip. Gino Ciulli, Florence, 1932. 30 Lire.

For almost sixty years, the author has been gathering material for an encyclopedia and bibliography of "The duel through the centuries in Europe and America." He has conducted his researches in 138 libraries in eleven countries and a score of state archives, and his voyages of exploration from his own city of Florence have ranged from Vienna to California and from Atlanta, Georgia, to Dublin. The monograph here under consideration contains but a part of two chapters out of the twenty planned to occupy another six or seven volumes. It deals with the ordeal by battle in the legislation and the practice of over 20 European nations and particularly Italy, France, Germany, and England. Each section is introduced with a brief discussion of terminology, followed by bibliography of legislation and an annotated bibliography of books and articles. The result is a work which, together with the volumes still to be published, will in all likelihood become the outstanding contribution to the bibliography of the duel and as such of the greatest value to the historian. Toward the end of the preface to this monograph the author frankly confesses that "many a time in the course of my life I have asked myself if it was worth while to dedicate such a large part of my existence to this question of the duel. Firmly convinced, however, of its importance and its interest for law and history alike, I silenced my doubts and continued my favorite study. Nevertheless, now when I have decided to publish this extract of my work, I have firmly resolved to let the fate of

the balance of my labors be determined by the reception this monograph receives at the hands of the student. If it does not please them, I shall resign myself, in spite of the sorrow it would cause me, to bury the rest of my work in the cupboard where it now reposes."

THORSTEN SELLIN.

Bureau of Social Hygiene,
New York City.

INLEIDING TOT DE CRIMINOLOGIE.
[Introduction to Criminology]
By *W. A. Bongers*. vii+236 pp.
De Erven F. Bohn, N. V. Haarlem, 1932.

Professor Bongers is best known to his Anglo-American colleagues through the translation of his "Crime and Economic Conditions" which was published in 1915 in the series sponsored by the American Institute of Criminal Law and Criminology. The little book under review is the latest criminological work of his to appear in print. It forms volume 55 of the "Home University Library" and is what its title indicates it to be, a brief introduction to criminology, which rapidly and with a large number of references to past and present authors surveys the ideas of the pre-scientific period, the statistical sociologists, the criminal anthropologists, the environmentalists, the crimino-biologists and the "spiritualistic" school. There are also chapters on criminal psychology and on criminology as an applied science, a selected bibliography, and an annotated list of criminological organizations, journals, congresses, etc. Professor Bongers has succeeded in compressing into very small space a large amount of judiciously chosen material treated with scholarly discrimination.

The economic philosophy of the author is well-known, but it has not blinded him to the importance of other factors. It is a pity that limitations of space made it impossible for him to round out his volume with a fuller discussion of the psychopathological factors in crime causation and of the penal treatment of the offender, both subjects which he considers as falling within the field of "pure" criminology.

THORSTEN SELLIN.

Bureau of Social Hygiene,
New York City.

HOUSING AND THE COMMUNITY—
HOME REPAIR AND REMODELING.
Edited by *John M. Gries* and
James Ford. xv+291 pp. The
President's Conference on Home
Building and Home Ownership,
Washington, 1932. \$1.15.

This is one of several reports published recently by the President's Conference on Home Building and Home Ownership. Its chapters on housing in relationship to health, delinquency, safety, recreation, etc. all contain suggestive data. In one-half of the book the problem of delinquency is subjected to analysis, the scientific validity of which is assured by the fact that it was prepared by a sub-committee consisting of Messrs. C. E. Gehlke, S. Glueck, C. R. Shaw, A. W. Stearns, and E. H. Sutherland. The discussion largely centers around the delinquency area studies of Shaw and leads to the conclusion that "there is no sufficient reason for believing that an appreciable reduction in delinquency rates will result from improvement of individual houses if other things remain unchanged." The problem is one of neighborhood conditions in which housing plays but one part. The committee sug-

gests as possible research projects (1) the comparative study of the delinquency rate changes in two similar areas, one of which has had its housing conditions improved; (2) the study of an area where housing has remained constant for a long period, while other conditions have varied; (3) the study of the delinquency rates of persons living in poor as compared with those living in good houses within an area which in other respects than housing is approximately uniform. Useful summaries of or quotations from 235 books and articles dealing with housing and delinquency are printed in an appendix.

CRIMINALITEIT IN AMSTERDAM EN
VAN AMSTERDAMMERS. [Crim-
inality in Amsterdam and by
Amsterdammers.] xlii+87 pp.
J. M. Menlenhaff, Amsterdam,
Feb. 1932. F. 1.50.

This is volume 94 of the Statistical Reports published by the Municipal Statistical Bureau of Amsterdam. It is a study of the crime data relating to that city found in the Central Statistical Bureau at the Hague, but not hitherto analyzed and published by that Bureau except in part. The period covered in 1923-1927 and the volume is the first of its kind published by the city bureau mentioned. The text, both introductory and tabular, is in Dutch and French. The basis for analysis is irrevocable convictions of crime, begging, vagabondage, and offenses against certain special laws, notably the tax laws. It is shown that with regard to offenses as a whole, Amsterdam has a lower rate than the rest of the Kingdom, but that the rate for serious offenses is higher. Data concerning the crimes are correlated with sex,

age, civil status, religion, legitimacy, education, profession, place of birth, use of liquor, and recidivism, and are given separately for residents and non-residents convicted of offenses committed in the city, and for residents having committed crimes elsewhere. A special section deals with juvenile delinquency. The study as a whole is of the greatest interest to the criminologist.

PRISONERS: THEIR CRIMES AND SENTENCES. Special report by *Commission to Investigate Prison Administration and Construction*. 88 pp. The Commission, Albany, N. Y. 1933.

This report, prepared by Mr. F. Moran, chief of the parole work in New York State is a plea for the indeterminate sentences. It contains most interesting data on variation of sentences and an analysis of the cases of 458 offenders without previous crime record, showing the effect of the bargaining process on convictions. A further study of prisoners received in 1931 into state correctional institutions for adults shows that nearly 80 per cent had known records, with an average of 4 prior arrests. Of those sent to Elmira Reformatory 21.4 per cent had had no previous contact with police or courts; the corresponding figure for those received into the state prisons on indeterminate sentences was 31.2.

FORCED LABOR IN THE UNITED STATES. By *Walter Wilson*. 192 pp. International Publishers, New York, 1933. \$1.50.

This book, in spite of its title, deals with forced labor not only in the United States, but also in

Soviet Russia and certain other parts of the world. The major part of the space is given to a discussion of prison labor and incidentally to prison administration in general, particularly in its disciplinary aspects. The author writes from the point of view of the left-wing radical in politics, but while this obviously colors his conclusions, his presentation of facts contains a severe and to a large degree justifiable indictment of many of our penal institutions.

DER EINFLUSS VON WIRTSCHAFTSLAGE, ALKOHOL UND JAHRESZEIT AUF DIE KRIMINALITÄT. [The Influence of economic conditions, alcohol, and seasons on Criminality.] By *Ernst Roesner*. 96 pp. The Author, Berlin, 1931.

Dr. Roesner, chief of the criminal statistics division of the Prussian Ministry of Justice, has in this pamphlet enlarged upon a lecture delivered in 1930 before the prisoners' aid society of Brandenburg. The result is an excellent review of the world's literature dealing with statistical inferences to the relationship between crime and certain social factors, illustrated by a large number of diagrams.

THORSTEN SELLIN.

LA VIDA PENAL EN RUSIA [Penal Life in Russia] By *Luis Jiménez de Asúa, M. Grodinsky, J. Arturo Rodríguez Muñoz, and M. Figueroa Román*. 314 pp. Ed. Reus, Madrid, 1931. 6 pes.

This excellent little volume we owe to the enterprise of Professor de Asúa, who has prepared a long introduction giving the historical development of the Soviet law and penal institutions and has with Mr.

Muñoz translated Professor Grodinsky's study on the Russian Penal Code of 1926, as well as the text of that code. The translation of the text of the correctional labor code at the hand of Mr. Román forms the concluding part. The most important data on the Russian experiment are therefore conveniently gathered within two covers.

BIOLOGISLUONTOISTEN TE K I J Ä I N
VAIKUTUKSESTA HENKL — JA
PAHOINPITELYRIKOLLI-SUUTEEN
(Concerning the biological factors in crimes of assault or against life) By *Veli Verkko*. 114 pp. Valtioneuvoston Kirjapaino, Helsinki, 1933.

Dr. Verkko, who is chief of the Bureau of criminal statistics of the Finnish Ministry of Justice, presents in this work a study of biological factors in crimes of violence against life or limb. The book deals primarily with the influence of age and sex. One section, however, discusses the question of criminal types, hereditary influences, and psychic abnormality. The literature dealing with these problems is reviewed briefly and the author's own conclusions supported by a large number of diagrams and tables.

AL SERVICIO DEL DERECHO PENAL
[At the Service of the Criminal Law.] By *Luis Jiménez de Asúa*. 150 pp. Javier Morata, Madrid, 1930.

All but one of the essays in this book are a scathing critique of the ill-fated Spanish criminal code of 1928, since repealed by the passage of a new code sponsored by the Republic. The last essay relates the history of the School of Criminology in Madrid, founded by Rafael

Salillas and closed in 1923 after a period of decline. This essay is of special interest in view of the recent reopening of this Institute with de Asúa as director.

SOCIAL CHANGES IN 1932. Edited by *William F. Ogburn*. 117 pp. University of Chicago Press, Chicago, 1933. \$1.00.

This is a reprint of a series of articles on various phases of social life, appearing periodically in the *American Journal of Sociology*. Among these articles is one on Crime by Dr. Clark Tibbitts, who reviews briefly the outstanding developments of the year 1932 in criminal statistics, research and penal treatment.

MAGYAR BÖRTÖNÖGY [Hungarian Prison System] By *Oszkar Szöllösy*. 389 pp. The Author, Budapest, 1930.

The director of prison division of the Hungarian Ministry of Justice presents in this authoritative work a detailed description of the system of which he is the administrative head, its historical evolution, its present condition, and the movements for reform.

WHY HAVE DELINQUENTS? By *Kenyon J. Scudder* and *Kenneth S. Beams*. 48 pp. Rotary Club, Los Angeles, 1933.

A pamphlet describing the organization and work of the so-called coordinating councils of Los Angeles County, interesting examples of community effort in crime prevention.

DER KAMPF GEGEN DAS ROTE BERLIN [The Battle against red Berlin] By *Heinrich Berl.* 156 pp. Kairos Verlag, Karlsruhe, 1932.

This book, written in the style of the tabloid journals, deals with professional and organized crime in the city of Berlin.

A IDENTIFICAÇÃO DO RIO DE JANEIRO. [Identification in Rio de Janeiro.] By *Leonidio Ribeiro.* 23 pp. + 28 plates. Imprensa Nacional, Rio de Janeiro, 1932.

A history of the development and organization of the Bureau of Identification in Rio de Janeiro by its director.

PROGRAMA DE DERECHO PENAL Y CUESTIONARIO PARA EL ACTO DEL EXAMEN. [Outline of Criminal Law and a Questionnaire for the Examinee.] By *Luis Jiménez de Asúa.* 186 pp. V. Suarez, Madrid, 1931.

A book designed to assist those preparing for the examination in criminal law. The law is given in the form of a detailed outline.

DAS STRAFGESETZBUCH FÜR DIE REPUBLIC POLEN VOM 11 JULY 1932. [The Penal Code of the Polish Republic of July 11, 1932.] 132 pp. Verlag vom Hilfsarbeitenbüro der Kodifikationskommission, Warsaw, 1932.

The 293 compact articles of the new Polish penal code in German translation.