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Book Reviews

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BOOK REVIEWS

THORSTEN SELLIN [Ed.]

CRIMINAL LAW IN ACTION. By
John Barker Waite. 321 pp.
Sears Publishing Company, Inc.,
New York, 1934. \$3.00.

Law, criminal or otherwise, is inert and cannot act. The title of this volume, therefore, is a metaphor, as the author reminds us in the introduction. "It connotes", he says, "official activity of policemen, prosecuting attorneys, defense counsel, jurors, judges and all the other officials by whom the mandates of the law are translated into action and through whose activities alone the law has any observable effect. Able men can make deficient law effective, but the most perfect law will be inoperative and futile if its administrators are incompetent and inefficient." (p. 3) In this concise statement, and particularly in the last sentence thereof, is found the motif for this volume.

Aside from the introduction, the conclusions and the epilogue, the book may be divided into two parts, although no such formal division appears. The first of these parts deals with the law; the second considers the persons,—officials or others—whose activities put the law into action or incline it toward desuetude. The five chapters dealing with the law itself speak of (1) its purpose, (2) the insanity defense, (3) safeguards, (4) the jury system, and (5) searches and seizures. In other words, the author has taken a sample here and there from the field of criminal law. He

could not do more than this without departing from his purpose to emphasize personnel rather than doctrine. The other part of the volume directs attention to the police (four chapters), the lawyers (two chapters), the judges, the newspapers, "Uncle Sam", and the public.

Throughout the volume, and particularly in what is here referred to as the second part thereof, the author has illustrated his comments by references to actual cases. This case material has been drawn, not only from the reports, but also from other sources such as police dockets, newspapers, and even answers to direct questions put to law-enforcing officers; it is well chosen and thoughtfully presented, and sufficient in itself to justify a careful study of these pages.

The reviewer does not find himself in complete accord with every position taken by the author. The suggestion is made, for example, not only in the epilogue but here and there throughout the earlier pages, that much could be gained by ruling out entirely the notion of punishment, and substituting in its place "the elimination from society of those persons whose actions show that they cannot safely be allowed to mingle freely with their fellows." (p. 312) This elimination of the socially unsafe individual, as is explained, may be by death, or by segregation, or by rehabilitation, but in any event it is desired that "the whole idea of punishment be discarded." (p. 320) To Professor

Waite the word "punishment" is inescapably tethered to the notion of retribution,—“getting even” with a wrongdoer for what he has done. But notwithstanding the historical basis for such a notion, and notwithstanding the tendency of certain persons to think of our penal system exclusively in such terms, there are those to whom the word “punishment” connotes a broad scheme of peno-correctional treatment designed primarily as one means of advancing social security. And perhaps more progress could be made without a change of the word itself. The reviewer is very skeptical about the results to be expected from a mere change of words. For example, the word “prison” was felt to be out of line with newer theories of penology and so “penitentiary” was substituted as the name of the place of incarceration. The result was not at all what was intended. The change did not attach a different atmosphere to the institution itself, but in a very short time it tainted the new word with all of the odium that was objected to in the old. Then the tendency was to abandon “penitentiary” in favor of “reformatory”, with apparently the same outcome. The more recent effort to designate certain of these institutions as “homes” for boys or girls gives little indication of better success.

The reviewer's disagreement with the author, however, on matters such as the one mentioned, does not blind him to the possibility that the views expressed in this book may be entirely sound. In fact, Professor Waite has very largely disarmed his critics by the following announcement in the introduction: “Let me say, therefore, once and for all, and as emphatically as I

know how, that the statements I shall make hereafter are empirical only. I believe them to be sound and warrantable, but I recognize that from other experiences other conclusions may be drawn.” (p. 7) No thoughtful reader will peruse these pages without profit. It is a volume, written exclusively for laymen, which should be widely read,—particularly by lawyers.

ROLLIN M. PERKINS.

Iowa Law School

CRIME AND CRIMINAL STATISTICS IN BOSTON. By *Sam Bass Warner*. 150 pp.+x. Harvard University Press, Cambridge, 1934. \$3.00.

This is Volume II of the long awaited Survey of Crime and Criminal Justice in Boston. Professor Warner combines the unusual capacities of a teacher of law and a worker in the field of criminal statistics. Since 1926 when he collaborated with Messrs. Truesdell and Mead of the Bureau of the Census he has been active in the field of practical criminal statistics. This book summarizes his views on criminal statistics in general and his practical recommendations for the judicial statistics of Massachusetts. The latter are based on his well-known work in connection with the judicial criminal statistics of Maine and Massachusetts.

To the question of “what is the amount of crime in Boston” Professor Warner must answer “I do not know.” Any sort of statistics gives only an index of the amount of crime, whether it be statistics of crimes known to the police, of prosecutions in the courts, or penal statistics. Moreover, the ratio of these figures to the actual amount of crime can never be known. The

ratio of the figures to crimes committed varies from crime to crime. Prosecutions he regards as the most satisfactory index. But even here it can be pointed out that the fluctuations in prosecutions are at best a measure of the rise and fall of crime over a period of years. When allowance is made for traffic violations and for the fact that Boston is only part of its metropolitan area, it appears that in general crime cannot be said to have increased in fifty years. For some serious offenses, murder, manslaughter, and robbery, the prosecutions have risen; for breaking and entering, larceny, and assault, they have decreased.

Defective as statistics are, they are useful and necessary; not to reveal underlying causes, which only intensive study can do, but to point out trends and suggest lines of investigation, they must be made more and more effective.

The author sets forth in great detail his known critical attitude toward the present use of statistics of crimes known to the police. The reviewer necessarily admits the lack of an accuracy which is desirable, but can only point out that no perfect statistics have been known to appear suddenly, that time is necessary for development. Not even the United States' enumeration of population is one hundred per cent accurate.

There are offered in this book very careful analyses of the technical problems of judicial criminal statistics, especially with respect to classification of offenses and of dispositions. In general Professor Warner is in harmony with recent work in this field, though he occasionally differs sharply from the positions of, for example, the John Hopkins Institute of Law. The

last chapter of the book is a "plan for criminal court statistics" which harmonizes to a large degree the tendencies elsewhere with the peculiar requirements of the Massachusetts courts and the long and honorable career of the Massachusetts criminal statistics.

C. E. GEHLKE

Western Reserve University

THE BAR AND PUBLIC RELATIONS.

By *John S. Bradway*. The Bobbs-Merrill Co., Indianapolis, 1934.

Mr. Bradway thinks about law and its practitioners in terms of social utility in a modern world. He would like to believe that Bar Associations are formed "to promote the administration of justice"; but he knows that too often they function primarily as guilds devoted to the material welfare of their members. Writing temperately, speaking soft words, he has produced a blistering arraignment of the American bar that is the more severe because it is so understanding and sympathetic. An additional chapter on the bench, written in the same spirit, would make the ermine fly and would add greatly to the value of the book.

It must not be thought, however, that the author is a destructive critic. Mr. Bradway is an idealist above everything; and he really swings into action when he discusses the Legal Aid Society and the Legal Aid Clinic as possible steps toward a socialized bar. These cross-bred children of Law and Social Work may indeed become the parents of a lusty progeny. If they do, the world will much to John S. Bradway for his part not merely in developing these

agencies but in bringing them into favorable public notice. In this book he sounds a clarion call for better understanding and closer cooperation between the law, medicine, religion, and the social sciences. That is the meaning behind his somewhat cryptic title; and his book is a vital contribution from a practical crusader.

The author has employed a modified form of an archaic pedagogical device, the "Doctor and Student Dialogue." This gives the book a certain liveliness but leads to needless repetition and is an experiment not likely to be followed. More satisfactory is the relegation of footnotes and bibliographical material to a series of supplementary chapters. These provide dignity and authority without destroying the continuity of the interesting text.

JOSEPH N. ULMAN

Baltimore, Md.

COSTUME SOCIALE E DELINQUENZA
[Social Customs and Delinquency]. By *Giovanni Lombardi*.
lxix+447pp. Alfredo Guida,
Naples, 1933. L. 24.

This volume, while an independent study, is the third of a series. In 1929 the author published *Civiltà e Delitto* and in 1931 *Dottrina Sociologica del Reato*. The sub-title of the present work, *New Horizons of Criminal Sociology*, indicates the author's thesis, viz., that crime is altogether a social phenomenon and not "anthropological". The approach to the study of crime by the Positivist School is severely criticized. Only through psychological and sociological analyses can the origins of crime be discovered.

In light of his extensive knowl-

edge of history, philosophy, and sociology Professor Lombardi examines the development of society from Neolithic times to the present. He demonstrates how its content has reflected the central beliefs and customs of the various periods; how in early Greece the vendetta and personal repression, against which rules of law were useless because they themselves were impregnated by this spirit, prevailed; how from the VIth to the XIth century the Germanic elements of the criminal law, especially the *faida*, the feud (*ius privatae violentiae*) mirrored the customs of the time; how the Church, deriving from God, the right to punish for expiation of sin, developed the subjective element in the criminal act; how from the middle of the XVth to the middle of the XVIIth century the rise and development of natural science and the materialism of the XVIIIth century, with its political and social ideas, altered the theory of punishment and fixed the character of the criminal act.

In recent times the change from feudal society to the organization of economic classes brought about by the scientific, religious, political and philosophical revolution brought repercussions in the types of crime and classes of criminals.

The last chapter, which for the reviewer is not entirely satisfactory, contains an analysis of criminal responsibility from a socio-psychological point of view. Every individual is a product *sui generis* of his environment. His "moral conscience" reflects his particular setting. All of the various legal doctrines of criminal intent fail to reflect the actual facts and are but "subtle nominalistic disquisitions." According to the author, if crime is a social phenomenon the inquiry

into criminal responsibility must rest upon the kinds of anti-social motives shown.

Throughout the ten chapters the author stresses the intimate relations between environmental factors and criminal behavior. Professor Lombardi joins those students who maintain that the causes of crimes are to be found solely in the nature of social organization. The possible effects of native mental and physical defects are denied. Because the effects of heredity and constitution are not easily studied or perhaps cannot be approached except through an analysis of their operation in a social milieu is not a sufficient reason for denying or ignoring their significance.

The book of Professor Lombardi adds little to our *knowledge* of the specific factors in crime causation. The analysis, however, supports the author's thesis, clearly demonstrating the influence of a culture period (social custom) upon the content of the criminal law and the nature of the criminal act.

NATHANIEL CANTOR.

University of Buffalo.

DIE GERICHTLICHE SCHRIFTUNTERSUCHUNG. [The Examination of Handwriting as Legal Evidence.] By Rudolf M. Mayer. (Pp. 473-616 of Abderhalden, *Handbuch der biologischen Arbeitsmethoden*. Part IV, Section 12, second half no. 4.) Urban & Schwarzenberg, Berlin, 1933. Rm. 8.50.

Anyone interested to learn how far the practice of handwriting analysis has advanced as a scientific discipline useful to the courts may well study this book by Dr. R. M. Mayer, of the staff of the Insti-

tute of Legal and Social Medicine of the University of Königsberg. Dr. Mayer has undertaken to show the applications of the facts of formation and rhythm in handwriting to the determination of pathological disclosures and symptoms in handwriting and their bearing on the detection of forgery as well as other uses of handwriting as legal evidence.

His evidence is presented scientifically in two parts. In the first part an up-to-date survey of those recently improved methods of investigation into the genuineness or falsity of a writing is given, in which microscopy, chemistry, ultra-violet and infra-red spectroscopy and advanced photography play the leading part. The assurance and certainty with which the scientifically trained handwriting expert may make accurate statements concerning the detection of interlineations, the decipherment of mutilated writings, the sequence of strokes, the age of ink writings and other inquiries into the physical facts of writing and writing materials, and prove their correctness with these aids, is convincingly stated. A brief statement of the methods employed to identify typewriting is included with this part, as being relevant to the author's subsequent discussion of the investigation of anonymous writings.

In the second part the author evaluates new evidence, originally broached by the intuitive graphologists. Here he discusses the dynamic aspect of writing. He makes an analysis of the writing movement in terms of rhythm. He states the theory and elements of handwriting comparison and shows wherein dynamic rhythmical quality of movement combines with the static qualities of form to reveal a

psychological or pathological characterization of the writer. Yet he stops short of intuitive graphology. He limits his evidence and his discussion to matters which may be verified and reasoned.

The evidence presented is summarized by a few well chosen comparisons of 'handwritings and the evaluation of their characteristics. Among these he deals with twin writings, family resemblances, free hand forgeries, disguised writing, tracings and guided handwriting. The whole is supported by a voluminous bibliography to the more recent literature on the psychology and identification of handwriting.

An index is lacking. The illustrations of writings discussed generally are too small. In a provocative work of this kind one should have plenty of good pictures critically to test the borderline evidence.

EDWARD OSCAR HEINRICH.
Berkeley, California.

A DOCTOR STUDIES CRIME. By *Perry M. Lichtenstein*. viii+263 pp.
D. Van Nostrand Co., New York, 1934. \$3.00.

For eighteen years Dr. Lichtenstein was a resident physician of the New York City Prison, known as the Tombs. He has, therefore, seen some of the country's most noted criminals pass over the "Bridge of Sighs". According to his preface, his book "is based on actual contact with several hundred thousand individuals accused of crime"; but although the author is undoubtedly well fitted to answer the question he himself sets down at the first of the book, "Why do people commit crimes?" he has reduced the scientific value of his book by preparing it for popular consumption.

"It is difficult," he states, "to discuss insanity in a book which is being prepared for professional as well as non-professional people." And it is evident from his discussion in the first chapter that he is attempting to gain the attention of America's all too morbid readers, for he discusses in lurid details several cases of murder committed by psychopathic individuals.

Lichtenstein observes that "when we succeed in curbing or controlling the causes of crime, and not before, will we begin to see a diminution of crime." He states in his first chapter a fact very evident in our penal systems today, namely that "the attitude of society towards the criminal under all of these systems was vindictive. The citadels of justice were built firmly upon the foundations of the old Mosaic doctrine of an eye for an eye and a tooth for a tooth: society has been wronged; society must be avenged. The development of a more civilized attitude toward the criminal; recognition that he is, despite his crime, first of all a human being, is so recent that it is not everywhere encountered. And it is an attempt to make clear to the intelligent layman how criminal tendencies are bred in men by forces over which they have no control, how society itself, by its unwise handling of those who have defied its laws has transformed law-abiding citizens into criminals, that I have written this book." He gives an extremely interesting and very stimulating discussion of the end results of this process.

The author has clearly pointed out that the administration of justice in America is questionable and that crime is conducted in a businesslike manner throughout the country. A study of criminals com-

mitted to our institutions emphasizes the truth of his contention that "when arrested the habitual criminal seeks to bargain with the district attorney for a plea to a lesser offense, knowing full well that with a record it would be foolish for him to take the witness stand. He has as a rule a surprising knowledge of criminal law and is often an expert in drawing up writs of habeas corpus."

In spite of his valuable contribution to the literature of penology the author makes some debatable statements throughout the book. At some length he discusses narcotic addiction and makes some rather impractical suggestions as to its prevention. His chapter on Mental Deficiency is also open to criticism. He holds that "in some instances mental defectiveness is hereditary," while most authorities regard mental defectiveness as hereditary in the majority of cases.

In his chapter on the moral defective he makes the statement, which is no doubt true, that degeneracy manifests itself during childhood and that "when the lad reaches the age of 13 his father should instruct him fully and honestly in sex matters, stressing particularly the fact that he is now a young man and that it is wrong for him to allow other boys to influence him in the commission of improper acts." No person who has studied social problems is unaware of the fact that children become sex conscious and in our modern school systems have ample opportunity to indulge in sex practices long before they are 13 years of age. Dr. Lichtenstein is certainly right in regarding young people's organizations such as the Boy Scouts and Campfire Girls as having a very healthy effect and that the average boy and girl now

committed to our penal institutions "should not be committed to a reformatory."

The author has offered some very stimulating discussion in his chapters on Probation, Court Procedure, and Classification, but as he states "Those who believe that crime may be eliminated entirely are predicting a state of affairs that will never come true, for crime is as old as history itself and will be with us so long as we will have history. Meeting situations in crime by the passage of more stringent laws will never decrease crime. To bring such a situation about we must begin by studying the child, noting his defects, detecting his adaptabilities and encouraging such adaptabilities."

J. L. McCARTNEY, M.D.
Classification Clinic,
Elmira Reformatory.

BEHIND PRISON WALLS. By *Frances Florenz Planisheck*. 207 pp. Meador Publ. Co., Boston, 1933. \$1.50.

In the preface to her book "Behind Prison Walls" Mrs. Planisheck claims that she has endeavored to make it a "human document not colored by poetic imagination" and to keep it "free from bias or rancor" and she offers it to "those who want and appreciate the truth". The publishers announce that "this is the only book of its kind written by a woman—The book contains a frontispiece of the author who is one of the pioneer prison investigators, devoting many years of study and research to this field of literary work which is peculiar to women". Mrs. Planisheck, in a letter to the reviewer in answer to a request for information to the publishers about

the author, advises that she has "visited institutions in practically all sections of this country and Europe". About this latest book of hers she says: "I have had the most wonderful reviews (on this) from newspapers extending from New York to California and from Canada to Texas. Some of them a column in length". Mrs. Planisheck will probably not wish to add this review to her collection unless its length is considered to be flattering! While the book could be disposed of with a few explosive oaths, it is such an amazing document of misinformation, confusion and contradiction that at the risk of tiring the reader a number of the most revealing passages will be quoted.

The book contains eleven chapters, as follows: Crime, Prisons and Prison Life, County Jails, Women Prisoners, Juvenile Delinquency, Paroles, What Becomes of the Liberated Prisoner, Officers of the Law and the Liberated Prisoner, The Beginning of Prison Betterment, Humane Prisons vs. Hell Holes and Prison Exceptions.

Mrs. Planisheck wades in where angels fear to tread. She disposes of most of the controversial subjects in this field with naive simplicity and absolute finality. The most outstanding examples of this peculiar ability of hers are found in her treatment of the question of punishment and capital punishment:

"If men knew, beyond any doubt that wrongdoing would be followed by immediate and dreadful punishment, wrongdoers would be much fewer in number than they are now and have been in the past. The certainty of punishment is the greatest aid to virtue and right living and thinking yet devised by man".

Several pages later she does not seem so sure of herself:

"The crime problem will never be solved by punishment or external force".

Then again we are told:

"There are criminals who have never known anything but crime, have heard nothing but crime, and consequently have done nothing but lead a criminal career. They are not to blame, and society has no moral right to punish them for their conduct, but some form of punishment must be given to those who break the law regardless of circumstances".

Here is her disposition of the capital punishment controversy:

"Does the average man or woman ever stop and think what capital punishment means, and also of the mistakes that are often made in executing an innocent man? Without further ado or drivel, does the law permit the taking of human life? Although it is the law, is it morally right?"

We find some interesting classifications throughout the book. Note the following:

1. "In every penal institution, from the standpoint of character and conduct, offenders may readily be divided into three distinct groups: The capable who wish to do better; the capable who do not wish to do better, the incapable and the unfit".

2. "From close observation and experience gained through personal contact with prisoners during the many visits I have made to the penal institutions of the country, I have found that there are only two types of prisoners—the chronic criminal who can never be really reformed and the occasional criminal who admits his error, is willing to pay the price and leaves the prison a better man than when he

entered it. It must be admitted that the latter type are few and far between".

3. "In my years of observation and contact with criminals, I have discovered that they are divided into two separate and distinct classes:—the professional and the non-professional".

Take your choice! Those who have devoted years to the scientific study of offenders could have stopped long ago if there were such a simple classification.

The chapter on Women Prisoners will be particularly interesting to women engaged in penal and correctional work. We should like to ask Mrs. Planisheck if these generalizations are free from "bias or rancor":

"A disagreeable characteristic of many female prisoners, especially among the criminal class, is the fact that they derive a great deal of satisfaction and delight through corrupting the morals of their younger companions. . . . One of the unfortunate phases of women law-breakers is that the percentage of reconversions with them is greater than among men. Too, the woman who has once been in prison is less likely than a first offender of the male sex to regain the path of honesty. . . . Some women take to crime deliberately for their own base purposes, but the greater number of them, drift into it imperceptibly, sometimes the result of inheritance, through bad associates in their youth and through example. Women who have once made a start in crime are seldom weaned from it, more especially if it has been undertaken and continued at the instance of, or through their devotion to some criminal man, more often the lover, who when free seldom reciprocates in any way their devotion.

. . . While female criminals are fewer in number than males, it is a fact well known to all penal institutions where women are confined, that they are often more ferocious. . . . They are revengeful, jealous, inclined to vengeance of a refined cruelty, in fact vengeance plays a principal part in the offenses committed by women. The inclination to acts of revenge which are noted in the normal woman is carried to an extreme in the woman criminal. . . . A well-known student of women offenders has said that women are only big children while their evil tendencies are more numerous and more varied than men's, they generally remain latent. But when these tendencies are awakened and excited they produce results proportionately greater than in men. . . . One point of superiority in the female criminal over the male is noticeable in the refined, diabolical cruelty with which she accomplishes her crime. Another proof of the ability of criminals among women is the deliberation with which women so often accomplish their crimes, and which, whether we regard it as an effect of weakness, or as suggested by the reading of romantic literature, it is equally in evidence of intellect above the average. . . . When women fall into crime they fall much deeper than men, but they lie with greater coherence and audacity than men criminals. They are much bolder in the stories which they tell, and more hypocritical. . . . Also the female delinquent is more sophisticated and argumentative than her male prototype. . . . Another peculiarity of female offenders, and especially those of the criminal class, is their obstinacy in denying their crime, no matter how convincing the proof of it may be. . . .

Women prisoners are more recalcitrant than men and do not respond as readily to kind treatment as do male prisoners, and have always been and probably will always remain a paradox to prison officials."

In the short chapter on Juvenile Delinquency we find seven pages devoted to a glowing account of the *Granite Reformatory*, Granite, Oklahoma. The thing that appeals to Mrs. Planisheck is the fact that "its Warden is a woman . . . the only woman Warden of a Boy's Reformatory in the world". Her extravagant praise knows no bounds:

"In fact the public has come to know that she is one of the most efficient Wardens in the history of penal institutions of the entire world". (!)

In the chapter entitled Paroles Mrs. Planisheck restates her position that prison demoralizes and unfits man for return to normal life. She is certain that "a large proportion of our violent crime is perpetrated by ex-convicts". She commends the state of California for its splendid penal system and parole method. Read what she says:

"California has judged with reasonable accuracy that it (parole method) has worked well, since the records show that 83% of the paroled prisoners have made good and that only 5% have been recidivists".

Even California boosters who might happen to know something about the studies of prison successes and failures would be inclined to question these statistics. The following statement alone should be enough to condemn the book as meaningless twaddle:

"For the betterment of the parole system I venture the following recommendations: That Criminal Court Judges or juries be empow-

ered to parole first offence prisoners who seemingly want to reform; that convicts who have completed, with good behavior the minimum term of an indeterminate sentence be paroled, subject to good behavior during the remainder of the term, and that immoral degenerates and habitual offenders be given jail sentences instead of fines".

We have reliable information gathered by trained investigators for the publications of the Handbook of American Prisons and Reformatories which tell us what is good and what is bad about our penal and correctional institutions today. We have the scholarly achievement of Eugenie C. Lekkerkerker in *Reformatories for Women in the United States*. We know that all states do not have good parole systems but it is encouraging to note the declaration of principles adopted by the American Parole Association when the American Prison Congress met in 1933. We do not need a book like *BEHIND PRISON WALLS* which only complicates the continually difficult task of sincere penologists to combat the already too prevalent prejudices against delinquents and offenders.

Strange as it may seem the book contains one idea with which we have no quarrel:

"The most important thing to bear in mind, in considering the treatment of prisoners, is the fact of their ultimate release. It is of the most vital importance that they should be educated and trained, not for the life inside, but for the life outside".

In the last chapter the author selected for mention spectacular cases in different prisons of the country. She found a "convict" in one of the Western prisons who perfected a non-pickable lock which

"he sold to one of the leading lock organizations of the country for \$125,000.00." About him she says "the chances are that had this man never gone to prison, he would not have become a great inventor, and the world would have been poorer by not having his genius." One wishes that Mrs. Planisheck had devoted her whole book to the presentation of Prison Exceptions. What joy it would have given to those who are addicted to True Stories and the tabloids!

It seems fair to say that Mrs. Planisheck has little conception of the trends of modern penology. Her terminology shows ignorance of its fundamental principles. Her particularistic fallacies—her erroneous conclusions based on isolated and spectacular cases are presented, in her misguided enthusiasm, as dogmatic generalizations. The book has no continuity; it is badly written and poorly edited. It contributes nothing to the field of penology.

EDNA MAHAN.

New Jersey State Reformatory
for Women

THE LAWS CONCERNING THE SO-CALLED PROFESSIONAL AND HABITUAL CRIMINALS. By *B. U. A. Röling*. xxiv+516 pp. Martinus Nijhoff, The Hague, 1933. 10 guilders.

In 1932, the publishers of this volume established a monograph series entitled "Criminal Law and Criminological Researches." The first volume was prepared by D. Wiersma on the subject, "Criminal Responsibility" and the second by H. J. Pippel on "Sterilization." The volume of Dr. Röling is the third in the series, and grew out of studies pursued in Germany and Switzerland by the aid of a stipend from

the Rockefeller Foundation. The work examines in some detail the legislation of various countries dealing with recidivism. The statutes of most states or countries have been analyzed and have furthermore been given in full in an appendix. The author's documentation in this respect covers 85 jurisdictions. The laws of thirty American states, as well as of the Philippines and Puerto Rico, figure in the appendix. It is but natural that some should have been overlooked. Thus there is no reference to the current laws of Alabama, Arizona, the District of Columbia, Georgia, Kansas, Maine, Montana, New Mexico, Oklahoma, South Dakota and Texas, all of which possess special provisions concerning the punishment of habitual offenders.

While the title page of the book and a brief summary of the contents are in the English language, the text proper is in Dutch. • It consists of an introduction on statistics of recidivism, based on data from half a dozen European countries, and four chapters on "Some Laws and Facts", "Theory", "The Professional Criminal", and "Special Punishments and Measures." The conclusion summarizes the author's opinion and proposes modifications in the laws of the Netherlands. The book is attractively printed but lacks an index.

Dr. Röling's work is especially valuable as a reference source of existing legislation. In his opinion none of these laws has proved successful. He is opposed to the dualistic system, which divorces punishment from preventive detention. Whatever treatment be given to habitual offenders, however, it should never be imposed on the basis alone of objective facts, such

as the number of previous conditions, nor should it be absolutely indeterminate in length. Its aim should be resocialization, release should be on parole, and in general, much of its administration should devolve upon the judiciary. Such detention, however, is not held to be logically defensible unless the state has done its utmost to make precedent punishments reformatory in nature and has eliminated the economic maladjustments, which he, with Bonger, holds to be of major importance from the point of view of crime causation.

THORSTEN SELLIN.

University of Pennsylvania

SOCIAL WORK AND THE COURTS.

By *Sophonisba P. Breckinridge*.

xv+610 pp. University of Chicago Press, Chicago, 1934. \$3.50.

This reviewer is baffled by the present book. It is a motley collection of primary and secondary source material, parts of which are obviously well suited to the author's announced purpose, other parts hyper-technical, and still others definitely out-dated. Certain omissions are equally hard to account for. So much would lead to the conclusion that it is a poor book.

But Professor Breckinridge says in her preface that "the following collection of documents . . . has been tried out by use for several years with graduate students interested in the relationship between social science and the administration of the law." This reviewer has met a number of these students and found them unusually well informed in the field of study covered by this very collection. Therefore, it must be a good book.

Of course the answer to this para-

dox lies in the fact that a course of study is something more subtle than any text-book and that the value of a text-book depends upon the intelligence with which it is used both by professor and by student. Nevertheless, it should be possible to compile a book such as *SOCIAL WORK AND THE COURTS* that would present its material much more simply, so that the ordinary student might understand it without the help of an unusually gifted teacher. In the selection of the material even more than the manner of its presentation the present volume seems deficient. The student of social work is training for practical service and needs some knowledge of law and the courts as a tool of his profession. A superficial investigation would show that the active social worker has to deal constantly with great classes of legal problems that are ignored in the present book and are not treated in the author's companion volume *THE FAMILY AND THE STATE*. To name but a few, there are the laws dealing with usury and small loans, the relations of landlord and tenant, and sales of goods on the installment plan. It may be said that the wise social worker will not attempt to give advice in any such matters, but will refer his client to a lawyer or to a legal aid bureau. Granting this, it is still true that a general familiarity with such branches of the law is needed by the well-equipped social worker.

No doubt Professor Breckinridge would reply that her book is not intended as a hand-book of the law for social workers, but as a cultural presentation designed to emphasize the lag between the growth of the law and of the social sciences and to stimulate socially minded citizenship. But it should be possible to

accomplish this aim by the use of material that is in itself more pertinent to the social worker's daily grist. What about the out-worn rules of evidence, the legal concept of insanity, and the barbarities of contentious divorce? These are subjects with which the social worker will have frequent contacts; they are as important as many of those selected in the present volume, and are susceptible of considerably less technical treatment.

On the whole, the presentation of the criminal law and especially of the newer techniques in the treatment of offenders is very good. But even here, the space given to prostitution might be used to better advantage in the discussion of birth control, abortion, and sterilization. Prostitution is a social phenomenon of constantly decreasing significance, not because of legal control but by reason of changing sex *mores*.

Finally, the book makes demands upon the student of social work that would present great difficulty to many experienced lawyers. The cases on the distinction between state and federal jurisdiction, the separation of powers, and conflict of laws have not been selected because the judges who decided them wrote unusually clear opinions, but because they are leading cases. They deal with subjects that might be treated far better in simple narrative form. On the other hand, the proposed federal anti-lynching legislation is presented as though its constitutionality were unquestioned; and this over-simplification may prove misleading to the reader who is not a trained lawyer. Certainly students of social work must be made familiar with much of the material contained in this book, but this reviewer believes that there

should not be imposed upon such students the need to develop the techniques of study and investigation that are required of advanced students of the law.

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MENTAL HYGIENE IN THE COMMUNITY. By *Clara Bassett*. 394 pp. The Macmillan Company, New York, 1934. \$3.50.

This book is a very complete account from one point of view of the problem of mental hygiene, and its scope may be understood if the chapter headings are taken into account, as for example, mental hygiene and medicine, mental hygiene and nursing, mental hygiene and social service agencies, mental hygiene, delinquency and law, mental hygiene and parental education, mental hygiene and the pre-school child, mental hygiene, education and teacher training, mental hygiene, the church and theological training, mental hygiene and industry, mental hygiene and recreation, mental hygiene and psychiatric institutions and agencies—all together a volume of some three hundred and ninety-four pages including an index. It is written entirely from the standpoint of a worker in the field, which again brings up the question whether or not such an account can be disinterested and objective. In the opinion of the reviewer, the writer has done a good job, taking into account the inevitable bias she must have as associated with this movement.

When one comes down to what mental hygiene finally is, it includes every discipline in life. Thus, according to Ira Wile, it includes physical care and personal hygiene, preventive medicine, recreation,

parks and playgrounds. It adjusts people to their jobs. It is also concerned with prenatal care and obstetrics, because it would have men fit to love. It is interested in sex education; the emotions of rational familial relationships in homes, human life, and the relationship between parents and children. Since it is interested in men fit to create, it is vitally concerned with eugenics, and thus with disease, death, desertion, divorce, moronity, venereal disease, and so on. Obviously one would need to have the wisdom of Solomon himself to practice mental hygiene. In a world filled with divers currents, the variables which enter into human conduct stretch into the infinitely small and the infinitely large, as well as into the roots of history and social conflict. King Solomon himself would have to yield the palm to the mental hygienist who is competent for his job.

A long time ago the reviewer gave up giving people advice on the bringing up of children and the maintenance of happy marriages, and he never ventured into the field of industry, although he was an ardent mental hygienist in those days. In reality, the claim of the mental hygienist is tantamount to being a universal genius. The social roots of human conduct are so intricate and so difficult to understand that one can only say that insofar as the program of mental hygiene is correctly outlined by the author and by those whom she quotes, there is no authority worth listening to on the majority of the problems presented.

Moreover, some of the basic definitions are essentially incomplete. Thus, Dr. Campbell is quoted as making this statement, "A disorder is a mental disorder, if its roots are

mental. A headache indicates a mental disorder if it comes because one is dodging something disagreeable. A pain in the back is a mental disorder if its persistence is due to discouragement and a feeling of uncertainty and a desire to have a sick benefit, rather than to put one's back into one's work." And so he goes on about sleeplessness, suspicion, distrust, misinterpretation, fatigue, unsociability, marital incompatibility, alcoholism, and kindred matters. But this is not what Dr. Campbell practices in his work. A mental disorder, is equally mental when its roots are physical, as for example, a tumor of the brain, encephalitis, syphilis of the nervous system, arteriosclerosis, alcoholic intoxication, pellagra, lead poisoning, and so on through the list of the physical agencies.

The truth is that mental hygiene is often a false trail. It is dodging the well known and substantial disease which psychiatry must handle and is expending its efforts in the No-Man's-Land of human inter-relationships which no man is wise enough to solve, and there are few to give advice. *Mea culpa!* I too have sinned but am repentant. The bulk of mental hygienists have become obsessed with a sort of pseudo-Freudianism by which they find escape mechanisms, talk glibly of parental-child dominance, and incidentally make out the home as one of the most dangerous institutions of mankind. Personally, I am afraid that mental hygiene has bitten off more than it can chew. It is about time that psychiatry and all it represents in the way of social effort expends most of its energy on the solution of the great mental diseases: dementia praecox, general paresis, the various kinds of feeble-mindedness, epilepsy, and the like,

and give less attention to delinquency, individual disorders, family relationships, and a dozen and one things which are more social than psychiatric.

This is not to decry the value of the mental hygiene movement except to say that it has ventured far ahead of its lines of reinforcement, has penetrated too deeply into the social problems of which it knows little or nothing, and has been too glib in legislating for mankind in all kinds of intricate human relationships.

ABRAHAM MYERSON.

Boston

CHILD GUIDANCE CLINICS. By George S. Stevenson, M.D., and Geddes Smith, vii+186 pp. The Commonwealth Fund, New York, 1934. \$1.50.

This book is an account of the child guidance clinics, and is published by the Commonwealth Fund, which has been financially responsible for the development of most of the important clinics of the country. Both by virtue of its authorship and the conditions of its publication, it cannot be called an objectively considered document. Obviously, it would be difficult for men in charge of the work of child guidance and the financial group responsible for the maintenance of these clinics to be as objective and disinterested as outsiders would be. However, there is a very good account of the rise of the clinics and the organization of these combined studies as they have been made in various cities of the United States.

The scheme of organization is well presented and the whole book is written very clearly. The authors are not at all extravagant in what they claim as possibilities for this

new departure in medical and social work by which psychiatry, psychology, and sociology collaborate in the treatment of the problems of childhood. Certainly there can be no theoretical objection to the establishment everywhere of these clinics, and yet, it must be said in all frankness that wherever they have operated, those connected with them have tended to claim far too much for the clinic, to intimate where they have not so directly stated, that the problems of delinquency and mental disease were to be solved by this union of psychologist, psychiatrist, and social worker. Whatever objective and outside evaluation of the work of the child guidance clinics has been made has not tended to substantiate any such notions.

It is the opinion of the reviewer, at least, that the mental diseases are fundamentally problems of medicine rather than of psychology and social work, and that we are a very long way from understanding these diseases, and it is certainly not justified to state that anything we can do in childhood—as our knowledge is constituted at present—will in any way solve mental diseases. It is probable, as the authors state, that many a child's life has been made smoother and more happy as a result of the clinic, just as many a child's life has been made smoother and happier by kindly and philanthropic people not connected with clinics. Where the grave problems of delinquency are concerned, it is not at all likely, in the reviewer's opinion, that any clinic, no matter how well conducted or how penetrating the insight of the workers may be, can make real headway in this matter. The roots of crime are inextricably entwined with the whole social structure, with hous-

ing, slums, employment conditions, with the home conflicts that arise between alien and descendant, and with many other situations so far removed from clinic activity, as the corruption of courts and social corruption generally.

The individual as a delinquent must be studied and the child guidance clinics can do something for him. Too much is expected, if it is believed that a clinic can in any

considerable number of cases alter the power and influence of the great social forces on the individual.

The book has been written in what seems to the reviewer a very candid and fair spirit of presentation, and is worth the attention of those interested in the individual, in the child and his problems.

ABRAHAM MYERSON.

Boston