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Book Reviews

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BOOK REVIEWS

THORSTEN SELLIN [Ed.]

WHAT HAPPENED IN THE MOONEY CASE. By Ernest Jerome Hopkins. xiii+258 pp. Brewer, Warren and Putnam, New York, 1932. \$2.50.

THE MOONEY-BILLINGS REPORT. *Suppressed by the Wickersham Commission*. iv+243 pp. Gotham House, Inc., New York, 1932. \$1.50.

Certain facts about the Mooney case and the Billings case are still not subject to question. One established fact is that some person or persons criminally exploded a bomb in Steuart street in San Francisco during a "Preparedness Day" parade, on the afternoon of July 22, 1916. Another accepted fact is that the explosion killed ten innocent and unsuspecting persons, men, women and children, and injured forty other human beings. Another unquestioned fact is that grand juries indicted Thomas J. Mooney and Warren K. Billings, because of their alleged participation in the bombing, for the crime of murder. Another fact is that one petit jury in one trial pronounced Billings guilty, and a second petit jury in a later trial pronounced Mooney guilty. Their trials and imprisonment have continued to furnish a basis for widespread litigation and controversy down to this present moment. This controversy has raised numberless questions. Some of these questions are easily answered; some

can never be answered; and some are matters of opinion and are therefore especially at the mercy of conflicting emotions, prejudices and personal interests.

The foremost questions in the cases are two with which these books do not assume to deal. Are Mooney and Billings guilty of having committed the murders by placing the bomb in the manner charged at their trials? Are Mooney and Billings guilty of having had some other part in the bomb explosion, although not guilty of having placed the bomb in the manner charged at their trials? These questions are still unanswered, so far as these books disclose. Neither volume undertakes to pass upon the guilt or the innocence of Mooney and Billings.

The question upon which both books do assume to pass is the question: was the prosecution of Mooney and of Billings unfair in that they were discriminated against because of their radical opinions? The answer of these authors is the affirmative: that the prosecution was unfair in that the defendants were discriminated against because of their radical opinions. There is an introductory endorsement of the *Mooney-Billings Report* by a senator who calls Mooney and Billings "these victims of judicial tyranny." Hopkins alleges in *What Happened in the Mooney Case*, that Mooney and Billings are in prison merely because of their "radical opinions,"

and not because they were legally convicted of the bomb murders.

In order to give the proper value to this accusation of "unfair prosecution," it becomes necessary to make certain inquiries. These inquiries are: (1) Who are the persons who make this accusation? (2) What facts do the authors allege in support of their accusation? (3) Are the facts which the authors present sufficient to establish that there was unfair prosecution and imprisonment for radical opinion?

(1) Who are the authors who make this accusation? What have been their training, experience, associations and mental attitudes? Ernest Jerome Hopkins, who appears as the principal sponsor of the accusation, is a newspaperman. He has had extensive experience in the employ of Hearst newspapers. He is the author of the book, *What Happened in the Mooney Case*. The cover-jacket of the book loudly proclaims him to be "the newspaperman-investigator whose . . . researches . . . gave the Wickersham Commission its most hotly discussed report, that on *Lawlessness in Law Enforcement*. . . . As reporter on the San Francisco Bulletin," the cover-jacket continues, "Hopkins . . . 'covered' the Preparedness Day bomb explosion, the controversy preceding that event, and the arrests and trials of Mooney and Billings. . . . He was consulted, also, in connection with the 'suppressed report' on the Mooney case, which was drawn up but never published by the Commission."

As forecast by this introduction, Hopkins uses an exclamatory and controversial newspaper style. To him the Mooney case has been a live volcano of human-interest newspaper "stories," a series of thrilling

"battle-pictures," a succession of "scoops."

The authorship of the *Mooney-Billings Report*, is not clearly stated. Senator Wheeler wrote the introduction, but he does not claim or show any particular acquaintance with the facts or with the law of the cases. Ernest Jerome Hopkins is named in the *Mooney-Billings Report* as "Field Investigator." One title page states that the *Report* was submitted to the Wickersham Commission by the Section of which Messrs. Chafee, Pollak and Stern were "consultants" and of which Mr. Thomas A. Halleran was "assistant." The reader may feel doubtful in regard to what person does assume the responsibility of being the author of the *Report*.

(2) What facts do author Hopkins and his collaborators allege in support of their accusation that the prosecution of Mooney and Billings was unfair in that they were discriminated against because of their radical opinions? (a) Hopkins says that at the time of the explosion, San Francisco was in the grip of a "war" between capital and labor. He describes Mooney as a man of radical opinions. He says that Mooney was not a leader accepted by organized union labor, but was a lone-wolf so far as labor leadership was concerned. He presents Mooney as a "militant," direct-action agitator against the utility corporations and other employing groups. He classes Billings also as a radical. The "capitalists," Hopkins declares, staged the Preparedness Day parade as a defiant threat against all of the labor forces and all of the radical elements, including Mooney and Billings. Hopkins even repeats as a "possible theory" of the cause of the explosion the same "frame-up" accusation which

Mooney has always urged, namely, that "the capitalists" themselves perpetrated the bomb explosion as part of their Preparedness Day program in order to discredit the labor movement! After the explosion, Hopkins says, "the capitalists" caused Mooney and Billings to be prosecuted in furtherance of their plot to "rail-road" Mooney and Billings from the "battle-front." (b) These authors say that the official investigation of the crime was purposely not scientific. Hopkins in *What Happened in the Mooney Case* says, and the *Mooney-Billings Report* insinuates, that the prosecutors, and an assistant who was a utility corporation detective, did not try to discover the guilty parties, but tried only to "frame" Mooney. (c) These authors say that legal rights of Mooney and Billings were violated, in that the police arrested them without warrants, searched their places of residence for evidence, held them incommunicado pending their illegally deferred arraignment, and had them "identified" improperly. (d) The prosecuting officials, these books say, discriminated against the defendants because of their radical opinions. The prosecutors are accused of having used the newspapers to arouse public sentiment against Mooney and Billings. Hopkins says in *What Happened in the Mooney Case* that all of the San Francisco newspapers were "yellow newspapers," sensational and controversial in style and content. He says that he himself and other reporters on these newspapers, influenced by anti-Mooney propaganda handed out by the prosecutors and police, published in their newspapers inflammatory accounts about the previous trials of Mooney for dynamiting, about his affiliations with the I. W. W. and with anarch-

ists, and about the notes on dynamite trials which were found in Mooney's rooms when they were searched. The prosecuting officials, moreover, are alleged to have presented witnesses unfairly against Mooney and Billings. The authors present the familiar and strong evidence that at least one principal state witness named Oxman, who testified in the trial of Mooney, was a perjurer. Hopkins does not directly accuse the prosecutors of knowingly introducing perjured testimony, but by way of innuendo he says, "The abiding question is, how much [about the perjury] the prosecuting attorneys knew." He charges that the prosecutors concealed discrediting information about some of their witnesses, and that the prosecutors coached some witnesses to a degree approximating subornation of perjury. The *Mooney-Billings Report* directly charges that when the prosecutors placed certain witnesses on the stand, they thereby vouched for their testimony, and that they were therefore vouching for testimony which they knew or should have known to be perjured. Both books declare that the prosecutors were discriminatory and prejudiced in misleading opening statements, and in inflammatory closing arguments. The authors accuse the prosecutors of having made excessive use in their arguments to the juries of a "patriotic-sentimental motif;" for examples, their condemnation of anarchists, and their word-pictures of the wounded women and children as they lay mangled and dying in the street just after the explosion.

(3) Do the authors present facts which establish, to the satisfaction of the reader who tries to be unprejudiced, that the people of California and their officials unfairly

discriminated against Mooney and Billings and unfairly imprisoned them because of their radical opinions? The answer to this question requires the reader's consideration of many items of evidence.

First to be considered should be the facts alleged as stated in the preceding section of this review. Assuming that Mooney was an innocent victim of an erroneous conviction, do the authors establish their charge that Mooney was a victim of a "capitalistic frame-up" against him as a radical leader rather than a victim of popular rage against a horrible crime? Hopkins is fair in that he presents contradictory evidence. He shows that Mooney's conduct, speeches and writings preceding the crime had been so extremely "radical" that two results were conspicuous. One result, says Hopkins, was that Mooney was not accepted by the union labor men as one of their official leaders. Another result was that as soon as the crime occurred Mooney was believed by "everybody" to be guilty of having had a part in it. Hopkins himself admits "Like everyone else, I was sure Billings and Mooney were guilty." More evidence is likely to be demanded by the unprejudiced reader before he will be convinced that Mooney, merely because of his radical opinions, was deliberately "framed" by capitalists or by the investigating police officers, or that he was unfairly convicted by the people of California merely because of his radical opinions. The next question which arises is, do the authors establish that the police disregarded legal rights of the accused in regard to arrest, search and arraignment? If the reader may agree that they present evidence sufficient to establish this allegation, the real

question would still remain unanswered, namely, were Mooney and Billings "discriminated against" in these respects, as compared with the general run of defendants at that time and place? It is common knowledge that the police methods of investigation and the other police practices condemned by the authors are practices which are very common. The next question is, what about the prosecutors? Do the authors establish not only that the prosecuting attorneys were unfair to the defendants, but also that this unfairness was due to the radical opinions of the defendants? Hopkins says that he and the other reporters, and all of the "yellow" newspapers, were demanding the conviction of Mooney and Billings. There was obviously tremendous pressure upon the prosecuting attorneys to secure convictions for the Preparedness Day murders. If the prosecutors employed excessive zeal, that zeal is not shown to have been aroused merely by the radicalism of the defendants. Hopkins, furthermore, is not convincing in his complaint that he, as an experienced reporter, was repeatedly "fooled" by the prosecutors into printing misleading stories about Mooney. He himself frankly suggests that the reporters were out to get—or to make—"panic" stories about Mooney and about the case rather than merely to record the exact historical truth. Do the authors establish the more serious part of the charge of discrimination and unfairness by the prosecuting attorneys, namely, that the prosecutors used perjured testimony. It is very important to notice that Hopkins does not directly accuse Fickert or his assistant prosecutors, of knowingly or intentionally presenting perjured testimony. Hopkins' charge is substan-

tially, therefore, that the prosecution was unfair because state witnesses perjured themselves. This accusation and the charge that the prosecutors used improper argument will be considered later in this review.

The authors may fail to convince the reader that Mooney and Billings were unfairly prosecuted and imprisoned for radicalism, because the authors incidentally or unintentionally show so many elements of fairness in the prosecution. Hopkins presents the trial judges as fair and impartial judges. He shows that the defendants had defense lawyers who were as able and as aggressive as any defense counsel could be. He classes the jurors as poor but honest. Neither book accuses the police or the prosecuting attorneys of any financial corruption, or of using third degree methods in dealing with the defendants.

The authors may lose the confidence of some readers by the misleading statements or omissions in the books. First of all, the title of each book is misleading. Although the Hopkins book is entitled *What Happened in the Mooney Case*, the book does not, in fact, tell "what happened" in the Mooney case. At best it tells only a small part of what happened in the case, and that part contains almost exclusively the facts unfavorable to the prosecution. The space, moreover, which the books actually devote to a factual report of "what happened" is equalled at least by the space devoted to statements of the author's opinions and arguments unfavorable to the prosecution and favorable to the Mooney defense. The title, *The Mooney-Billings Report, Suppressed by the Wickersham Commission*, likewise is a misleading title. The title seems to prom-

ise a full and detached survey or "report" of the two cases. But this book, like the other one, restricts itself to pointing out serious defects in the prosecution. The title is obviously misleading, also, in asserting that the book was "suppressed by the Wickersham Commission." On the contrary, the "Prefatory Note" of the book indicates that there was no suppression. The members of the Wickersham Commission, moreover, in their *Report on Lawlessness in Law Enforcement* unanimously and convincingly state their reason for not publishing the Mooney-Billings report, namely, the fact that such inclusion would obviously be beyond the authority or jurisdiction of the Commission.

Mr. Hopkins' misleading inaccuracy extends beyond the title of his book. Inferences of fact and statements of legal points are similarly untrustworthy. The most striking example of his inaccuracy is his indication that Mooney took the witness stand at his trial and testified to the jury in denial of the charges against him. Hopkins gives this misleading impression by quoting words which he erroneously says were spoken by Fickert, the prosecuting attorney, about Mooney in Fickert's closing argument in the Mooney trial. The words so quoted are the following.

"The most cold-blooded murderer that has ever faced any jury. . . . A man who has insulted the flag, who has foully murdered nine women and children. . . . To go on the stand, and grin, like the hyena grinned!"

But Fickert, in actual fact, did not speak these words about Mooney in the Mooney trial. He spoke them about Billings in the Billings trial. Billings did take the witness stand in his trial. Mooney did not take

the stand in his trial. This misleading statement may have been due merely to mistake, and not to deliberate misrepresentation. At another place, however, the author feels called upon to try to excuse or to justify Mooney's refusal to testify even before the grand jury, thereby indicating that he is aware of the dangerous significance which people generally attach to the refusal of a defendant to testify in his own case. Some readers, therefore, may assume that this misleading presentation of the facts was due, not to mistake, but to deliberate "suppression" and misrepresentation by Mr. Hopkins.

The *Mooney-Billings Report*, likewise, although it makes extended discussions of the state witnesses and of the trials of Mooney and of Billings, omits mention of the fact that Mooney did not take the witness stand at his own trial. The *Report* states that Mooney refused to testify before the grand jury. It then quotes the grand jury minutes to show that the reason which Mooney gave for his refusal was that he was being illegally prevented from getting a lawyer. The *Report* further shows, however, that Mooney had very capable lawyers defending him at his trial and that he therefore did not have this excuse for his refusal to testify at his trial.

Another example of the misleading incompleteness of both books is the condemnation, by the authors, of "unfair" closing arguments of the prosecutors. The reader is likely to ask, were the closing arguments of the defense counsel, by contrast, temperate, "within the record," and fair to the state? Neither book gives any information on that point. Yet, any lawyer or any juror who has served in such criminal

trials knows that the closing arguments for the defense are frequently more unfair and intemperate than are the closing arguments for the state, and that closing arguments for the state which might otherwise be unfair and inadmissible, are sometimes, by the nature of the opposing arguments for the defense, made fair and admissible.

On the issue of perjury as an element of unfairness by the prosecution, the books present what appear to be their strongest arguments. Many readers no doubt will decide that Oxman was a perjurer, and that his story about the jitney bus was untrue. Many readers, however, will regret that here again the books in alleging unfairness present only one side of the facts. A reader, before passing judgment on the issue of unfairness, may reasonably expect the authors to tell something about the prosecution witnesses who were not impeached, and about their testimony for the prosecution. The reader, moreover, may reasonably expect the authors to tell something more about the witnesses and testimony for the defense. It is common knowledge that juries frequently convict defendants in cases where the jurors nevertheless believe that some of the prosecuting witnesses testified falsely. It is common knowledge, furthermore, that jurors are very likely to convict defendants in cases where the jurors believe that some of the principal defense witnesses testified falsely. The *Billings* trials itself is an example of this fact. Judge Dunne, who presided in that trial, said that Billings was justly and properly convicted, not only upon the state's evidence, but by "his own statement (as a witness in his own defense), which was perjury so palpable and plain

it would not have deceived a jury of children." The reader, therefore, is fully justified in inquiring whether or not any Mooney defense witnesses likewise may have alienated or antagonized the jury by perjury.

No doubt that Mooney jury gave the customary weight to the fact that Mooney did not testify in his own defense. That the people of California attach significance to such refusal to testify is shown by the fact that they have recently amended their Constitution to give to the prosecutor and the court the right to comment upon the defendant's failure to testify.

Many unprejudiced readers of these books, because of the foregoing reasons, are likely to doubt that these books prove that the people of California and their officials have imprisoned Mooney and Billings simply because the people and the prosecutors do not like the radical opinions held by Mooney and Billings.

The reader, attracted by the titles of the books, hopes to find in them an unemotional, unprejudiced, and uncensored presentation of the facts of the Mooney case. In *What Happened in the Mooney Case* the reader finds, instead, a cleverly told "story" by a newspaper reporter who is "fighting" for Mooney's release. In the *Mooney-Billings Report*, the reader finds a selection of extracts from newspapers, from recorded testimony and from briefs of defense counsel. It has a semi-judicial title and outline, but its "selectivity" of contents and its conclusions are practically identical with those of the book bearing Mr. Hopkins' name. Both books find nothing to commend or to extenuate in the prosecution of Mooney; and they find nothing whatever to con-

demn or even to question in the attitude, the activities or the defense of Mooney.

The value of both books lies in the fact that they show, sometimes purposely and sometimes unintentionally, certain defects in the administration of criminal justice. They make more apparent, too, methods of correcting these defects in the interest of fairness not only to the defendant but also to the state. The worst defect which the books demonstrate, and to some extent typify, is the virtual sabotage of criminal justice by "yellow" newspapers. In the final analysis these books fail to achieve constructive effectiveness, mainly because they do not give due consideration to the human element in criminal justice and to the actualities of criminal law administration.

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PRINCIPLES OF CRIMINOLOGY. By *Edwin H. Sutherland*. vii+611 pp. J. P. Lippincott Company, Philadelphia, 1934. \$3.50.

CRIMINOLOGY. By *Albert Morris*. ix+590 pp. Longmans, Green and Co., New York, 1934. \$3.50.

Both of these texts deserve careful reading by all persons interested in discovering the present status of our knowledge in the field of criminology. The authors have brought together a tremendous mass of relevant and authoritative data and have presented it in a highly readable fashion.

Professor Sutherland's volume is a revision of his excellent text and contains a great deal of new material which has appeared in the years since his first work was published. As he states "Two chapters are en-

tirely new, approximately half of the material in the other chapters is new, the point of view is broader, and the organization of material is different in many respects." Not only have such revision and addition been made but there is a more noteworthy change in this volume. The style of the author has become more readable and possesses freedom and fluidity.

The thesis of *Principles of Criminology* is that crime "is a response to the general culture which has been developing during the last two centuries." There are twenty-seven chapters, nine of which may be regarded as the field of crime causation and eleven relating to phases of treatment. The chapter on criminal statistics deserves special mention as an excellent description of the role of statistics in the field of crime and also as one of the best pieces of text-book writing likely to be found anywhere. The discussion of the death penalty is a masterpiece of thoroughness and judicious analysis of, what to many, is a debatable procedure. The reviewer has taught thousands of undergraduates during the past eight years, during six of which he used Professor Sutherland's original text, and, therefore feels confident in recommending this volume as the best criminology text yet published in this country.

Professor Morris centers his interest upon personalities, especially those considered dangerous, rather than upon institutions. His text is divided into five parts. Criminals in relation to society, the natural history of criminals, the prevention of criminal behavior, apprehension and conviction of criminals, and the treatment of criminals. There are twenty-three chapters and an appendix entitled *Suggestions for Research in Criminology* which con-

tains suggestions made by outstanding authorities in the field. There are several criticisms of this text which might be made without seriously damaging its value. For example, I am not sure that "criminology is really concerned, not with criminals, but with personalities considered dangerous in any particular place at any particular period of time" (p. 1). Granting that crime is human behavior, specifically anti-legal behavior, it does not follow that criminology and psychopathology are synonymous, even though criminals are sometimes psychopathic. Again on page 24, the author states "Strictly speaking we do not know whether there has been a criminal injury or not until the responsible person has been convicted" If this be so, of what value are the crime rates based on selected crimes known to the police and issued by the U. S. Department of Justice? One point by Professor Morris, I think it well taken. We have heard much about the fact that crime does not pay. He mentions "it is not unlikely that the income of criminals during their active careers compares favorably with that of honest wage earners throughout the country" (p. 29). Chapter VII dealing with delinquency is a very sound interpretation of the genesis of juvenile difficulties. Even as Professor Sutherland has long advocated a central state authority over penal institutions so Professor Morris recommends a state department of criminology. On the law of arrest Professor Sutherland follows the arrest doctrine that there must be a crime committed in fact before a person suspected may be arrested, while Professor Morris states that a policeman "may arrest anyone whom he reasonably believes has

committed a felony although in fact no felony has been committed" and a few lines further states "police constantly exceed their rights, arresting persons on suspicion" (pp. 255-256). The State of New York parole authorities should feel grateful to Professor Morris for believing that the system of that state has anything "like an adequate field force." It is rather likely, even as in probation work, that not a single state has anything like an adequate staff for genuine parole work either from the standpoint of numbers or training. As mentioned earlier these are not criticisms of any great importance. The volume might be improved by polishing up the choppy style due to the use of short sentences, and by the inclusion of footnotes when citing conclusions from "recent studies." In this respect Professor Sutherland is an excellent guide. Discussions, reports and exercises are appended together with excellent bibliographies for each chapter. Professor Sutherland's bibliographies accompany each chapter. Both books have good indexes.

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TAT UND SCHULD. [Act and Guilt.]
By Hermann Kantorowicz. xviii
+339 pp. Orell Füssli Verlag,
Zurich und Leipzig, 1933. Fr.
12.00.

This admirable book by a first-rate jurist deserves and will doubtless receive careful study from all interested in the analysis of legal problems. The question is perhaps the oldest that confronts the law of crime. What makes acts criminal? What justifies the infliction of punishment, if we assume that it can be justified?

Professor Kantorowicz is a name to conjure with in the history of modern jurisprudence. Indeed it may be said that it has been conjured with, since use of the "free-law" theory, which he did so much to establish and explain, has been made in order to put extraordinary doctrines under the aegis of his authority. He remains "*Freirechtler*" in this book, as in his other publications, but, as he points out in the chapter devoted to legal theory (pp. 25-33) it is the less striking form of the Free-law theory, that which insists on freedom from dogma and conceptualism in the application of statute and regulation, which is of most moment in this connection.

The purpose of the book is to set forth the "*subjektive Schuldlehre*," the theory that is to be found in the essence of crime the subjective element of guilt and not in a series of objectively determinable and discernible criteria in the conduct of the criminal. This theory is set forth negatively, in Chapter IV, pp. 39-77, and positively, in Chapter VII-IX, pp. 214-293. The similarity of this doctrine to the *mens rea* of the Common Law, the author acknowledges in his preface (p. iii), and he regrets that the conditions under which the book was written and prepared for publication made a careful examination of Anglo-American theory and practice on this subject impossible.

Obviously this can scarcely seem revolutionary doctrine to those who, like most Common Lawyers, have grown up with an almost contemptuous familiarity with *mens rea*. To the author, it seemed so wide a departure from accepted theory that he did not venture to present it at all to his students at Heidelberg and Kiel, even as an alternative view. Nor does he suppose it will

be ready for such presentation until it shall have sustained the fire of the criticism to which he confidently looks forward.

The book is polemical in the best sense. Its tone and spirit cannot be too highly commended. The doctrine he repudiates completely, that of Merkel and Binding, the "theory of Norms," he deals with briefly, merely indicating that he rejects wholly and unqualifiedly the premises on which it is based. The doctrines he combats, those of M. E. Mayer, Beling, Frank, von Hippel—to name only a few—he examines not merely respectfully but with full appreciation of their importance and their continuing significance. Indeed, the book is of eminent value as a means of orientation on German theories of crime and criminal law within the last decades.

Perhaps the most engaging feature of the book for us is its close contact with specific and concrete situations. It proceeds from the unimpeachable premise that a crime is not a single, isolated occurrence. Properly, the statement of every crime would be, as the book puts it, a *Kulturbild* or a *Kriminalnovelle*—a story involving a great many actors and extending over considerable time. For every crime we should need a book as complete as those which are prepared for *causes célèbres*, like the series of monographs now being published in England and the United States. Since this is so impracticable as to be to all intents impossible, we are forced to content ourselves with a selection of the elements of the case, a selection in which arbitrary or prejudiced choice is to some extent unavoidable.

Professor Kantorowicz lightens our labors by the ingenious device of preparing two folding tables (pp.

236, 276) in which the varying judgments in certain cases are given as they might be rendered or have been rendered under systems advocated by some twelve other jurists, as well as by the pre-1933 *Reichsgericht* and the Leipzig Commentary on the proposed German Penal Code.

The author's position is, as has been said, that guilt is subjective and that this subjective element and not the external act is controlling in the determination of what is criminal and what not. His ingenuity, his skill and his keenness of analysis enable him to present this theory as well as it can be done, but in the end the major difficulties with it are not quite surmounted. The first is that a proper application of the theory demands a real individualization of punishment and of criminality which neither the Italian school nor modern French or German penologists have, for all their insistence upon it, really accomplished. It requires just that exhaustive acquaintance with every aspect of the *Kulturbild* involved which is conceded to be practically impossible. And the second difficulty is that even if we could obtain a complete account of the situation, the elements would still be objectively observable data, not subjective at all.

For it remains true, as Brian, C. J., said *tempore* Edward IV, that the thought of man is not triable. No one, to be sure, would attempt to maintain the dangerous doctrine, *voluntas reputatur pro facto*, but, in some form, the slightly less dangerous principle, *factum reputatur pro voluntate*, is unescapable. Anglo-American difficulties with the *mens rea* doctrine have doubtless been recently examined by Professor Kantorowicz who is now, we may hope, permanently settled in

the United States, and they may well have already impelled him to a shifting of his stress on the subjective criterion.

Professor Kenny's excellent Outlines of Criminal Law and the books he cites, E. C. Clark's, Criminal Liability and Stephen's History of the Criminal Law, II, pp. 94-123, give us something of the analyses which our courts have attempted to make in order to make good the ancient rule of the *Leges Henri Primi*, *Actus non facit reum nisi mens sit rea*. No one will pretend that they have been quite successful. We may add Dr. D. A. Stroud's *Mens Rea* (London, 1914). The most recent examination of the subject on the basis of the American cases is found in the articles of Professor Sayres, "Mens Rea," 45 Harvard Law Review 974 (1932) and those of Professor Levitt in 17 Illinois Law Review, 117 and 578, to which may be added the convenient summary in Dean Justin Millers Handbook of Criminal Law, ch. 5, pp. 52-76.

The real point will perhaps always lie in finding the conditions under which two apparently similar acts may be discriminated in our penal system. If we insist on putting the basis of discrimination in the mental element of the actor, we shall find ourselves, in the end, compelled to do so by a sort of imputation, which may or may not be a fiction, but which certainly is dispensable. As psychology and psychiatry advance, they will assist us in finding conditions which make the imputation less and less fictitious. We can hardly hope that it will ever cease to be an imputation.

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THE MENACE IN OUR MIDST. By Christmas Humphreys and R. E. Dummett. 147 pp. Chapman and Hall, Ltd., London, 1933. 3/6.

In that it presents both sides of the question this little volume is a model for all who would write upon "menaces" of any type. First, Mr. Christmas Humphreys, barrister-at-law, fervently portrays the danger to the peace and security of Great Britain resulting from a recent increase in gangster-like crimes of violence. Then Mr. R. E. Dummett, a London magistrate, hastens to assure the reader that England is still far from "the bottomless pit of Chicagismo."

In his two-thirds of the book Mr. Humphreys pictures the grave consequences of leniency in the courts and of the "increasing moral flabbiness" and "fatuous sentimentality" of the English people. In 1930, for example, nearly fifty per cent of all persons convicted of crime were placed on probation and were thus permitted to have their "one free bite." Many of his comments will come as a shock to those American publicists who never weary of pointing to the British Isles as one place where punishment is inflicted surely and swiftly.

The quality of Mr. Humphreys' discussion is far from consistent. For example, his keen analysis of crimes arising from the cult of "expressionism" and a "romantic reaction" against the over-mechanization of life is followed by a diatribe against "mediumship and psychism in all its forms" as a source of pleas of "I could not help it." This same plea has, of course, often been made—and truthfully—by those whose compulsions have developed with-

out even a knowledge of the existence of mediums.

In his excellent comments, "relevant and irrelevant," Mr. Dummett compares Mr. Humphreys to the Fat Boy who boldly announced, "I wants to make your flesh creep." He does agree, however, that the United States is a tragic example of the evils of lawlessness and that the movies have often been "prostituted to enrich the financial cosmopolitan scum, whose soullessness and filth it mirrors with such fidelity." Perhaps because of his self-confessed optimism, Mr. Dummett concludes that the British public and courts will never surrender to gangster terrorism and that the recent slight increase in crimes of violence in England is more the result of greater opportunity than of greater depravity.

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FIVE HUNDRED DELINQUENT WOMEN. By *Sheldon Glueck* and *Eleanor T. Glueck*. xxxiv+539 pp. Alfred A. Knopf, New York, 1934. \$5.00.

The appearance of a book by the Gluecks has come to be an event of unusual importance for the social sciences in general and criminology in particular. They have in a period of five years published three studies which have deeply influenced our thinking in regard to our penal and correctional methods. The results, presented on the basis of scrupulously accurate and thorough researches have made questionable if not utterly useless many claims advanced by penal administrators. This, however, is not the only service rendered by the authors. Their studies have contributed to a better

understanding of the processes involved in criminal behavior and contain specific recommendations which, if taken seriously by those entrusted with the management of our correctional institutions would greatly improve the administration of criminal justice.

In *Five Hundred Delinquent Women* the Gluecks present in an arresting fashion the lives of prisoners from the Massachusetts Reformatory for Women. These women pass in review before the reader of the book and reveal to what depths a combination of unwholesome heredity and environment may lead. We note that about 60% of their parents were foreign born and in 77.3% of the cases had attended no school. In the matter of occupational and economic status the parents were far below that of the general population; 76.6% of the families were known to social agencies. On the basis of such parentage it is not surprising to learn that the home in the great majority of instances lacked the minimum essentials conducive to a reasonably decent life. In only 48.4% of the cases the authors found that the conjugal relations of the parents of these female delinquents could be classified as "good," and that in 58.4% of the cases the homes had been broken before the delinquent had reached the age of twenty-one. To add to these miserable conditions "in at least 58.6% of the families mental disease or marked 'peculiarity' or mental defect, or both, were present" (p. 70) and in 80.7% of the cases the girls came from families in which criminality and delinquency had made its appearance.

With such family background it would be miraculous to expect the women studied to be "normal" in all respects. Their childhood and ado-

lescent lives present a picture, the salient features of which include "physical and mental handicap, broken and inadequate homes, early uprooting of family ties, abnormal environmental experiences, limited educational achievement, necessity for early self-support, poor industrial adjustment, hazardous recreations and habits, unwholesome companionship and haunts, and, most significant of all, early signs of such antisocial traits of character and behavior as are commonly designated as delinquent or criminal" (p. 86). In addition, 98.2% of the total number of these girls had been sexually immoral prior to their commitment to the reformatory and 99% of them had been arrested and had conducted themselves in such a manner so as to bring them in conflict with the law prior to committing the act which resulted in their incarceration in the Reformatory.

It was to these women that the Massachusetts Reformatory, ably and intelligently directed by the late Mrs. Jessie D. Hodder, opened its doors with the avowed purpose of reformation and rehabilitation. The reformatory was called upon to effect in a comparatively short period of time changes in the character of individuals who in a majority of instances had failed to respond to other methods of treatment. Considering the background and characteristics of these women, it is not surprising to learn that 76.4% were delinquent during a five year post-discharge period.

In keeping with their previous studies the Gluecks discuss the feasibility of predicting outcome of correctional treatment. In the present study they present a method for the construction of prognostic tables that considerably simplifies their previous method and thus renders

the use of prediction tables more practical.

Five Hundred Delinquent Women ends with a chapter devoted to conclusions and recommendations. While many of the recommendations are specific and apply to the Massachusetts situation, the reader will also find recommendations that are general in application. The penetrating analysis ought to be seriously studied by everyone directly or indirectly concerned with the criminal process.

A good portion of the book is devoted to the methodology used in gathering the data, and may well become a research manual to students of crime problems as well as to social investigators.

ELIO D. MONACHESI.

University of Minnesota.

JUVENILE PROBATION. By *Belle Boone Beard*. xiv+219 pp. American Book Co., New York, 1934.

We have been presented of recent years with a series of studies, brilliant in their methodological approach, thorough in treatment, and provocative of serious thought, concerning the etiology and treatment of delinquency. One need but mention the names: Thomas, Burgess, the Gluecks, Vold, and Healy and Bronner, to appreciate the volume of work, the originality of approach, and the searching inquiry, which have characterized this new essay into the study of social maladjustment. Of these prophets Miss Beard has proved herself a worthy disciple. Concentrating on a different aspect of the problem—juvenile probation—she has published a noteworthy volume. Her approach is like that of the Gluecks, without,

however, their predictive tables, and necessarily without their thoroughness; but her inspiration and source-material were supplied by the Judge Baker Guidance Center in Boston.

The case histories of 500 children, averaging about 14 years of age, and a quarter of them girls, constituted Miss Beard's material. These children had been referred to the Center by the judge of the juvenile court, all prior to 1924. Thus at least five years had elapsed before this investigation commenced. Miss Beard studied every case intensively for pre-commitment variables; analyzed the reports of the probation officers; and determined the present degree of success in readjustment of every child. Her description of the work of the probation officers and her analysis of the principles of probation—the practical application of recommendations for treatment—comprise a fascinating and illuminating survey.

The initial chapter, on problem and method, is followed by an analysis of major preinstitutional variables; the body of the text is devoted to a consideration of the six major phases of the life situation of the delinquent child—home life, physical and mental health, companionship, recreation, work, and education—showing how probation as a form of social treatment may be used in their solution. The outcomes and conclusions of the study are too extensive for reproduction here, but are worthy of careful perusal. Supplementary graphs and tables, and blank copies of the forms and outlines used at the court and clinic are provided in appendices.

But one closes Miss Beard's excellent volume with a query: Is there not something lacking? The aspect is new; the description is

vivid; and the findings are interesting and illuminating. But it is the same old approach—the statistical analysis of atomistic case-data, primarily sociological. So far as it goes it has value; but it is static. Is it not possible to supplement it with some more dynamic psychological concept of character, perhaps as a type-scheme—not merely the listing of personality traits—with which as a basis one might perhaps predict not only how a person is likely to behave in a given situation, but also indicate the essential kind of treatment necessary for his rehabilitation? A case history in itself means little unless it be conceptualized as a biography. Not the detail, but the gestalt, of behavior determines our everyday reactions to people, and our expectations concerning their future behavior. And character is the essential concept in our impression. That the accuracy of our prognosis may be improved by reference to sociological norms is true; but it would seem that we depend upon some more subtle analysis of character for our basic "hunch." Indeed this might be the distinguishing characteristic of the casework as distinct from the statistical method. But first we shall have to develop the character-type scheme. The reviewer recommends this possibility as a suggestion perhaps of interest and value to Miss Beard and her immediate scientific predecessors, who surely, with the resources at their disposal, should be able to develop an adequate technique.

O. L. HARVEY.

State Prison Colony,
Norfolk, Mass.

POLICE ADMINISTRATION IN BOSTON.

By *Leonard V. Harrison*. viii+

203 pp. Harvard University Press. Cambridge, 1934. \$2.50.

In this, the third of a series of published studies concerned with crime and the work of criminal justice agencies in Boston, Mr. Harrison submits conclusions from a survey of police management and organization in the New England city. Conducted under Harvard University auspices, the inquiry was begun in January of 1927, and completed in December, 1933. The volume constitutes the report in its first published form.

This is not, in fact, a study of police administration. It is rather an examination of principles and methods of personnel management peculiar to the police organization. Conventional phases of police supervision—the distribution of control, the allocation of functions, and the manipulation of men and devices—have been well explored by such authorities as Bruce Smith, August Vollmer, and others. The special value of Mr. Harrison's report is derived from its necessary consideration of the factors of police personnel management which the technician cannot measure and which are to be accounted for in only the broadest terms. Thus, the author is occupied more with results than with methods, and what he offers may be used with but few qualifications in the solution of given problems.

Using this type of approach, Mr. Harrison is able to show how modern and tested principles of administration, training, and discipline, when properly applied to the police organization, can (1) insure the efficient conduct of what is logically police business, and (2) pave the way for the advancement and stability of the police profession. In

this connection the author reveals a keen perspective of the police problem. He has observed that the first aim is not to be realized to the exclusion of the second, or vice versa. To state it briefly, the author regards the human agency as a preponderant factor in any scheme of administration, and he would make proper allowance for it. It should be recorded that such judicious consideration for both sides of the police question is all too rarely found in discussions of the subject, whether they happen to be police studies, magazine articles, or newspaper editorials. Police commissions, committees, and other authorized groups concerned with police reform would do well to absorb some of Mr. Harrison's ideas.

Boston's police problems appear to be representative of those encountered in the average large city, of which St. Louis and San Francisco are atypical. Complexities of population, topography, and the political and social structure are reflected in weaknesses and limitations in the corresponding phases of law enforcement activity. Police personnel is a fair cross-section of Boston population, and occupational aptitudes are as unpredictable for the one group as for the other. Territorial expansion and the popular trend toward home rule have combined to prevent controlled and coördinated police operations in the scattered suburbs of the Boston metropolitan area. Mr. Harrison would correct this by consolidating the various authorities under a metropolitan system of administration. Finally, it is apparent that Boston receives the kind of police dispensation which it is content to have, on the one hand, and which it makes politically expedient on the other. In either respect, the author views

the present situation as destined to have a favorable influence on the future, for while there is nothing greatly to be praised, neither is there cause for alarm. In police terms, this is progress.

Police and civil service officials may study with special profit to themselves Mr. Harrison's astute and practical recommendations in the chapters on "Selection of Police Personnel" and "Training, Discipline, and Promotion." As with the author's other recommendations, they are characterized by penetration, timeliness, and just consideration of the taxpayer's and the policeman's equities in the benefits of efficient police management.

CHARLES DE LACY.

Chicago, Ill.

PSYCHOLOGICAL DIAGNOSIS IN SOCIAL ADJUSTMENT. By *Percival M. Symonds*. ix+362 pp. American Book Co., New York, 1934.

This book lists, describes and comments upon a wide variety of psychological tests, rating scales and questionnaires designed for the study of individual differences in the fields of criminality, mental disorder, vocational guidance and selection, and citizenship and leadership.

The author believes that fundamental ignorance of the individual personality is the barrier to social justice and sound social planning and he has herein surveyed the field to bring together what contributions psychologists have made in devising such techniques for the measurement of aptitudes, interests and habits in these fields. The second half of the book is an interesting compendium of some 200 of such tests (organized along the lines of

the author's earlier book—*Diagnosing Personality and Conduct*, D. Appleton-Century Co., 1931) presenting a brief description of each test together with a statement of its purpose, norms, reliability and published references. The compilation is fairly complete, well organized and sufficiently informative to be serviceable as a ready reference to the more important material published in this country.

Readers of this Journal will be chiefly interested in the chapter on the "Diagnosis of Criminal Tendencies." It is the thesis of the author that "any study of the individual should begin while the child is in school" and that anti-social acts can be partially predicted by earlier attitude and behavior trends. It is partly for this reason, and no doubt partly because of the paucity of tests for adult offenders, that most of the references here are to studies of the delinquent and non-delinquent child. The author shows how these two groups can be fairly well differentiated on the basis of a number of different factors. The inadequacy of the test method is recognized by Professor Symonds who concedes that no amount of statistical measurement at the present time can give us a comprehensive picture of the individual delinquent without a thorough case study based on interviews and observation. He also commends the introduction of the psychiatric point of view into legal procedure.

The fact that this brief chapter gives the criminologist or the practical penologist nothing new or particularly helpful is due to the limitations of the material and, as the author is perfectly willing to admit, to the rudimentary nature of our psychological knowledge in the field

of crime causation and prediction.
 EDWIN POWERS.
 State Prison Colony,
 Norfolk, Mass.

SEX IN PRISON. By *Joseph F. Fishman*. 256 pp. National Library Press, New York, 1934. \$3.00.

Mr. Fishman has been in prison work for the last twenty-five years. He was formerly inspector of Federal prisons, and in 1928 became associate consultant in delinquency and penology of the Russell Sage foundation, resigning to become deputy commissioner of the New York City Department of Correction, which position he relinquished at the beginning of the present regime. He has had close contact with American prisons and this book is an attempt frankly to discuss a subject which is of vital importance, and yet which until now has been shrouded in silence and entirely tabooed by prison officials. Dr. Harry Elmer Barnes, who is quoted in this volume, states "If one were consciously to plan an institution perfectly designed to promote sexual degeneracy he would create the modern prison." The reviewer found in his years of prison work that he was required to keep silent on sex subjects and to ignore its importance in the life of the average inmate, in spite of the fact that sex was ever brought to his attention in his routine psychiatric examinations.

Mr. Fishman does not keep an entirely scientific outlook when discussing this problem, although he does present in a rather vivid and convincing manner the dire results of official unconcern. He points out that "The majority of prisoners spend at least four or five of their

waking hours each day in small cells by themselves. If they do not have the ability or the application to read they must depend on their own thoughts to pass the time, and such thoughts must of sheer necessity take a pleasant turn in order to give them some relief from the monotony of prison life. This pleasant turn too frequently takes the form of fantasy and day dreaming about sex." Mr. Fishman then goes on to point out how many normal young men become degraded as a result of the abnormal environment found in prison, and eventually become homosexuals. He estimates that from twenty to forty per cent of prison inmates are homosexuals, but further states "For some reason physicians, psychiatrists, and others actively and passively engaged in prison work either ignore this important issue in full or in part. . . . Only those who have had long experience in prisons can understand the ethical code of the prisoners and the way in which this governs their conduct. This unremitting, unseen and irresistible pressure functions all the time in prisons."

The author discusses at some length how the sex problem can be handled in prison—"Undoubtedly keeping the inmates . . . busy is of enormous value in helping to solve partially some of the problems, physical as well as mental. . . . Few, if any, of the large penitentiaries and reformatories have enough work to keep all able bodied prisoners busy at the same time. . . . Exercise, of course, must play an important part in any system designed to keep prison inmates busy, . . . and suitable recreation."

In his last chapter the author discusses "What Can Society Do About Sex in Prison," and argues in favor

of allowing prisoners vacations in order that they may make a normal sex adjustment to life.

Unfortunately, Mr. Fishman has missed an excellent opportunity fully to present this subject and the reader feels rather let down at the end of the book, although the author should be given credit for having the courage of his convictions and presenting them to the public. His arguments are not likely to impress the prison authorities; there is little doubt that the smug indifference that always characterized the majority of these keepers of mankind will continue in the rut that was begun in the Dark Ages.

J. L. McCARTNEY, M.D.

Portland, Oregon.

AN INTRODUCTION TO SEX EDUCATION. By *Winifred V. Richmond*. ix+312 pp. Farrar & Rinehart, Inc., New York, 1934. \$2.50.

In her own words, Dr. Richmond presents "a summary of our present knowledge upon the biology, the history and the psychology of sex," not only for classroom use but for the general reader. Therefore in so small a volume, a somewhat cursory treatment may be expected.

The author traces the biology of sex phylogenetically and ontogenetically in sweeping yet comprehensive fashion. She follows through ethnologically from the taboos of primitive man, sketching the evolution of customs and laws governing sex in more complex society. The legal aspect of marriage is considered historically, starting with records of ancient civilizations, oriental and occidental, and ending with the diverse laws of our own states concerning divorce and the custody of children. Indeed the de-

velopment of the legal status of women throughout the ages, is touched upon. From the historical, social, psychological and legal angles, prostitution and homosexuality are viewed. The psychology of sex is skimmed from infancy to senility. Contraception and sterilization, as part of a eugenic program in a planned and organized society, are briefly discussed. Dr. Richmond has covered a vast territory in a short space, succinctly and fluently and has juxtaposed many aspects of sex upon which further information may be sought in the selected readings and more extensive bibliography at the close of each chapter.

CLAIRETTE P. ARMSTRONG.

Domestic Relations Court,
New York City.

THE PROBLEM OF MENTAL DISORDER. Edited by *Madison Bentley* and *E. V. Cowdry*. x+388 pp. McGraw-Hill Book Co., New York, 1934. \$4.00.

An adequate review of this book would require many pages because of its really great importance and also because of the great variety of material treated within its covers. The study grows out of the work of a committee of the National Research Council, supported by a grant of the Carnegie Corporation, which sought to determine the actual state of psychiatric knowledge and "for suggesting certain possible means of advancing our understanding and control of mental disorders." The result is a series of twenty-five papers, each written by a specialist in his field, with interstitial summaries and evaluations which are in the nature of a report of the committee.

The first five papers are summaries of the current points of view toward psychiatry: clinical, medical, neurological, psychobiological and psychoanalytic. The one common thread in all of these points of view is that of "the physician treating a disease by accepted means of diagnosis and therapy." Then follows twenty papers in which specialists from each of the possible supporting sciences indicate their possible contribution to the problems of mental disorder and, in every case, indicate possible lines for future research. Anatomy, bio-chemistry, physiology, biology, endocrinology, pathology, pharmacology, psychology, sociology, anthropology and education are represented. An interesting thread throughout all of these contributions from the supporting sciences is the tendency away from a belief in the possible "functional" explanation of mental disorders.

The volume is especially valuable because it emphasizes the possible contributions of the supporting sciences to the central problem of mental disorder and because it should stimulate research along valuable lines in each of them. This book should have the effect of delimiting the general field of psychiatry and strengthen training in the propaedeutic sciences for anyone who desires to work in this field.

SAMUEL W. FERNBERGER.
University of Pennsylvania.

ANONYMOUS LETTERS. By *Robert Saudek*. 142 pp. Methuen & Co., Ltd., London, 1934. 5/—.

In this little book some elementary principles of scientific graphology are exemplified. The author has chosen to use as background the dis-

puted writings in the celebrated Dreyfus case, the writing of some identical twins and a group of extortion letters, U. S. A. type. The discussion has the flair of a true detective story. It is lively and entertaining yet is too subjective to be particularly instructive. It may be read in an evening. Good illustrations of the principal writings discussed are provided whereby the student of handwriting analysis may acquaint himself with the classic blunders made in the Dreyfus case and test his own graphological sagacity.

EDWARD OSCAR HEINRICH.
Berkeley, California.

DE STRAFTOEMETING [The Imposition of Punishment]. By *J. Chr. F. Van Sandick*. xiv, 412 pp. M. Nijhoff. The Hague, 1933. Gld. 10.

The author, inspired by recent studies on the same subject in The Netherlands and especially in Germany, has engaged in an inquiry to determine the extent of uniformity in the judicial choice and the measure of penalties for various offenses and how the practice in these respects has changed, when a comparison is made between the pertinent data of 1913 and 1929. The various types of courts, including the juvenile courts, are examined by the aid of the statistical cards of the Central Bureau of Statistics. Five main classes of offenses (economic, aggressive, against goods and animals, against public order and authority, against morals), each subdivided into from two to six subclasses, and tables and a somewhat complicated and not always clear type of bar diagram are used to show comparatively the findings for

the two years mentioned. In 1929 the greatest variations in the choice and measure of penalties by the courts occurred in connection with the economic crimes and the offenses against morals. In the other offense groups, relative uniformity was found to exist. As might be expected, the juvenile courts were found to be generally less subject to uniformity than were the police and district courts. Compared with 1913, the author finds that in general penalties have been lightened; imprisonment has decreased in length and has more frequently been displaced by fines, while at the same time very short prison sentences have tended to disappear. In closing, the author discusses the suggestion made by Prof. J. Simon Van der Aa in 1921 for the establishment of a court of punishment (an argument familiar to American readers) and while he agrees that such a step would have distinct value, he questions its practicability owing to lack of adequate personnel and the fact that such a court would cause further delay in the administration of justice. The book is a welcome addition to the meager literature on the problem with which it deals.

THORSTEN SELLIN.
University of Pennsylvania.

AN ANNOTATED BIBLIOGRAPHY OF
BIBLIOGRAPHIES OF STATUTORY
MATERIALS OF THE UNITED
STATES. By *Lawrence Keitt*.
(Harvard Series of Legal Bibliographies, ed. by Eldon R. James, No. II). xvii+191 pp. Harvard University Press, Cambridge, Mass., 1934.

This is an indispensable tool for the scholar concerned with legal problems. The author, anticipating the compilation of a complete bibli-

ography of American statutory laws, has prepared a selected list of bibliographies which may serve as temporary substitutes for the completed work. He has defined "statutory materials" to include (1) session laws; (2) collections (codes, digests, etc.); (3) reports of code and revision commissions; (4) constitutions; (5) constitutional convention journals; (6) legislative journals. The book is divided into three parts. The first, occupying 157 pages, covers general and jurisdictional bibliographies; the second, law library catalogues; and the third, selected miscellaneous catalogues (auction and sale catalogues, general library catalogues and historical society catalogues). Altogether, 479 items are listed.

PRINCIPLES OF LEGISLATIVE ORGANIZATION AND ADMINISTRATION.
By *W. F. Willoughby*. xiv+657 pp. The Brookings Institution, Washington, 1934. \$5.

Those familiar with Mr. Willoughby's authoritative "Principles" of public administration and of judicial administration will find this volume a worthy successor. "Its primary aim is to present as clearly and as fully as circumstances permit, a logical statement of the several factors involved in organizing this branch of government and in providing for its practical operation; to state the alternative choices that exist in respect to the handling of each of these factors; to indicate the manner in which they have actually been handled by modern governments; and particularly by the national and state governments of the United States; to point out those features in respect to which our governments have failed to make their

action conform to correct principles; and, finally, to suggest the action that it is believed should be taken to correct such defects" (p. vi). In view of the recent action of Nebraska, the author's arguments for a unicameral legislature are of special interest.

that it be introduced into Norwegian law as soon as suitable staff personnel can be provided in the institutions concerned with its application. The analysis is marked by a keen appreciation of the principles involved. The documentation is almost exclusively Continental.

UBESTEMTE DOMMER [Indeterminate Sentences]. By *Nikolai Hoff*. 142 pp. J. Dybwad, Oslo, 1932. Kr. 9.60 (Publications of the Norwegian Academy of Science in Oslo, II: Historical-Philosophical Section, 1931, No. III).

The author, after sketching the history of the indeterminate sentence, proceeds to an examination of all the conventional arguments for and against the system, and concludes with the recommendation

LA POLICE ET LES MÉTHODES SCIENTIFIQUES [The Police and Scientific Methods]. By *Edmond Locard*. 82 pp., 48 photographs. Les Editions Rieder, Paris, 1934. 20 Fr.

A brief popular exposition of science as an aid in criminal investigation, about half of the text being devoted to fingerprint identification, written in a lucid and engaging style. A large number of excellent photographs serve to illustrate the chief arguments of the book.