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Book Reviews

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BOOK REVIEWS

THORSTEN SELLIN [Ed.]

KRIMINALSOZIOLOGIE. By *Wilhelm Sauer*. xxi+818 pp. Verlag für Staatswissenschaften und Geschichte, Berlin, 1933. M. 34.

The legal definitions and classifications of crimes have long been regarded as inadequate in principle and in details. A classification should be developed based on empirical investigation of the personal and social characteristics of criminals, and of the nature and circumstances of the crimes. If a classification of a sociological nature could be constructed it would be of great assistance in the development of theories of criminality, and in the determination of dispositions in criminal cases.

Wilhelm Sauer, professor of law in the University of Königsberg, has undertaken to make a sociological classification of crimes and of criminals. He regards the following items as having significance for such a classification: (a) motives and needs of offenders; (b) methods used in committing the crime; (c) relationship between the offender and the victim; (d) whether associated with other crimes or independent of them; (e) number of previous crimes committed by the same offender, and (f) the personal traits of the offender, as age, sex, vocation, group membership.

The inclusion of this number of variables makes the schemes of classification complicated, so that they cannot be described adequately in a brief review. In outline form,

it can be explained that he divides crimes into three classes: attack-crimes, pecuniary-crimes, and weakness-crimes. The attack-crimes generally result from a surplus of energy and are designed to injure a specific victim; no other victim will serve the purpose. The pecuniary-crimes generally result from need or necessity, and any victim who has money will serve the purpose; there is nothing personal in the relationship between the offender and the victim as in the attack-crimes. The weakness-crimes generally result from weakness or from perverted desires, and are illustrated by begging, vagrancy, and prostitution; they are, in fact, a special form of pecuniary-crimes.

Cutting across this classification of crimes is a four-fold classification of criminals, differentiated from each other by the methods which they use. These methods, in turn, are symptomatic of the personal characteristics of the offenders. The four classes of offenders are as follows: (a) those who use direct physical methods, as in assaults or in snatching purses; (b) those who use symbolic methods, as in slander or fraud; (c) those who misuse power or abuse confidence, as in treason or embezzlement; and (d) those who exploit the weak, as in usury. In each of the three classes of crimes, each of these four types of criminals may operate.

It should be understood that the

above classification is based on ideal types; in practice there may be many combinations, in part because the laws do not define crimes in the same manner that the author does.

Professor Sauer not only makes these classifications of crimes and criminals, but he also evaluates them from the point of view of social danger and against these varying dangers he weighs the penalties now inflicted. From this point of view he decides that the most dangerous crimes and the ones punished least are fraud, violation of trust, and exploitation.

A second classification is based on the influences which produce crimes. These influences are three, namely, environment, personality, and free will. Criminals are differentiated into first-offenders and recidivists. Each of these groups is then classified with reference to the greater or smaller influence of environment, of personality, and of free will. The crime of passion is one in which personality is a strong influence, and environment and free will are of little importance. On the other hand, the professional criminal is one in whom personality and free will are important influences, while the environment is of little importance.

Many questions may be raised regarding each of these classifications. Especially, there is little evidence that the classification is based on empirical investigations. Nevertheless, the problem of classification is of great importance, and the author has made some very significant contributions. No one who works on this problem can afford to overlook this book.

EDWIN H. SUTHERLAND.
University of Chicago.

PRISON DAYS AND NIGHTS. By *Victor F. Nelson*. xxiii+283 pp. Little, Brown & Co., Boston. \$2.50.

With popular interest at fever pitch as the result of a series of spectacular and highly publicized crimes and conferences on crime, circumstances are especially propitious to the favorable reception of books dealing fairly and frankly with various phases of the crime problem.

To a great extent "Prison Days and Nights" is such a book. The author, who, for offenses ranging from drunkenness to robbery and from larceny to assault, has spent more than a third of his thirty-four years in penal and correctional institutions, has, at the direction of a prison psychiatrist, assembled an interesting and authentic study of prisons and prisoners. In treatment, the book is a series of lively essays, each dealing with a different aspect of prison life. Although the personal equation is by no means entirely absent, the subjective viewpoint which usually dominates such books has been modified by depending chiefly upon specific instances rather than arbitrary generalizations.

The chapters dealing with "Prison Stupor," "Drugs and the Criminal," "Reforming the Criminal," and "The Freedom of the Convalescent" are excellent treatments of subjects too often completely ignored. "Prison Days" and "Prison Nights" are good accounts of prison routine; the conversation of the average prisoner is recorded with fair accuracy in two chapters of "Remembered Conversations"; "Men Without Women," deals adequately with the sexual side of prison life; "The Prisoner Speaks to the Psychiatrist" is of doubtful value.

There are, however, some glaring errors. For instance, the attempt at classifying prisoners according to their offenses in order to discuss their mental attitudes is palpably ridiculous. Equally absurd are Nelson's contention that the attitudes of prison "politicians" are admired and "sedulously aped" by other convicts, and his theory of physical unattractiveness as an important cause of crime. Still other faults are his habit of attributing the traits of a single type of prisoner to the long-suffering "average" prisoner, and the tendency to regard as peculiar to convicts traits which are to be found in even crasser forms in civil life. In certain overdone portions, notably "The Prisoner and Reformation" and "Prison Ethics and Etiquette," a psychologist might without great difficulty unearth indications of the author's willingness to shine by contrast.

The loose use of such terms as "gangster" and "prison official" may confuse the lay reader, who is likely to associate the former term with those upon whom the newspapers confer the title, and the latter with the scientific penologist. There are also several direct contradictions in the text.

Taken as a whole, however, the book is undoubtedly one of the best of its kind ever written by a prisoner. Those who have felt the need of an intimate glimpse into the convict's life will hail it as a godsend; the ordinary reader will find it well written and extremely interesting, although not flattering to traditional beliefs and preconceived judgments. With the laborious gains of the intelligent penologist in imminent danger of being wiped out by an artfully stimulated wave of antagonistic feeling, the work should prove

valuable in helping to temper the present hysteria.

A PRISONER.*

THE SLUM AND CRIME. By *Irving W. Halpern, John N. Stanislaus, and Bernard Botein*. 164 pp. New York City Housing Authority, New York, 1934.

The authors of this study have undertaken to relate statistically slum areas and delinquency in the Boroughs of Brooklyn and Manhattan in New York City. This task was entered upon at the behest of the New York City Housing Authority. Through the Civil Works Administration, a large group of untrained workers were appointed to this study. This made possible the prosecution of the study on a wider basis than is ordinarily possible, but the workers' lack of technical training is reflected at certain points in the findings. The year 1930 was used as the base year for collecting data on the adult and juvenile delinquents whose records were taken from police precinct and court files. The approach is primarily statistical, though three case histories of offenders form one chapter of the report. The number of charts, tables, maps and social base maps is rather staggering and, to some degree, detracts from continuity in the presentation of the findings.

This study accomplished what so many researches in the social sciences do: it verified to a considerable degree the long-held belief that the slum is an important factor in the causation of crime and delinquency. The authors rightly insist that their statistical findings do not

*The author of this review is a long-term prisoner in the Eastern State Penitentiary of Philadelphia.

explain how the slum causes crime, but assert that a high degree of association between crime and slum areas is undeniably proven by previous studies as well as by their own. This point is not without its logical consequences. It is interesting that the association between crime, delinquency and slum areas is shown to be much closer in Manhattan than in Brooklyn. Some exceedingly valuable data are presented in this study, but the array of charts, tables and base maps has not been organized so as to realize the maximum value from such material. Further statistical manipulation of some of the data might yield interesting results. A point worthy of note is that this study represents a cooperative effort of two separate fields. The authors of the study are probation officers and, one a District Attorney while the research was initiated by the Housing Authority of New York City.

JAMES H. BARNETT.

University of Pennsylvania.

THE FAMILY IN COURT. By *Jonah J. Goldstein*. xiii+1, 284 pp. Clark Boardman, New York, 1934.

Judge Goldstein, one of the New York City Magistrates, assigned to the Domestic Relations Court, presents his case against the bench of that court which, in his view, has not developed the Domestic Relations Court to the utmost of its potentialities, as provided by law.

Permissive or mandatory legislation is never a substitute for administrative ability and serious thought by administrators, in any public position. In other words, the passage of a law does not in itself therefore provide for the orderly execution of the law nor carry out its spirit. This

viewpoint is amply discussed and presented in this volume. The judge reviews the history of the Children's Court, the earlier provisions for the treatment of children in contact with the law, the consolidation of the Children's and Family Courts into the Domestic Relations Court and points out the failure of the judicial staff to function effectively from a social viewpoint, adding that observance of the legal forms and terminology means confusion to the usual defendant. In his opinion, the Court should function socially and not legalistically.

If the volume were less propaganda, if the presentation were illustrated by data on socialized courts and less concerned with both the shortcomings of the present organization and the difficulties flung in its path by members of the bench (the court being in operation since October, 1933, about one year at the time of publication), the volume might be justified. Incidentally, forty-four pages are devoted to an exact citation of the Domestic Relations Act of the City of New York.

It may be that Judge Goldstein's criticism has local value and interest. Undoubtedly there is some public service rendered by urging a socialized court. But the variety of subjects discussed leads one to feel that the author has touched upon many ideas and propounded but few of them.

W. ABRAHAM GOLDBERG.

Chicago, Illinois.

THE CASE FOR STERILIZATION. By *Leon F. Whitney*. v+309 pp. Frederick A. Stokes Co., New York, 1934. \$2.50.

This book is a defense—and a weak one—for the *voluntary* steril-

ization of the socially inadequate. It is a non-technical and very superficial analysis of those facts that aid the author in support of his thesis. The book is neither a scholarly nor scientific study, but a popularization of what meagre knowledge we have on the subject. Certainly the book makes no contribution to what little we know of eugenics, biology, sociology, economics, psychology, surgery and therapeutics in relation to human sterilization. Nor does the author properly present the case of his opponents who do not advocate human sterilization.

The reading of the book suggests several questions that remain unanswered. How would the author proceed to educate the idiots, the imbeciles, the morons and the criminals to submit *voluntarily* to sterilization? Would he ask the unemployed to permit themselves to be sterilized even though society itself, in so many instances, is to blame for their economic insecurity? The purposes of a review are not to engage in a controversy with an author, but the reviewer is so outraged at the exaggerated claims of the author that he cannot but ask the reader to read his own book, "Human Sterilization" as an intellectual antidote.

J. H. LANDMAN.

New York City.

THE IDENTIFICATION OF FIREARMS.

By *Jack D. Gunther* and *Charles O. Gunther*. xxvii+342 pp. John Wiley & Sons, New York, 1935. \$4.00.

This book may be appraised briefly as follows: very good for the individual who wishes to obtain information regarding the fundamentals of firearms identification; a bit too elementary for the experienced;

and excellent for lawyers whose clients' interests depend upon the use of firearms experts in court.

With the aid of numerous photographs, the authors have presented their case for firearms identification in a clear and understandable fashion. Most of this is accomplished, however, in the first hundred pages, which constitute the most important and valuable part of the entire treatise. Another section (from page 246 to 299) comprises an analysis of court decisions, and in this co-author Jack D. Gunther, of the New York Bar, presents a very good piece of work. The remainder of the book is of little or no value; in fact, it is in this part that most of the objectionable features are to be found.

The chief fault which the reviewer has found with "The Identification of Firearms" is the unfair treatment administered various firearms experts by the authors who at times seemed more intent upon criticizing certain individuals than in presenting to the readers concrete and impartial facts from which to draw their own conclusions. Practically every individual whose name is mentioned as a firearms expert (or even alluded to) is branded as incompetent, so that in the final analysis there remains but one qualified expert in the entire nation—Charles O. Gunther himself. A special effort seems to have been made to minimize the efforts and contributions of everyone else. Such competent men as Crossman, Wiard, Souder and others are ignored entirely. Goddard fared a little better. His name is mentioned in a footnote, although accompanied by a very disparaging innuendo. Upon all other occasions Goddard is "the witness," and as "the witness" in the *Evans* case, the *Fisher* case, and

the *Campbell* case, he bears the brunt of some extremely puerile criticism. For instance, such trite comment as this appears at the conclusion of a quotation of Goddard's testimony in the *Campbell* case: "This testimony is nothing more than a repetition of the subject matter in the article [written by Goddard himself] which was discussed by the Supreme Court of Kentucky in *Jack v. Commonwealth*." What difference does it make whether the testimony was a repetition of the witness' opinion previously reduced to writing? Comments of this nature are indicative of an inclination to permit personal feeling toward an individual to interfere with an impartial and justifiable criticism of the contributions of that individual. Such pettiness should have no place in a treatise of this nature.

Almost half the entire book, 143 pages, is devoted to a discussion of the firearms aspect of the *Sacco-Vanzetti* case, because of "the abundance of interesting material relating to the identification of firearms." The testimony of "expert witnesses" for both prosecution and defense is reproduced at great length—all for the purpose of showing that "the testimony given by the experts for the commonwealth was incompetent; . . . not based upon a reliable method of proof," and that "the testimony of the experts for the defense was utterly incompetent," displaying "an ignorance of any reliable method of proof employed in the identification of firearms."

Sitting in judgment at the present time, it is relatively easy to criticize the work of others fifteen years ago—measured by present day standards. This, however, is obviously unfair. But not so with the Gun-

thers. They feel justified in censuring Captain Van Amburgh and the other witnesses in this case for not using the comparison microscope (p. 244) when, as a matter of fact, these men examined the firearms evidence and rendered their testimony approximately five years prior to the advent of the comparison microscope—*according to the authors' own chronological history* (p. 19). Furthermore, although the Gunthers pretend to give a "complete analysis" of this case, they neglected to mention the fact that during the Lowell Committee investigation, five years later, and prior to the execution of the two defendants, Colonel Goddard was called upon to examine the firearms evidence *with a comparison microscope*, and his findings substantiated those of the State's witnesses. (See 24 J. Crim. Law 825, 834 (1933).) The reason for the authors' neglect to supply their readers with this additional bit of information is a matter of conjecture.

Despite these objectionable features, "The Identification of Firearms" is a fairly good book. It does fall short, however, of the range set for it by the authors. Apparently they intended to produce a standard text on the subject, as may be inferred from one question of a group listed at the conclusion of the book to be asked of an expert witness "to test the ability of the witness and to bring out his familiarity with and knowledge in this field." That question is, "Have you read Gunther on 'Identification of Firearms?'"

FRED E. INBAU.

Scientific Crime
Detection Laboratory,
Northwestern University.

HANDWÖRTERBUCH DER KRIMINOLOGIE. Edited by *A. Elster* and *H. Lingemann*. Sections 13-14 (Prostitution — Sonderpolizien, pp. 425-632). Walter de Gruyter & Co., Berlin, 1934. M. 6.00 each section.

The new additions to the Dictionary-Encyclopaedia of Criminology contain thirty articles of varying length and interest covering aspects of crime causation, law, police work, and penal treatment. An article on "Psycho-analysis" by *Wiethold* adopts a critical attitude, concluding that "the practical value of psycho-analysis of criminals is small" partly owing to legal barriers but also to the failure of the psychoanalyst to make clear the therapeutic value of his art. The article by *Gruhle* on psychopathology and psychoses is too brief to give more than the bare outline of the problem, and the one on race in its relation to crime, by *Hagemann*, while interesting, is inconclusive, owing to the absence of scientific data on this question. The most extensive treatment is given to the questions of suicide (*Elster*, *Hübner*, and *Roesner*), measures of security (*Siewerts*), preventive detention (*Schafbeutle* and *Hauptvogel*), crimes against morals (*Wiethold*), and firearms investigation (*Brüning*). The bibliographies appended to most articles are often very extensive and occasionally have an international flavor. When completed, this work should prove a worth while addition to any reference library.

THORSTEN SELLIN.

SYSTEMATIC OUTLINE OF CRIMINOLOGY, WITH SELECTED BIBLIOGRAPHY. By *Walter A. Lunden*.

115 pp. University of Pittsburgh, Pittsburgh, 1935.

The author proposes in this outline to present in systematic form some of the material which has been accumulating in the criminological field in the last century. In a series of chapters on criminology and criminologists, the extent and character of crimes and criminality, the dynamics of crime and criminality, criminal jurisprudence, the administration of criminal justice, penology, the problem of crime prevention and criminological research, he lists some of the most important references, chiefly in the English language. The pamphlet should prove useful to the general reader as well as to the beginner in criminological studies.

PROCEEDINGS OF THE NATIONAL CONFERENCE OF SOCIAL WORK: INDEX, 1874-1933. ix, 236 pp. University of Chicago Press, Chicago, 1935. \$3.00.

Because of the wealth of information on penological questions concealed in the Proceedings of the National Conference of Social Work, all research students will be grateful for the index of the first sixty volumes. Compiled by *Bertha Freeman Hooper* and *Alice F. Atkinson*, this index gives a complete list of meeting places and presidents, an index of authors, and a well cross-referenced subject index. It is proposed to issue a revision at five-year intervals.

A LEPROSA É CAPAZ DE ALTERAR OS DESENHOS PAPILARES DAS IMPRESSÕES DIGITAES. [Leprosy can change the papillary designs of finger prints.] By *Leonidio*

Ribeiro. 15 pp., 44 plates. Impresa Nacional, Rio de Janeiro, 1934.

A demonstration, which challenges hitherto current ideas, by showing that leprosy may cause such grave alteration in papillary patterns that they cannot be used in identifying a diseased person through prints taken prior to the onset of the disease.

THE ROSSO CASE. By *Abraham Kaplan, Samuel A. Berger, and George I. Gross*. 346 pp. Central Book Co., New York, 1934.

A narrative by members of the law firm which assisted in the prosecution of an arsonist convicted of an attempt to collect a quarter-million dollars' worth of insurance.