


Summer 1937

## Book Reviews

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### Recommended Citation

Book Reviews, 28 *Am. Inst. Crim. L. & Criminology* 151 (1937-1938)

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## BOOK REVIEWS

THORSTEN SELLIN [Ed.]

PREDICTING CRIMINALITY. By *Ferris F. Laune*. 163 pp. Northwestern University Studies in the Social Sciences, No. 1., Northwestern University, Chicago, 1936.

This little volume scarcely lives up to its ambitious title, though it is an interesting report on the efforts made to extend and apply statistical methods of prediction in criminology by one of the official "Sociologists" (1933-1936) of the Division of Pardons and Paroles of the state of Illinois.

Two trusted and exceptionally qualified inmates at Joliet, Mr. X and Mr. Y, estimated the "parolability" (i. e., probable success on a three year parole) of 150 other inmates known personally to both. Finding a correlation of  $r = +.62$  between the two series of estimates, the inmate-investigators sought to find out, through mutual discussion, what specific items of information or other objective factors had given them their "hunches" as to the "parolability" of their fellow inmates. Items such as "attitude toward future," "recidivism," "love of comfort," and many others were discussed until an "exhaustive" list of 42 such "hunch" factors had been developed.

To bring the procedure within range of possible administrative routine, a 1700 question questionnaire was constructed which included an elaborate analysis of

each of these "hunch" factors such that any inmate's answers to these 1700 questions would reveal "parolability" as successfully as the "hunch" estimates of Mr. X or Mr. Y. This questionnaire was tested on a "Truth Group" (57 inmate volunteers who, after careful explanation of purpose, had pledged themselves to give "truthful" answers) and on four "Random Groups" (no pledge of truthfulness of answers) of 57 inmates each.

Since a 1700 question scale is obviously impractical for general use, an abridged one was constructed consisting of the 159 "best" questions, as determined by elaborate analysis. "The best-adapted questions . . . (were) . . . selected from those which manifest a response distribution similar to the "hunch" distribution. . . . Total scores built up from questionnaire scores exhibit a correlation of .68 with inmate estimates and .62 with Burgess scores" (p. 65).

Opinions will differ in judging the significance of work such as this. Sympathy with the effort to quantify and objectify methods in criminology must not be permitted to conceal the fact that the whole basis of this elaborate analysis rests on the unverified "guesses" or "hunches" about the probable future criminality of prison inmates expressed by two fellow-convicts. As an empirical study of questionnaire construction, or as an introduction to the study of the

validity of estimates, this research is excellent—as a method of predicting criminality it is far-fetched and elusive. Despite the excellence of its statistical analysis, one is reminded of the story of the Arizona farmer who, having pigs for sale but lacking a scale on which to weigh the animals, constructed a balance, put the pigs on one end and piled rocks into a box on the other end, both buyer and seller taking every precaution to see that an exact equilibrium was obtained—and then guessed at the equivalent weight of the rocks.

GEORGE B. VOLD.

University of Minnesota.

**EUGENICAL STERILIZATION. A RE-ORIENTATION OF THE PROBLEM.** By the Committee of the American Neurological Association for the Investigation of Eugenic Sterilization. *Abraham Myerson, M.D., James B. Ayer, M.D., Tracy J. Putnam, M.D., Clyde E. Keeler, Sc.D., Leo Alexander, M.D.* 211 pp. Macmillan Company, New York, 1936. \$3.00.

There are two scientific attitudes regarding the problem of eugenical sterilization. Either the theoretical foundations including the newest data and a deepened conception of what we use to call "constitution" are verified. Or we continue to experiment at it and try to approach the American, properly speaking the Californian experiences, the Swiss or the Danish results and the issues of the German mass experiment and deduce from them theoretical teachings. The empirical knowledge of sterilization practice will add one very important contribution to our

theoretical understanding; there is no other way to determine whether experiments made upon plants and lower animals apply also to man and his most intricate psychic reactivity.

The special committee appointed by the American Neurological Association has attempted a critical evaluation of the scientific as well as the scientifically dressed mythical elements underlying the theory of eugenical sterilization.

Rüdin himself will scarcely deny that his well known studies about the inheritance of schizophrenia were manifestly selective and therefore hardly conclusive, and that his statistical approach (I would prefer to say numerical approach) cannot claim scientific value, unless control studies are made on a large scale. In the case of manic-depressive psychosis both valuable material and control studies are lacking and the data of Luxenburger and Schulz on the alleged percentage of definite manic-depressive psychosis in the general population are merely statistical illusions. With reference to manic-depressive constitutions and particularly the hyper-thymic temperament, I emphasized four years ago (*Eugenik and Kriminalwissenschaft*, Berlin, 1933) that sterilization might cut off from the race members of the greatest cultural and social value. The report stresses this danger and cites at length figures like Beethoven, Goethe, Frederick the Great, Blücher, Byron, Dostoiwsky, Kleist, Michelangelo, Napoleon, Newton, E. A. Poe, Robert Schumann, Tasso Tolstoi and many others. If an overhasty and inconsiderate eugenical practice had rooted out all these geniuses, the term "eugenic" would have lost its real meaning.

After having discussed the inheritance of feeble-mindedness, where the British Report of 1934 paved the way, epilepsy and the more or less important chronic progressive neurological diseases, the report reaches what it calls "crime" and its inheritance and what I should prefer to characterize as criminal tendencies. How hazy and vague the notions about "crime," "criminals" and criminal "constitution" are and how little the incessant interplay of environment in the broadest sense and human reactivity is grasped by many eugenists is shown by Langes book and its unscientific title: *Verbrechen als Schicksal* (1929) and the most recent book by Stumpfl, *Die Ursprünge des Verbrechens* (1936). Lange does not seem to be aware that in uniovular twins uniformity of the milieu is "twinning" exactly the same reactions, and Stumpfl seems to consider it as "destiny" when twins are induced to sexual intercourse with the same vicious girl of thirteen (p. 46), or when twin-girls absolutely resembling one another commit incest with their father (p. 87). The whole twin problem is affected by the fact that, as the high mortality shows, twins are already biologically handicapped when they enter under similar conditions a world of identical outside stimuli.

I have been especially interested in the arguments of the report relating to the supposed increase of mental disease and defective mentality, their propagation rate and death rate. The revised data for Massachusetts (p. 31) and New York (p. 33) deserve the most careful attention. Drs. Henry B. Elkin and Maurice Taylor prove

that when certain necessary statistical adjustments are made, admissions of cases of manic-depressive psychosis show no increase in Massachusetts, and only a slight rise in New York; dementia praecox shows a decrease in the Massachusetts admissions, in New York a slight rise, probably due to the last (1932-1934) three years of depression. Much used alarming statements are reduced to their real value, when even Popenoe tells us that "the marriage rate of the psychotic of both sexes is markedly below that of the general population of all ages" and when the British report affirms: "The supposed abnormal fertility of defectives is in our view largely mythical."

I fully appreciate the concept of eugenical measures and of preventing the propaganda of the unfit in one way or another, but I think in a subject involving the most fragile and delicate forces of living matter, there ought to be research before resolution, study of physical laws before law-making. That is what the British commission of 1934 taught us and that is the advice and the warning call of this noteworthy American report.

For obvious reasons I agree with the recommendation (p. 148) that "any law concerning sterilization passed in the United States under the present state of knowledge should be voluntary and regulatory rather than compulsory." Compulsion tends to bring about a defensive, anti-eugenical attitude of the people and to wear out the idea of eugenics before it arrives at maturity.

HANS V. HENTIG.

Washington, D. C.

PRISONS AND BEYOND. By *Sanford Bates*. xii+334 pp. Macmillan, New York, 1936. \$3.50.

Interesting as his own life is; Sanford Bates' book, "Prisons and Beyond," based on experience gained from twenty years of prison work is more so. Mr. Bates, who until recently was United States Director of Prisons, skillfully and illuminating discusses the inadequacies and possibilities of our prison system. Both the student in criminology and the casual reader will find this an interesting and stimulating treatise on the emergence of our prison system and care of the prisoner from one of medieval cruelty to one of treatment of the prisoner so that he will become a useful member of society, based on modern scientific studies.

Bates shows the inadequacy of the county jails in the United States as places in which to keep Federal prisoners. There are over 3,100 county jails in the United States which have a yearly intake of more than 1,000,000 people. These jails are very poorly managed, filthy, disease breeding, overcrowded places. The author quotes some inspectors who passed through these places of confinement. One shudders to think that humans can be detained in such horror-ridden places in this civilized country. It is mainly the riff-raff of our population who have committed some petty crimes who are confined there. Instead of educating and reforming these individuals, the caretakers so maltreat them that they emerge with a will to seek vengeance. In the majority of these jails there is no separation of the guilty from those about to be tried, of the accidental from the habitual criminal, or of the juvenile from

the adult. They while away their time contemplating how to get even with society for sticking them away in those rat-infested holes because they are too poor to pay their fines or to put up bail.

The purpose of the prison is to readapt the offender to social life and to reform and humanize him. Is that what our prisons are doing? The prison guard, the man in closest contact with the inmate, on the whole is a dull, stupid, sadistic type of person. Until we offer a more lucrative wage, we cannot expect a better class of prison guards. There is much idleness in our prisons so that the prisoners have much time to nurse their grievances. Those who do work, work on outmoded machines, doing the kind of work that in most cases they will not be able to follow upon their release. Political meddlers often breed either enmity or contempt in the prisoner toward the outside world. For most prisoners there is a feeling that "justice" does not exist when the big shots (only a small minority) those with "pull" or lots of money, get the soft jobs and a speedy parole or pardon. So much hatred is aroused toward officialdom that one can hardly be surprised at the high rate of recidivism.

The Federal Bureau of Prisons is trying to do away with these many evils in the Federal Institutions. It is trying to create a new system that looks upon the prisoner as if he were a diseased person, and it is its duty to cure him. It has introduced a more humane system of punishment by using the deprivation of privileges instead of brutal types of punishment. Every effort is made to get prisoners out of their cells into shop or farm or into the yard each day for certain

hours. For those who can be trusted, the Bureau is developing the camp system. Great increase in the use of probation and parole, the attempt to employ prisoners in industries and vocational pursuits, the introduction of carefully managed libraries, the insistence upon medical prophylaxis, the classification of prisoners in a variety of institutions and within an institution by the use of the classification committee, the recent development of new types of prison architecture, have characterized the recent history of the Federal prison system. Mr. Bates has admirably described the operation of the Federal prison system which due to appropriations by Congress is becoming well equipped and adequately staffed. He imagines the prison of the future "will be clean and busy, will use all the resources of science, and will give prominent place in its personnel to the psychiatrist, the sociologist, and the physician. Its employees will be under Civil Service and specially trained for the job. The sentences will be indeterminate and all releases therefrom will be under supervision only after judgment of a highly qualified parole board."

For the first time, a well rounded picture of the prison system of the United States is presented. It is outlined by one who has had an important part in its recent development. Along with his description of the system appears the fundamental philosophy of one who had had that philosophy forged into shape in the furnace of experience in one of our states and now in the new Federal system. He knows the penological theories, but he is not obsessed by them. He knows they must meet the tests of actual trial in a prison system. He

is swayed by neither sentimentality toward the victim of an ill-adjusted economic and social order, nor by callous reaction to the hardened offender. He is motivated by the conviction that any system must protect society. To do so, however, Bates is convinced that the treatment of each prisoner must be based upon a thorough knowledge of that individual.

J. L. GILLIN.

AARON TETTELBAUM.

University of Wisconsin.

OBSTRUCTION OF JUSTICE BY RELIGION. By *Frank Swancara*. 298 pp. W. H. Courtright Publishing Co., Denver, 1936.

The author, a member of the Colorado Bar, wrote this volume as a result of "a seemingly irresistible urge to give publicity to the amazing, though practically unknown laws, cases, decisions, and situations" which suggest that religious beliefs poison the judicial mind and obstruct justice.

Among the topics discussed are the disqualification of witnesses who believe neither in a future state of rewards and punishments, nor in a Supreme Being, the corrupting influence of the oath required of witnesses, the attacks on the credibility of non-religious witnesses, judicial disregard of the equal protection clause of the Constitution as it affects the non-religious, the constitutional disqualification of the non-religious for public office, judicial invalidation of "infidel" wills and trusts, and the operation of blasphemy laws. A chapter is devoted to each of these topics.

Most of the material is drawn from the earlier records, especially

those of the nineteenth century, but the first quarter of the twentieth century furnishes a sufficient number of examples of "a few existing common law and judicial barbarities which ought to be exposed and denounced."

In so far as the author deals largely with the earlier statutes and decisions which have for the most part been repudiated his exposure and denunciation do not seem to be particularly pointed. Yet those interested will be grateful to Mr. Swancara for collecting the more recent examples of cultural lag in statutory law and judicial decision so far as theological doctrine is involved.

Mr. Swancara is indignant. That is his privilege. The volume reflects his indignation. The result is a series of exhibits, a collection of cases which justify his resentment.

It seems to me that the author would have produced a more integrated volume had he attempted more interpretation instead of denunciation. He might have calmly concluded that "justice" is not administered in a vacuum but operates within, is obstructed by, and reflects the existing social, economic, and religious beliefs and practices of the period.

Nevertheless, it is refreshing occasionally to have less of interpretation and a bit more of indignation—especially in the field of desiccated legal research.

NATHANIEL CANTOR.

University of Buffalo.

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CRIME AND SEXUAL DEVELOPMENT.

By Arthur N. Foxxe, M.D. Pp. 91.  
The Monograph Editions, Glen Falls, N. Y., 1936. \$2.75.

In this brief work, the psychiatrist at Great Meadow Prison proposes a new term for criminal behavior and suggests certain changes in the classification of criminals based upon psychoanalytic principles.

He observes that criminal behavior differs from the "more private" psychotic or neurotic types in the attitude of society toward it. "It is the judgment that makes the crime." To express this idea more objectively and conveniently he coins the word "criminosis" (adj. "criminotic"). The Latin root expresses the juristic aspect of the concept, and the Greek suffix brings the term into line with the accepted names of abnormal human conduct, psychosis and neurosis. (For purists he suggests "crinosis" (adj. "crinotic").)

The "criminoses," just as the psychoses and neuroses, may perhaps be best classified upon the basis of the most prominent symptom formation. Hence, the author suggests, the psychiatrist should simply accept "in entirety the classification built up by penal machinery" and not attempt to force all criminals into some subdivision of the psychoses or neuroses. Certain criminals may be psychotic or neurotic just as they may be diseased in other ways, but a classification clearly applicable to the whole group would seem to facilitate a more complete approach to this type of behavior.

Foxxe then proceeds to subdivide the penal classification into two chief groups and a number of lesser groups. He points out that crimes are most frequent from 15 to 25 which period roughly coincides with that of sexual development. As a psychoanalyst, he believes that this period recapitulates the phases

of infantile sexuality, and consequently he further subdivides his groups according to the "stage of fixation" which he feels each crime represents. The advance of the libido in adolescence seems to him to parallel in criminals the advance in the type of crime they commit. The bulk of the book is devoted to sketches of cases in support of this thesis. The cases are described in the dogmatic manner of many psychoanalysts, and at the end the author admits he may have "ventured too far on the side of speculation," but he justifies the course by the newness of his approach to a complex problem.

There is a short bibliography.

FREDERICK H. ALLEN.  
Philadelphia, Pa.

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THE ROLE OF THE BAR IN ELECTING THE BENCH IN CHICAGO. By *Edward M. Martin*. xxi+385 pp. University of Chicago Press, Chicago, 1936. \$5.00.

Here we have what is perhaps the most valuable single study of the selection of the judiciary thus far published. While it is confined to one city, Chicago, the conclusions are practically of country wide importance, and can be supported by the experience of practically every other large or good sized city in the United States. Mr. Martin has done a splendid piece of research work for which he deserves the credit he is receiving at the hands of his Chicago brethren.

This inquiry is an attempt to shed some light by analyzing the experience of a metropolitan community in which the Bar has participated directly in the judicial selection of judicial candidates for more than half a century; the conditions that

resulted from Chicago's phenomenal growth and against which the Bar's activities have been carried on: the role of the Bar is sketched and the intrinsic merit of its recommendations evaluated. Numerous major factors affecting the influence of the Bar are also analyzed. Finally, the experience of other communities, both as to the role of their local bar associations in judicial selection, tenure, and removal of judges is summarized as a basis for suggesting improved methods for Chicago.

As the Chicago Bar Association was organized to obtain the nomination and election of candidates whom it had indorsed, it is logical to apply the acid test of political success: how many of its candidates have won at the polls? Since 1887 there have been 103 contests for judicial office (not including nominating primaries) in which the Association has indorsed candidates. Considerable variation is to be noticed as between the different courts. Both the Circuit and Superior tribunals show the highest percentages, with 80.5 and 74.4 per cent respectively, of their members thus indorsed. The figures include vacancies as well as regular elections. The percentage of 60 per cent for the Municipal Court includes regular and vacancy elections, with the former predominating. One hundred seventy-six of the 202 offices were filled in the November general elections when national, state, and county officers were to be chosen and local issues were overshadowed by national political tides. Considering the disturbing effect of national campaigns and political landslides, it is a matter of wonder that the percentage ratios in these contests are comparatively high. The in-



dexes for the County and Probate courts evoke surprise by their wide difference. Yet they bear out the general character of the two offices and the opinion that the influence of the Bar is conditioned largely by the political possibilities of the position. The Probate Bench has been less subject to political influence than the County Court.

As to the County Court, during a forty-year period the Bar Association has indorsed only two persons who held this office: Orrin N. Carter, Republican, and Edmund K. Jarecki, Democrat. The fact that six of the ten successful candidates were opposed by the Association indicates that the party organizations had a different standard for this position. The control of the office over election administration, and its consequent tie-in with the party organizations, have made the office a key position which the parties and factions within the parties have fought to fill.

Mr. Martin's analysis of the influences entering into the election of judges is highly illuminating as is also the discussion of the influence of the "long ballot" and politics.

The chapter on "System of Judicial Selection" with its arguments *pro* and *con* of the plans suggested is most stimulating. All in all we have a contribution toward the solution of this increasingly important and difficult problem that is of equal interest and value to lawyers and the citizenry generally.

CLINTON ROGERS WOODRUFF.  
Philadelphia.

This book is an elaborate outline of lectures delivered by the author in Spanish at the National University during the year 1935-1936. This course of lectures is divided into three main parts. The first part includes introductory lectures in which the author discusses the value of criminology and its relations to other disciplines both in the field of human behavior and the field of legal concepts. A considerable amount of attention is paid to the relation of criminology to penal law. In this introductory part there is also found the history of many of the schools of criminology with their principal hypotheses and the results obtained in the study of crime and the criminal. The second part of the outline is intended to give the student orientation in legal and moral aspects of crime. The author gives considerable attention to the philosophical basis of criminal law. Here too he is concerned with the past and present schools of penology; their differences and similarities. Of interest in this particular section is the relationship that the author shows between schools of penology and theories regarding the cause of crime. The author points out that theories of treatment usually depend upon the theories regarding the causes of crime. The third part of the outline discusses the relation between criminology and some specific auxiliary sciences. Thus, he discusses criminal anthropology, its origin, its methods of approach and its data. He also discusses criminal psychology, political science and legal medicine.

This little book is interesting in that it presents a systematic criminology and indicates the thoroughness of Professor Vasquez's course. It is, of course, an outline even

ENSAYOS CRIMINOLOGICOS. By *Publio A. Vasquez*. v+78 pp. La Moderna Tipografia Y Casa Editorila, Panama, 1936.

though an elaborate and a complete one. It has, therefore, a number of limitations.

E. D. MONACHESE.

University of Minnesota.

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AN INTRODUCTION TO CRIMINOLOGY.

By *W. A. Bonger*. Translated from the Dutch by *Emil Van Loo*. 178 pp. Methuen and Company, London, 1936. 6 s.

The translation of this book, which was published originally in the Netherlands in 1933, makes accessible a sketch of the literature of the various schools of criminology. After an outline of the pre-history of criminology, the book deals with the following schools: the statistical, the anthropological, the environmental, the biosociological, the spiritual, and the psychological. In each of the chapters there is an excellent but brief summary of the principal literature of the field. The environmental school, to which the author belongs, occupies the major portion of the book and is presented with a greater wealth of detail than any of the other schools.

EDWIN H. SUTHERLAND.

Indiana University.

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JUVENILE DELINQUENCY. Manual and Source Book. By *Walter A. Lunden, Ph.D.* 329 pp. University of Pittsburgh, Pittsburgh, Pennsylvania, 1936. \$3.45.

This little volume consists of five parts: introduction, the social configuration of delinquents and delinquency, the jurisprudence of juvenile delinquency, institutional treatment and care of juvenile delinquents, programs and methods of

preventing juvenile delinquency. The bibliographies show notable omissions of important titles and the periodical lists contain much worthless inclusion and omits at least one valuable periodical. This reviewer is somewhat puzzled as to just why this volume was ever published and just what value it has. It most certainly does not live up to its title. Maybe upon revision Dr. Lunden will be more scrupulous in his choice of questions, laws, bibliography, and particularly interpretation of juvenile statistics.

J. P. SHALLOO.

University of Pennsylvania.

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KRIMINALITÄT. IN STADT UND LAND.

By *Hans Hermann Burchardt*. 168 pp. W. de Gruyter & Co., Berlin, 1936.

In the statistical analysis of causal factors in crime, the frequency of criminality in the city as compared with rural areas has often been noted. Dr. Burchardt offers what seems to be a conclusive work on this question, so far as official mass data are available. After a cursory review of causation theories and the use of statistics in elliological research, he examines the rural-urban distribution of crime (1) in general, (2) on the basis of sex, (3) age, (4) recidivism, (5) type of offense, employing data referring principally to Germany, France, the Netherlands, Finland, the Scandinavian countries, Esthonia, Greece, Hungary, Canada, and Austria. He is often compelled to work with very meager data but arrives at the conclusion that "urban areas are at the present time, in most countries that possess the necessary statistical data, much more criminal

than the countryside. Numerically the cities dominate in the frequency of crimes against state and property, the countryside showing higher rates for crimes against the person. Typical urban crimes are those against the state—in Germany, threats against or assaults on officers, etc.—fraud, and receiving stolen goods. Arson is definitely

a rural crime. The situation with reference to sex offenses and perjury is not clear, partly owing to absence of statistical data, partly to conflicting evidence. Sex offenses are probably more likely to occur in the city than in the country."

THORSTEN SELLIN.  
University of Pennsylvania.