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## Book Reviews

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## BOOK REVIEWS

A. R. Lindesmith [Ed.]

**CRIME AND ITS TREATMENT:** By Arthur Evans Wood and John Baker Waite. New York: American Book Company, 1941. Pp. ix + 742. \$3.50.

This recent textbook on the subject of criminology is the creation of a Professor of Sociology (Wood) and a Professor of Criminal Law (Waite). As a consequence of this collaboration, the book represents a step in the direction of a much needed synthesis of the contributions made to our understanding of the general problem of crime and criminals by many diverse disciplines. The fact that this book takes this step constitutes its most distinctive feature. And yet, paradoxical as it may seem, the book on the whole is somewhat disappointing. At first the reader's hopes are raised by the fact that in the foreword he finds the following statement: "the most original feature in the present volume is its inclusion of not only the sociological materials which follows the usual pattern, but also of a considerable section dealing with the legal aspects of crime. So far as we are aware, no other volume in this field has attempted so complete a synthesis of the sociological and legal phases of the persistent and baffling issues that arise from the phenomena of crime." (p. v.) This statement would tend to make one expect that in the book the phenomena of crime are treated in a manner indicative of a complete fusion of the sociological and legalistic approaches. A complete synthesis of the contributions made by sociology and the criminal law to our understanding of crime and criminals would be of immense value and the promise of such a synthesis is particularly intriguing. *Crime and Its Treatment*, makes this promise, but as the reader digs into its pages he finds that the organization of the materials tends to obstruct the fulfillment of this promise.

The book opens with a discussion of the relation of sociology and the social sciences to the problem of crime. (Wood is the

author of this section.) In this section the author devotes his attention to the sociological approach to the study of crime and the criminal. Wood points out that in as far as criminals are persons who have "violated the legal or customary standards of their community, and whom the latter seek to repress," (p. 4) a consideration of the sociological aspects of the relations between men is of primary importance in understanding the behavior of men. Sociology attempts to consider the criminal as an organic unit functioning in a social environment in contrast to the legalistic point of view which is primarily concerned with the act of the individual and his responsibility for the act. The author then goes on to a brief consideration of the relations between criminology and anthropology, socio-biology, psychology, economics, political science and history. The rest of the section is devoted to a discussion of the classification of crimes and the differences between crimes and other wrongful or immoral acts. This entire section presents an adequate and stimulating picture of the varieties of problems that arise in connection with the study of crime and criminal behavior. The student is made aware of the fact that a full and satisfactory understanding of the phenomenon of crime must be produced by the combined and integrated efforts of the disciplines of human behavior.

The second part, also written by Wood, in many respects serves to elaborate many of the questions and points raised in the first section. In this second section will be found a thorough treatment of causal factors in criminal behavior and the methods used to obtain data pertaining to these factors. The topics discussed are generally those considered in most of the better textbooks on criminology. The section begins with a chapter on criminal statistics designed to give the reader knowledge of the quantitative aspect of the crime problem as well as an appreciation

of the fragmentary and unreliable character of criminal statistics in the United States. This chapter is followed by one on the case study method approach to the problems of crime and delinquency. In this chapter the reader will find an adequate treatment of the values and limitations of the case study as a tool or instrument for the analysis of behavior. The relations between crime and community situations are discussed in the next two chapters. Professor Wood does an extremely good job in bringing together the results of numerous studies bearing upon this problem—the net result of which is to create an interesting picture of the rôle community factors play in bringing about and perpetuating criminal activities. The picture thus created is analyzed in some detail in the next two chapters in which specific environmental factors are treated. Having thus presented the environmental side of the story, the author then turns his attention to the characteristics of criminals. Matters of age, sex, nativity, disease, habitat, migration, education, economic status, feeble-mindedness, mental status, drug addiction, alcoholism, and sex perversion are presented in two chapters. The final chapter of the section is addressed to juvenile delinquency and the juvenile court.

The legal aspects of crime are contained in the third part of the book. This part is written by Waite, and opens with a chapter on the meaning and sources of the criminal law. There then follows a discussion of the purpose of the law. In this connection different theories of purpose of the law are briefly considered. The subject of liability is next considered at some length. Having thus presented what is, from a legal standpoint, crime and criminals. Professor Waite, devotes the next three chapters to the procedures involved in attempting to enforce the law. These chapters discuss problems of law as they relate to the acquisition of evidence in criminal cases, the arrest of those suspected of having committed crimes, provisions for bail, the preliminary hearing, and the machinery involved in the trial of those accused. An understanding of these aspects of the crime problem is of primary necessity for anyone who wants a com-

prehensive picture of crime problems and the inclusion of this material in a textbook on criminology written by a competent student of criminal law constitutes an important step forward.

Professor Waite concludes the section with a chapter on the laws which are especially designed for dealing with juveniles and a chapter on the consequences which follow a conviction. The chapter on laws relating to juveniles is chiefly concerned with the legal aspects of the juvenile court, although the author does indicate that the fact that the juvenile court aims at correction rather than punishment tends to give the strictly legal characteristics of the court secondary importance. In the chapter on the imposition of consequences of conviction the author points to the fact that there is no logical relation between what treatment is accorded a criminal and the personal characteristics of that criminal.

There is no question regarding the value of Professor Waite's contribution to the book. The materials presented are pertinent and well-handled. The fact remains, however, that, in the opinion of the reviewer, the section tends to stand alone and the synthesis promised is left unaccomplished. One wonders why the materials discussed in this section have not been worked into the body of many of the chapters written by Professor Wood. Thus, the materials found in the chapter on the laws relating to juveniles could have been presented as part of the chapter on juvenile delinquents. The need for a fusion of what each of the authors have to contribute is especially apparent when one considers the next part of the book dealing with penology. Professor Wood is the author of this part and his first concern is with the theory and practice of punishment. This is followed by a discussion of the prison system, parole and probation. A consideration of the materials included in this part will demonstrate that much of what Professor Waite discussed in the preceding part could have been presented in connection with penology. The result of such an integration would have given the reader a much better balanced view of the problems arising out of society's attempts to deal with those

who have violated its laws.

The book closes with a summary chapter (Wood) which includes a review of the more outstanding efforts and developments in crime prevention.

*Crime and Its Treatment* will be found useful not only as a textbook for college classes in criminology but also as an adequate and up-to-date presentation of the crime problem for the intelligent lay reader.

E. D. MONACHESI.

University of Minnesota.

NEGRO CRIME. By Jess Spierer. Baltimore, Md.: The Johns Hopkins Press, June, 1940. Comparative Psychology Monographs, Vol. 16, No. 2. Pp. 60. \$1.25.

The monograph deals with the results of a study of Negro and White commitments to the Western State Penitentiary of Pennsylvania between January 1, 1906 and December 31, 1935, inclusive. The author undertook the study with the following purposes in mind: "To attempt to measure the relative incidence of Negro and Native white commitments to the penitentiary"; to "determine whether the rate of commitment is constant for all crimes"; to ascertain whether "Negro and White populations differ in the ratio of sex distribution or in age composition" and to see whether "these differences are significant factors in the proportional commitment rate"; to "compare the commitment rates of those born" in Pennsylvania with those born outside of Pennsylvania"; to "analyze the relationship between geographical distribution of population and Negro commitments." (pages 5-6).

A comparison of racial rates of commitment necessitates some sort of equating system. Spierer made use of the *coefficient of frequency* for this purpose. The *coefficient of frequency* is based upon the assumption "that the ratio of Negro crime to White crime should be the same as the ratio of the Negro population to the White population." Thus the author points out that "since the Negro population, of Pennsylvania is roughly five per cent as large as the Native White population, Negro commitments should be five per cent as numerous as Native White commitments."

(page 7) The determination of the ratio of the Negro population to the Native White population makes possible arriving at the expected commitment for each racial group. Once this expected commitment has been determined the *coefficient of frequency* is obtained by dividing the actual commitment by the expected commitment.

During the period 1906-1935 a total of 9394 native born men were committed to the Western State Penitentiary by the courts of 33 Western counties of Pennsylvania. Of this total 6640 were Native White and 2754 were Negroes. The commitment ratio based upon the relative size of each racial group showed that the Negroes, although constituting only four per cent of the population, were responsible for 29 per cent of the commitments for the 1906-1935 period. The coefficient of frequency indicated that proportionately 9.69 times as many Negroes as Native Whites were sent to the Western State Penitentiary. An analysis of the commitments rate by the decades included in the 35 period showed that the high rates of commitment among Negroes remains characteristic of this racial group. Thus the coefficients of frequency per decade were as follows: 1906-1915, 9.40; 1916-1925, 15.61; 1926-1935, 6.54. The number of Negroes committed per 1000 Negroes in the population of Pennsylvania also reveals the rather exceptional high rates of Negro commitments. Thus in the decade 1906-1915, 2.90 Negroes per 1000 Negroes in the population were committed as against 0.31 for the Native White. During the decade 1916-1925 the rate for Negroes was 4.23 as against 0.27 for the Native Whites; and the rate for the decade 1926-1935 was 2.36 for Negroes and 0.36 for Native Whites.

Spierer's study further revealed that Negroes were more apt to be committed for crimes of violence. In fact the data showed that Negroes were committed 29.06 times as frequently as Native Whites for crimes of violence (murder and assault) during the 1906-1935 period. Though the Negroes far surpassed the Native Whites in commitments for crimes of violence, the Negroes also surpass the Whites in commitments for predatory offenses and

sex crimes. The lowest Negro commitment rate was found for fraudulent crimes. The coefficient of frequency for this type of crime was 1.27. No Negroes were committed for embezzlement or false pretense. In this connection, Spierer indicates that the fact of *opportunity* may be the explanation.

Can factors of age and sex be responsible for the high rates of Negro commitments? Spierer attempts to answer this question by correcting for differences in sex and age between the Native White and Negro populations. He found that sex ratio differences, *per se*, cannot account for the higher Negro commitment rate. Further, he found that after having corrected for age differences the frequency of commitments for Negroes was lowered by about 20 per cent.

Of interest is the fact that the commitment rate of Negroes born outside the state of Pennsylvania exceeded by far the commitment rate of Negroes born in Pennsylvania. On the other hand, even though the migrant Negroes had such exceptionally high commitment rates, both the migrant and the non-migrant groups of Negroes taken separately had higher commitment rates than was true for the Whites. Finally, Spierer attempts to account for the high Negro commitment rates by analyzing the concentration of Negro population in industrial centers. His analysis showed that the Negro living in an industrialized community is no more criminal than the Negro residing in a less-industrialized community. The factor of industrialization will not account for the higher Negro commitment rates.

The results presented in Spierer's monograph tend to cast a considerable amount of doubt upon many of the statements which are usually given as explanations for the high Negro crime rates. It appears as if we actually know very little about why Negroes as a group when compared with Whites as a group are more apt to get into difficulties which eventually end in encounters with the law. Spierer has demonstrated that this phenomenon is not accounted for by the characteristic of the Negro population studied. In so doing he has also demonstrated the need for painstaking and careful study

of other factors which may be responsible for the phenomenon of Negro crime.

E. D. MONACHESE.

University of Minnesota.

"WAR AND CRIME." Herman Mannheim: London: Watts and Co. 1940. Pp. 208. 10 S.—6d.

In his 1940 war lectures Professor Mannheim treated two themes which apparently belong in different categories. Roughly one third of his book is devoted to a discussion of "the influence of war upon crime," the remainder to interesting, if rather controversial analogies between the causes of war and crime and the forms of treatment for criminal and bellicose behavior.

The criminological section proper starts with a discussion of the experiences of past wars. Basing himself on Liepman's and Exner's studies Mannheim offers some psychological explanations for the insignificant part played by crimes of violence in the war criminality of 1914-18. As for the current war, the shortness of the period under observation (the preface of the book is dated August 1940) and the obvious unavailability of material other than English have set definite limits to the author's analysis. Special attention is given to the effects of the blackouts which were already noticeable, and to an illuminating discussion of the problems arising from mass evacuations. There is lacking a survey of the statutory changes which were introduced in consequence of the 1939 defense regulations and which created whole new lines of offenses hitherto unknown. Nothing is said, either, of the enactments and prosecutions undertaken and the punishments meted out against violators of price, exchange and labor regulations and kindred social and economic offenses, which are of equal if not greater importance under war conditions than traditional violence, sex and property crimes. Significantly enough, a book (*Siegert, Deutsches Wirtschaftsstrafrecht*, 1939) which has come out in Germany—the country reputed to have most thoroughly prepared the war—devotes 559 pages to the discussion of statutory enactments in this field alone—and this before the actual outbreak of the war. In his parallelism

between the causes of war and crime, M. shows a predilection for psychological and psychoanalytical explanations, emphasizing especially the necessity for distinguishing between the partly economic motives of the great masses and "the other standard of interpretation" appropriate for the leading figures. It is thus only to be expected that M. should quote with approval Schumpeter's interpretation of imperialism, calling it an atavistic phenomenon. In the reviewer's opinion, this interpretation throws more light on certain fallacies of liberal thinking than on the social process underlying the manifestations of modern imperialism. In M's later chapters, especially the last one, it becomes most apparent that categories like "genuine repentance," "change of heart of governments" are inadequate to provide an understanding of our contemporary social disorders.

That states, like corporations, should be made responsible for their actions is an excellent program for the future and M. is only drawing the logical consequences of this premise when he emphasizes that an individual citizen who resists the army of an aggressor state should enjoy the protection of international law. But it is one thing to have a program for the future and quite another thing to realize that governments have a precarious hold on private corporations, this situation being interconnected with the non-existence of an international order. It is, moreover, a methodologically questionable procedure, and, as past experiences have shown, a politically unprofitable enterprise to establish, on the basis of the dual fiction, (a) of the existence of an international order and (b) of the identification of the people with the ruling group, that a "legal" war guilt attaches to the people of just one warring country. Even the establishment of an enlightened treatment tribunal cannot reconcile us to such procedure.

OTTO KIRCHHEIMER.

Institute of Social Research, N. Y. C.

This volume purports to champion the cause of the "forgotten group" (16 to 21 years) of offenders who have become involved in crime in metropolitan New York. The authors have covered three broad topics viz: (1) the "essential factors relating to adolescence," (2) the "place of the adolescent in the treatment of youthful offenders" and (3) "the solution of the problem" of the younger criminal. The major portion of the book (163 pages) comprises a lengthy discussion of crime and delinquency beginning with Lombroso and ending with the contributions of contemporary American writers. Throughout this running account the authors have utilized an abundance of case material from the records of the court. From these they conclude that crime is a "form of maladjustment" rather than "a violation of the social order."

The Brooklyn Adolescent Court in many respects is similar to the Chicago Boys' Court with limited jurisdiction over all boys between the ages of 16 and 19 "in the Borough of Brooklyn who commit crimes within the scope of cases coming to the regular magistrates' Court, except those not involving moral turpitude, such as traffic violations." Four judges from the regular Magistrates' Courts "sit singly, and each presides for two weeks in rotation and then moves to the other Magistrates' Courts, returning in six weeks." The court has six probation officers supervising cases. Generally, the court functions "as a social agency rather than a legal tribunal" and "seeks primarily to effect an adjustment of the individual for the purpose of rehabilitation."

The Brooklyn Court like the Chicago Court has one serious "fault which, in the last analysis, defeats the whole purpose of a thoroughgoing socialized court." The home conditions and the boy's history are seldom investigated before a hearing and there is a minimum of investigation by the probation officer after disposition. In order to compensate for this shortcoming the court has set up a *liaison* working program with the Big Brother groups in the area "to supervise the boys and to undertake a rehabilitation" plan. In addition the court has the psychiatric departments of various clinics and hospitals at its disposal.

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THE ADOLESCENT COURT AND CRIME PREVENTION, by Jeanette G. Brill and E. George Payne. New York: Pitman Publishing Company, 1938. Pp. 230, \$2.50.

The authors maintain that such a working arrangement has brought commendable results from the young offenders passing under its jurisdiction. Of 660 boys which the court referred to the various agencies for treatment "only 50 were returned for subsequent offenses or violations of probation." Hence 92 per cent were "successful" under the treatment. In a special "follow-up" study of 258 cases placed under supervision in 1935 by Judge Brill only 37 or 14.3 per cent were re-arrested during the subsequent three years.

From these and other limited data the authors contend that the Adolescent Court plays an important part in crime prevention by improved methods "of treatment of the youthful offender" and modernization of criminal procedure. "The plan offers a drastic curtailment of the power of the adult criminal courts over deserving youths, and provides against the arbitrary and capricious distinction—between children who receive the protection of the Children's Court, and so-called 'adults' who are subject to the adult criminal courts." In the main, the authors consider the Adolescent Court as a "social experiment" and the "more enduring results must wait the test of time."

While the authors have covered the subject of their investigation after a fashion there is a sense of vagueness about the volume. It lacks the systematic arrangement and critical analysis a reader might expect in such a work. If the Adolescent Court is a valuable innovation to the judicial structure of American society the advocates might have stated their case more effectively.

WALTER A. LUNDEN.

University of Pittsburgh.

LOOK AT THE LAW, Percival E. Jackson, foreword by Arthur Garfield Hays. E. P. Dutton, N. Y., 1940. 377 Pp. \$2.75.

This book is written for the layman and not for the lawyer. It adds little to our fund of knowledge, but it does a very good job of collecting and articulating a great deal of fact and opinion about those features of the law which the self-righteous layman peremptorily damns. His grievances constitute the chapter head-

ings: There is too much law; The law is uncertain; The law is too rigid; The law is too technical; The law is hypocritical; The law is too slow; The law is too expensive; Lawyers are dishonest; Judges are corrupt; Witnesses are liars. The book is succinct, well-illustrated, informed, if not scholarly, (no index no references, no citations—very annoying), disquisition on each of these grievances, and, until he lets his hair down at the very end, the author takes judicious and dispassionate cognizance of relevant facts without regard to reformist or conservative bias.

The great merit of the book, however, is not in the array of fairly familiar fact, but the diagnosis of these legal sore spots as sequelae and adjustments to conflicting demands made upon our legal system, which demands, in turn, reflect more pervasive class interest, and value cleavages in the wider society. We grouse at the proliferation of laws while a democratic ideology and enlightened self-interest of politicians under our democratic system demand such a proliferation. Our basic uncertainties about what we want, our inability to agree on what we want, our inability to agree on means—once we have secured consensus on ends—because they violate the interests or moral sentiments of a powerful group, are reflected in contradictory legislation and in legislation of grandiose purport and obscure import. The problem of the courts is to satisfy the ideological demand for scrupulous uniformity, for equality of treatment, for certainty and predictability, and simultaneously to give concrete application to laws whose uniform, equal, certain and predictable enforcement the public will not tolerate. In response to such a situation, to satisfy the interests which it serves, to nullify, without violating our sentiments, those laws which the spirit loveth but the flesh escheweth, the courts have evolved various devices which serve positive, and, in a sense, necessary functions. A staggering terminology and an arsenal of precedents whose catholicity of meaning is rivalled only by the theologians universe of discourse, a battery of technicalities of protean potentiality, a rule of "reason," a bristling quiver of

fictions, a jury system, are condemned and simultaneously clung to because they permit the discrimination and inconsistencies which are required of the courts while paying ceremonial reverence to a Government of Laws and not of Men.

The author does a fine job, in his discursive and popular way, of analyzing the functional bases of what are regarded as the perversities of our legal system. But our need is no longer for general, impressionistic, popular books, of which we have enough. We need more systematic researches in the concrete operation of our legal system as related to variations in social structure, ideology, political, economic, religious, and ethical interests. Neither the lawyers, the sociologists, nor the political scientists have done much of a scientific nature in this field. We have general books like Jerome Frank's, Thurman Arnold's and Percival Jackson's. We have the compilations of the lawyers and the chronicles of the legal historians. We have the bills of indictment of the social reformers. But we have little research in the extent and the manner of the differential implementation of the law, civil and criminal, for different social groups, little on the role of precedent, technicality, fiction, the jury system and the lawyer's argot in molding the law to conform to social pressures, little on the Bench and the Bar as behavior systems functioning in a context of tradition, interest, and ethical norms. That is what we need more of now.

ALBERT K. COHEN.

Indiana University.

THE MACHINERY OF JUSTICE IN ENGLAND, by R. M. Jackson. Cambridge: Cambridge University Press, 1940; New York: The Mac Millan Company. Pp. viii-342. \$3.75.

Mr. Jackson's book is chiefly a description of English legal institutions and their operation. It is addressed to intelligent laymen, including students of law. After a historical introduction, the author deals with Civil Jurisdiction, Criminal Jurisdiction, the Personnel of the Law, Costs including Legal Aid for the poor, Special Tribunals, and Reform. I know of no other book covering the full ground of English Justice in such abundant detail which, at the same time, shows such awareness of basic problems that apparently trouble the English as much as us.

In dealing with Criminal Jurisdiction, the author discusses courts, trial and appellate, procedure, prosecution, defense, juvenile courts, probation, sentencing. It is interesting to note how many problems are common to both countries, how the same forces and difficulties are in full operation. Mr. Jackson is a forthright writer who spares no one. Not often does one encounter such severe criticism of English institutions, practices and officials from so highly competent a source as Mr. Jackson represents.<sup>1</sup> One need not share his views to profit from his cogent, well-informed discussion.

JEROME HALL.

Indiana University Law School.

<sup>1</sup> "From the litigants' point of view it is obvious that anything that makes the court more accessible in distance and cheaper in cost is a distinct gain. The opposition to any such change has come from the judges and the legal profession. The London barristers and solicitors have a strong financial interest in centralized justice." (49) "An undefended divorce suit costs on the average about £100." (52) "The figures for cases tried summarily show that very little use has been made of the Act of 1930. A total of 315 free defences seems oddly low when the number of cases tried summarily was 840,-948: it means that only one case out of every 2669 cases was thought worthy of a legal aid certificate. The plain fact is that the magistrates have not done their duty." (125) "Increase in the work of metropolitan police magistrates has led to serious delay. Since a defendant may be in custody, this is a serious matter. In one

case in 1935 the preliminary enquiry had seven separate hearings, spread over two months, with the result that the defendant spent three months in custody from the date of his arrest until his trial at the Old Bailey." (125-6) "Appointments have long been influenced by political considerations." (131) "Appointments are mostly a reward for faithful political service." (132) "When the Lord Chief Justice addressed over 200 magistrates in 1935 he asked those under sixty to hold up their hands, and not a single magistrate did so." (133) "It is also quite common for magistrates to hear as gossip or complaint one side of a pending case, with the result that when the case comes before them in court they have already decided that they know the truth of the matter." (135) "The major trouble of the probation service is perhaps the scale of salaries. Appointments are made from persons between twenty-five and thirty-five years of



PENAL REFORM IN ENGLAND, (English Studies in Criminal Science, Vol. I). Edited by L. Radzinowicz and J. W. Cecil Turner; Pp. 177; London, P. S. King and Son, 1940; 10 s. 6d.

[We publish two reviews of this volume; the first by Professor Hall of the Indiana University Law School, the second by Dr. William Healy, Director of the Judge Baker Foundation, Boston, Mass.—Ed.]

This is the first volume of a series of publications on Criminal Science planned by a committee appointed by the Law Faculty of Cambridge University. The function of the Committee (which includes P. H. Winfield and R. M. Jackson in addition to the editors of this volume) is:

1. The prosecution of research.
2. The promotion of a series of publications.
3. The organization of lectures in Cambridge by recognized authorities on various branches of Criminal Science.
4. The analysis of the development of research and teaching in Criminal Science in England and in other countries.
5. The submission through the appropriate channels of memoranda on existing and proposed penal legislation.
6. The transmission to correspondents in other countries of information concerning the achievements and progress of penal reform and of the administration of justice in England.
7. The special application to developments in the British Commonwealth of Nations of such of the above mentioned activities as are appropriate."

age, the salaries being: *men*, £220 to £260, rising by £10 annually to £300 and then by £15 increments to £400; *women*, £220 rising by £10 annually to £320." (168) "The reader may draw his own conclusion from this: the Judicature Acts 1873-5 provided for a conference of the judges to be held from time to time, the idea being that the judges might make proposals on matters where change is needed; in over forty years not a single suggestion for change has come from the judiciary as a body." (213) "the courts often succeed in wrecking a statute." (214) "Jury service is thus confined to the middle and upper classes." (223) "influence", as it is commonly called, has had a considerable share in determining the appointments." "Of the seven King's Bench masters and two assistant masters, four were sons of judges and two or

With much misgiving one contrasts this splendid program initiated by one of the oldest universities in the world with the short-sighted neglect of criminal law and related fields by some of our largest schools.

This volume consists of nine short essays by experts in various branches of Criminal Science. The essays are general in nature and provide summaries of recent developments in crime rates, legislation, administration, juvenile courts, treatment of delinquents, probation, the Borstal System, and the prison system. The writers make critical appraisals of the existing laws and their administration which are of particular value because they are the plain discoveries of actual experience. Many of these criticisms could be read with much benefit by American students.

Some of the more interesting items are: "The really striking feature is the increase of criminality among juveniles, especially among those under sixteen, and especially over the past decade. Accompanying this growth of crime, and especially juveniles' crimes, there has been a general tendency to substitute reformatory for deterrent methods of treatment." (p. 24); that the English got their probation system from us following a study of probation in Massachusetts by William Tallack, Secretary of the Howard Association (31,114); various police abuses (83); the many serious limitations on fair trial—especially of poor persons (75ff); imposition of fines on juvenile delinquents (96,104). "Obviously there are many instances where a fine is the right treatment" (106). The courts do not specify

three were relations of judges. Of four Chancery masters, two were sons of dead judges and one was a nephew of the Lord Chancellor at the time of his appointment." (234) "Accident cases are the chief hunting ground of such solicitors, who are often referred to as 'ambulance chases', although the real prey is insurance companies." (258) "We do not pretend that rich and poor are equal in the food they eat or the houses they live in, but it is solemnly asserted that they are equal before the law, which is more or less correct in theory but utter humbug for the things that matter." (260) "The annual general meetings of the Bar have occasionally discussed some point, but a perusal of the proceedings each year shows that the Bar has little interest in anything but fees and etiquette." (311)

the period of detention of juveniles. "The maximum period is regulated by statute" (98); the supervised Hostels (119) which in some ways seem more feasible than foster homes; the differentiation of Borstal establishments (137) and penitentiaries to suit various types of offenders. "Goods made in prison may not be sold to the public" (162); the plan of unofficial prison visitors, citizens who receive no compensation for their interest in and activities on behalf of prisoners (163); so, too, of the unofficial prison teachers (164); and lastly, the splendid experiment at Wakefield where picked adult prisoners, serving long terms, are housed in cabins on 300 acres of farm land, without any measures being taken to prevent their escape. For the three years reported on, "not a single man has absconded" (167).

The general impression is that the English have advanced far in sensible individualization of treatment without sacrificing legal safeguards, that their methods are practical and humane. I know of no better general introduction to contemporary English criminal administration, especially of penal institutions, than is provided by this very interesting little book.

JEROME HALL.

Indiana University Law School.

This admirable collection of papers on criminal justice and penal methods by some ten experts elucidates the development of English legislation and practice. The main title is somewhat misleading since the criminal law itself, the administration of the courts, the probation system, all quite apart from penological matters, come in for much discussion. The book is a valuable compendium—a *multum in parvo*. The various chapters deal with the trends shown by criminal statistics, with adult and juvenile court procedures, the probation and prison systems—all in historical perspective.

A vivid sketch of the famous Borstal System is sympathetic but, curiously

enough, not up-to-date in its treatment of recent developments and late statistics. In another article we learn about the recent steps to ensure the training of probation officers and the establishment of hostels and "Howard Houses" for probationers. A picture is given of the juvenile courts, often with three lay justices—usually one of them a woman—sitting *en banc*. The evolution of the criminal law itself is dealt with succinctly.

To illustrate the interesting appraisals found in this little volume one may cite the following: "The grand jury has gone, largely unwept." The petty jury remains but, "The number of persons tried by magistrates has steadily risen." Probation by some magistrates "has been regarded as a sort of cheap, universal panacea, with a consequent over-loading of probation officers with unsuitable cases." "With all allowances made, however, the conclusion is inescapable that there has been a serious increase in juvenile crime." It is suggested that among the factors tending to increase the figures for crime are "smaller families leading to the spoiling of children," "the decay of the apprenticeship system," "a general lack of discipline," and "the shortcomings of the educational and industrial system in regard to the adolescent and unemployment."

Here and there some little note creeps in about the need for better classification of criminals. Putting this book side by side with Wilson and Pescor's which recently appeared, "Problems in Prison Psychiatry," it becomes very evident that much of the realistic point of view of these authors is missed in English procedure.

Very noteworthy is it that this series of essays was produced during the stressful times of the latter part of 1940—another tribute to the morale of the British people as they look forward to social achievement after the war clouds have passed.

WILLIAM HEALY.

Boston, Mass.