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Book Reviews

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BOOK REVIEWS

THE QUEST FOR LAW. By William Seagle. Alfred A. Knopf, 1941, New York. Pp. XV, 439, and index XVII. \$5.00.

This is a heavy volume although it only weighs a few pounds. The jurists who believe in the breakfast theory of jurisprudence will attribute my brief description of this book to the fact that I enjoy a "Smorgasbord," and not to disappoint them it really is a legal Smorgasbord.

Suppose you desire some tid-bits of Criminal Law and Criminology. Would you consider *criminosus*? How about the story of primitive crime? Compurgation? Are you interested in Crime surveys? Probation or Parole? Ancient Accusatory procedure? What has caused the most injury to society, crimes against the person or against property? Comparative criminal law or early crime in England? Anthropology and crime? The Police system? What influence does economic conditions have on crime? These are morsels from but one of the fifty segments.

The *piece de resistance* includes The Elements of Law, Primitive Law, Archaic Law, The Maturity of Law, The Quest of Equity, The Law of Nature, The Rule of Law, The Monopoly of Force, The Omnipotence of Contract, The Age of Codification, The Absolute Reign of Law, Administrative Law (the tastiest item on the table), The Law of Nature and of Nations, and Justice According to Law.

At intervals you will consider the Amphictyonic League, The Assize of Clarendon, The Laws of Aethelbeht, Arbitration, Thurman Arnold (the one writer that Mr. Seagle's style and technique seems to resemble), Judicial Review (about which the author seems to have misgivings that are not warranted), the Hittite Law, the Hague Peace Conferences. Discussing "The Peace of Nations," Mr. Seagle remarks, "It is difficult to resist the temptation to wax satirical at the expense of nineteenth-century international law and international law in general." Furthermore, "If nineteenth century international

law is to be indicted as a law of war, it must at least be recognized that it revealed great progress in the conduct of war since the close of the Middle Ages." You can see that the author is a man of original ideas. In discussing "John Marshall and the Triumph of Judicial Supremacy," it is stated, "The institution is indeed of the dubious character which almost requires a *deus ex machina*, and he appeared before long in the person of a Virginia lawyer by the name of John Marshall, who as a young man on the make had allied himself with the Federalist Party, which as the representative of the gospel of prosperity, was promoting a strong national government." You may not like everything that Mr. Seagle says but you will admire his frankness.

Time does not permit an analysis of "The Ghost Story of Roman Law," but the mention of Azo reminds one that every legal scholar from Azo to Wigmore is mentioned in this work—some too briefly.

The volume contains many anecdotes but none more interesting than the romance of Lord Coke, "The Lion of the Common Law," who met his Waterloo in the Earl of Oxford's case when he faced Lord Chancellor Ellesmere, "The Tiger of Equity."

You cannot avoid the pungent remarks such as, "The question what is law is the dark cat in the bag of jurisprudence. A lawyer could not answer the question—even for a fee!" No doubt many would not agree with Mr. Seagle's conclusion. A fee might cause counsel to argue to relieve the asperities of doubt. In closing the author observes, "The world of law is, after all, only a brief experiment. Mankind has not lived by law as long as it has lived by custom. It may live by science longer than it has lived by law."

Most of the delicacies of this legal Smorgasbord will be left untouched in order that the reader may taste to his fancy. Imagine an array of nearly six hundred footnotes touching every conceivable sub-

ject except, I believe, the interesting evolution of mining law in the United States.

Might one recall an old paraphrase of Bunyan, and conclude,

"This book is writ in such a dialect
As may the minds of many men affect;
It seems a novelty, and yet contains
Nothing but sound and honest (legal)
strains."

JOHN W. CURRAN.

De Paul University.

ARTE E DELINQUENZA (Art and Crime). By Giovanni Lombardi. Naples: Casa Editrice Dott. Eugenio Jovene, 1940. Pp. 305. L 35.

Lombardi makes an interesting but useless attempt to demonstrate that in the art of various civilizations will be found reflected notions regarding the nature of the criminal and of crime prevalent in those civilizations. Theories of the etiology of crime, ideas of the type of treatment to be accorded criminals, points of view regarding the seriousness of different varieties of crime found in any specific civilization are reflected, according to Lombardi, in the literature and drama of that civilization.

In demonstrating the validity of his hypothesis Lombardi industriously presents a vast array of theories, villains, heroes and heroines culled from the novels, dramas and literature of Western civilization. Saint Thomas, Shakespeare, Dante, Poe, Moliere, Goldoni, Dickens, Keats, Dreiser, Lewis, D'Annunzio, Pirandello, Norris, Hawthorne, Sinclair and a host of other major and minor authors are called upon by Lombardi to make his point. This vast army of artists easily conquers all enemies. The reader, however, is inclined to ask, "So what?" There is hardly anything startling or prodigious in the fact that artists tend to reflect in their art prevailing conceptions of crime and the criminal.

Most people will agree that Lombardi has dealt adequately with the obvious but one wonders what to do with his book. There may be persons who prefer to study theories of crime causation by reading plays, novels and philosophical expositions.

If such persons exist, they will find Lombardi's book extremely useful.

E. D. MONACHESI.

University of Minnesota.

THE CHILD SPEAKS. By Justice Jacob Pankin. New York: Henry Holt and Co., 1941. 1x plus 345 pp. \$2.50.

Judge Pankin of the New York Children's Court writes an interesting 135 pages followed by 187 pages of 45 case histories with comments on the prevention of juvenile delinquency. It is a charming, hopeful, readable book. He places the onus of delinquency (and of dependency and of neglect) on the home; meaning on the parents, and on the environment. Yet in erasing delinquency his methods are to modify the child, for example, through directed good reading.

To review and evaluate this good book, these observations may be made: it is by an observer from a north window, not from a rotating observatory; it is heavily salted with truisms, but it contains many generalizations of a grand-motherly type which are not truisms and too often incomplete.

At times the author scolds, but he never rants.

He omits many of the accepted causes of delinquency, and therein gives false hopes for its eradication: among the omissions may be listed the constitutionally inferior child; the temporarily inferior child (e.g., of low blood pressure and low dynamics); the child who fluctuates in pick-up or receptivity; the constitutionally psychopathic inferior child who is always and everywhere maladaptable; the child conceived and created by a mother while her health was sub-standard. Two defects in the social constellation are omitted: viz., the too small family group; for children still need clan life of grandparents, uncles and aunts, cousins of all ages as well as parents (living and wholesome parents) as offsets to the indifferent and exploiting world. And children need to overhear the fireside inter-communications between adults who are deeply concerned with clan as well as family and individual welfare. These normal factors are not attainable in city flats and apartments; taboos are not taught,

Community offsets do exist, but the Judge lists only a few of them. The hope of diminishing delinquency lies in these social offsets and in better pre-natal health.

This book was written before the war: with war the delinquency rate will rise. What the good, wise, and kindly Judge has to offer will be of especial value to those concerned with the problem of prevention of delinquency.

HAROLD S. HULBERT, M. D.

Chicago.

PERSONALITY AND PROBLEMS OF ADJUSTMENT. By Kimball Young. Published by F. S. Crofts, New York, 1941. Pp. VIII, plus 868. \$4.25.

This is an encyclopedic reference book for college students taking somewhat advanced courses in sociology and social psychology.

It is not a reading book for non-graduates and for graduates who have been out of school several or many years. The author pauses to give proof for most of his statements, therefore it is too distracting to be easily read.

It is not a hopeful book; it is not therapeutic; it does not show how one can alter one's personality or the personality of another.

Heredity is fairly well discussed but disorders of congenital states are omitted; so many cases of Constitutional Psychopathic Inferiority are born of mothers whose health was wretched prior to and during pregnancy. Pessimistic Vagatonia (an opposite from a thyroid state) is not discussed and certainly that is a personality deviation.

The author is not sufficiently critical at times; for example, he gives too much space to curing mental disease by music.

The second edition of this volume, if it is reduced to about 300 or 400 pages, should be a useful book for the general reader if the author will make footnote references to the first edition where there are justifications for the author's statements and views.

H. S. HULBERT, M. D.

Chicago.

THE BEGGAR. By Harlan W. Gilmore. Chapel Hill: The University of North Carolina Press, 1940. Pp. xv + 252. \$2.50.

In this book the reader will find a systematic sociological study of the phenomenon of begging. The author contends that begging is the result of social processes and can be understood adequately only if it is so regarded. The explanation for the existence and persistence of this form of human social relationship must be sought in cultural developments of a specific society. The personal characteristics of the beggar are in themselves inadequate to explain why a person embarks upon a life of mendicancy. These personal factors, be they physical, mental or emotional, must be studied in connection with the value or significance placed upon them by a particular society before they may be involved in an attempt to understand the phenomenon of begging. It would seem that a given culture pattern to a considerable extent determines who may beg and under what circumstances begging is to be tolerated. The phenomenon of begging must be studied in its cultural (social) setting.

Gilmore limits his study of begging to modern western society. The book opens with a discussion of the historical background of begging in our society. This is followed by a discussion of the technics employed in begging and types of beggars. The author presents some interesting accounts of how and where beggars live as well as accounts of how persons make the transition from a life of productive toil to one of begging. The reader will also find a chapter devoted to interesting questions relating to the income of beggars. The book closes with a chapter on society's attempts to control begging.

According to Gilmore people in our western world give to beggars for the following reasons: force of custom; recognition of one's responsibility for the less fortunate; easing disturbing emotional states created by beggars; recognition that one's own future is uncertain. These reasons or factors tend to perpetuate begging even though society has created numerous instrumentalities for dealing with the phenomenon of begging.

The fact that society is unable to employ everyone at some socially acceptable occupation or task, according to Gilmore, is the fundamental reason why persons go into begging as a means of gaining a livelihood. The inability of society to provide all persons with "respectable" employment coupled with our customs and the fact that certain emotional needs are satisfied by giving to beggars tends to make the social control of begging through organized relief and social work difficult.

Gilmore's book will be found interesting and informative by laymen and students. It is an able study of a segment of our social life.

E. D. MONACHESI.

University of Minnesota.

CRIMINOLOGY. By Eligius Weir, O. F. M. Institute for the Scientific Study of Crime. Joliet, Illinois. 1941. Pp. 300. \$3.00.

This book is dedicated to: "Parents and Executors of American Youth on Whom the future of our Country depends." The volume of 329 pages is written by the Catholic Chaplain, for fifteen years, of the Illinois State Penitentiary, who is also Professor of Criminology at the College of St. Francis at Joliet.

The author gives vigorous expression to his views on the current factors in the development of penological administration.

The volume may serve as a text-book for students of the subject, since it is replete with factual information about the Courts, the laws, the personnel and the limitations of present methods in the control and prevention of crime.

Quite naturally Father Weir approaches the subject from the standpoint of religion, and therefore, the "principles of ethics," as he conceives them, play a major part in his discussion of offenders. They are considered primarily in relation to the society of which they are a part. His castigation of the latter is pronounced. The unethical practices of politicians, as well as of many professional and business men, he seems to feel, are more reprehensible, and less excusable, than the dereliction of many offenders. The author has strong misgiv-

ings as to the effectiveness of courts and prisons as an ultimate cure for crime. He expresses his conviction on the inadequacy of our educational system as a crime preventive. Instead of giving more intensive ethical instruction in the public schools, his proposal is that all education of youth should be under religious auspices. Because of this dominant note throughout the book, many readers will question its claim to being a "scientific study of crime."

However, in the author's discussion of the shortcomings of the law, and the adoption of such progressive measures as probation and parole, several chapters will be of special interest to the readers of this Journal. The well-known inequalities of the laws and their interpretation is cited, and the need for their codification is made apparent. To quote: "A revision, unification and clarification of the criminal laws in this country are therefore most desirable."

Effective enforcement, equal and simplified justice to rich and poor alike, by means of a Public Defender and suspended-sentence whenever indicated are measures clearly described by the writer. To this end: "A keener interest of the public in the functioning of our courts would safeguard the rights of the individual by making the administrators of justice more conscious of their duties."

An excellent chapter is presented on the value of probation, or suspended sentence as contrasted with the injurious effect of institutionalizing human beings and Father Flannagan's Boys Town is described as a more wholesome way of dealing with delinquents.

The author is none too encouraging in his picture of the prospects. In listing no less than fifteen different "social evils" as causes of crime he states: "As long as human beings in their present state are on the face of the earth there will be crime committed. When society itself is steeped in crime it is not apt to recognize the evil."

Among the "forward steps in modern criminology" the writer describes the introduction of the classification system in some prisons and gives us five splendid chapters describing and interpreting the

indeterminate sentence, the parole system, its administration and supervision. He makes it clear that the provision for the conditional release of prisoners is of value chiefly and in proportion to the high character of its administration. "The fault of parole lies not in the system but in its administration."

In a final chapter Father Weir proposes a rather startling program for the diminution of crime. In fact he states "the suggestions made in this chapter to combat crime are revolutionary when compared with methods used today." His radical proposals include legislation providing for the removal of all politics; eliminating the arbitrary definition of felons and misdemeanors; the abolition of county jails for serving sentences; provision for psychiatric services; discarding of Grand Juries; the appointment of counsel rather than public defenders; that Judges function only to determine guilt instead of fixing sentences; that special boards be organized to promote and supervise the administration of justice and the classification of prisoners; the study of inmates; provide adequate prison labor and to carry out the recommendations of the National Parole Conference of 1939. These ambitious proposals are carefully outlined in an extended table of contents and index, together with suggestions for supplementary reading.

F. EMORY LYON.

The Central Howard Association.

REDUCTIONS IN RECIDIVISM THROUGH THERAPY. By Ruth Jacobs Levy. Thomas Seltzer, New York, 1941. Pp. 143. \$1.50.

The author of this book has selected a homogeneous group of 100 boys from the New York Children's Court (including an experimental group of 40 and a control group of 60) and applied to them individually a program of intensive therapy. She spent an aggregate of approximately twenty hours upon each of the control group. In good sense the author recog-

nizes that adaptation is a reciprocal process. Think and act as we will the social and physical environment aren't going to do all the adjusting to the end that a given individual may find smooth sailing.

All boys were aged between ten and twelve; had been arraigned for delinquency at least once; were American born of Italian parentage; of the Roman Catholic faith; all were on a relatively low socio-economic level; none who exhibited psychopathic traits were included; every one had an I. Q. of 60 or above—average 82.1; all of Manhattan was represented.

Three main therapeutic devices were employed: (1) The author's interview with the boy—and this was never of one mechanical type. It always encouraged spontaneity. (2) The school, in the light of the interview revamped its relationships to the child; perhaps it sought to give him new outlets and new responsibilities. (3) The supervised recreation center was probably the most important practical agent. There is an interesting chapter, by the way, on the recreation center as a tool for reducing recidivism.

The author's approach to individual cases can not be handled in the space of a review. This is adequately illustrated by a description of cases in a separate chapter, pages 42 to 121 inclusive.

The objective criterion of recidivism and non-recidivism indicates a satisfactory result. Two of the experimental and eight of the control group were re-arraigned. On a statistical basis this is stated to indicate that the chances are 96 to 100 that this is a real difference and that it is not due to chance. However, the total number is small for statistical treatment and where human behavior is concerned there are elusive factors galore. Have they all been nailed down in the three devices that were employed in the present case?

ROBERT H. GAULT.

Evanston, Ill.