

1943

Current Notes

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Current Notes, 33 J. Crim. L. & Criminology 468 (1942-1943)

This Note is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

Current Notes

Owing to an emergency requirement of space in this number we are compelled to omit practically all of this section and the entire Book Review section. We hope to even up in the next number. (Editor.)

The Gluecks Make Progress in their Study of the Etiology of Crime—Sheldon and Eleanor Glueck are in the midst of a study of the etiology of crime by the method of comparing 500 delinquents with 500 non-delinquents, matched by age, nationality, socio-economic status, and intelligence. As part of this research, they are making also a contemporaneous study of the responses of the delinquents to the various forms of peno-correctional treatment to which they are being subjected. The study has been under way since 1939 and is being financed by two of the major Foundations. Already psychiatric, medical, psychological, anthropometric and social studies have been entirely or partially completed on some 300 delinquents and 300 non-delinquents; and preliminary analysis has already revealed some suggestive syndromes of causation.

The close-up study of responses of delinquents to specific forms of peno-correctional treatment makes possible a check-up on the prediction tables developed in "Juvenile Delinquents Grown Up" (Commonwealth Fund, 1940). The Gluecks anticipate the emergence of a finer predictive instrumentality than has been possible in their previous studies because a far wider range of biological, social, and personality factors is included in this research than in their previous works.

The foundation of this new study differs from their other work in that they are now, for the first time, gathering all the data on their cases at first hand with their own staff rather than relying on materials already gathered by others and which they then had to amplify and verify.

Among the questions which they hope their research will answer is: Why is it that such a large proportion of young persons reared in so-called delinquency areas do not become delinquent? What are the major areas of difference between delinquents and non-delinquents? To what extent is early recognition possible of trends likely to lead to delinquency so that effective preventive work may be accomplished? To what extent is it possible successfully to predict the course of a criminal career and the specific technique of treatment to which particular offenders are likely to respond?

Blood Groups and Nullity Suit—The possible value of blood grouping in judicial proceedings other than affiliation cases was shown in an action tried in the Divorce Division on Jan. 20, before Mr. Justice Hodson (see p. 161, *The Medico-Legal and Criminological Review*, July, 1942).

The petitioner asked the court to annul his marriage under sec. 7 (I,d) of the Matrimonial Causes Act, 1937, on the ground that at the time of the marriage his wife had, without his knowledge, been pregnant by another man. He showed that he and she had cohabited once out of wedlock on June 15, 1940; that they were married in August; that he left her after a short honeymoon; and that a girl child was born on January 8, 1940. Mr. Carnac Rivett, the eminent gynecologist, said that the child was full-term and could not possibly have been conceived on June 15th. Dr. G. Roche Lynch gave evidence that he had grouped the bloods of the husband, and the wife and the child, and had found that the husband's group was OM, the mother's BM and the child's ABMN. As a child can only inherit its group characters from one or the other of its parents, this baby's A and N characters must have come from another man. Mr. Justice Hodson found the case perfectly clear and fully proved, and pronounced a decree of nullity. This is a class of cases which lends itself especially well to blood

grouping, as the wife is likely to agree to give a sample of her blood and of the child's. Those who are anxious to extend the scope of forensic blood grouping look forward to its use in a case where the husband disputes the paternity of a child but is now allowed to give evidence that at the time of its inception he had no access to the wife. The rule in *Russell v. Russell* (1924) A. C. 687, which forbids either party to the marriage to give evidence of non-access tending to bastardize a child of the marriage, does not shut out such evidence if tendered by any other witness; a pathologist would therefore presumably be allowed to say that he had grouped the bloods of the three persons and that the husband could not possibly have been the father of the child.

On page 161 of same issue of the *Review*, under abstracts of cases on Bloods and Secretions, is abstracted the case of *Bednarik v. Bednarik*, taken from *Journ. Am. Med. Ass.* 119:102, of May 2, 1942. Then appears the following:

(*Lancet*, May 9, 1942, 1:570).

The petitioner in an application for a decree of nullity gave evidence to the effect that he had cohabited with his wife once before marriage, on June 15, 1940. In the following August he married her, as she told him a few days after the cohabitation that she was pregnant. He left her shortly after the marriage, and on January 8, 1941, a full-term child was born. The petitioner sued for nullity on the grounds that his wife was pregnant by another man at the time of the marriage. Blood tests were made, and it is reported that Dr. Roche Lynch gave evidence to the effect that the husband belonged to group OM, the wife to BM, and the child to ABMN, this evidence being conclusive that the husband was not the father of the child. A decree of nullity was pronounced by the judge (*Wilson v. Wilson*). In a letter by H. Sachs (*Id.* June 13, p. 721), it is pointed out that the alleged findings in the blood grouping tests of the mother and child are contrary to the rules of heredity in the MN system. The child of a mother belonging to type M or N must be of the same type M or N. M and N are inherited as Mendelian dominants, half the genetic units being transmitted from each individual to the descendant. The possible overlooking of a weak N factor such as has been observed by Friedenteich, who named it subtype N₂, might account for a blood sample being grouped as belonging to type M, whereas it actually belonged to group MN. In conclusion he stated that if the child "ABN" really was the child of the "MN" mother, then some technical or clinical error must have occurred. This latter suggestion is answered by Dr. Roche Lynch, who states that he was misreported; the child's group was ABMN—the M factor being derived from the mother, and the N factor from some man other than the petitioner, who was the father. Thus a double exclusion was established i.e. in the ABO and also in the MN series (cf. p. 119.)

Standard Probation Act Revised—For many months the National Probation Association, assisted by a distinguished national committee of judges and lawyers specially interested in juvenile court legislation, has been at work on the revision of the Standard Juvenile Court Act, the last edition of which appeared in 1933. In the intervening decade considerable progress has been made in both procedures and the philosophy of juvenile court work, and these changes are embodied in the new act. It is intended as a tentative basic draft, adaptable to local needs and limitations. A number of legislatures are this winter considering revision of juvenile court laws and requests for this new draft have been numerous and urgent. In its printed form the pamphlet covers 32 pages and sells for twenty-five cents.—From *Probation*, February, 1943.