

1945

Book Reviews

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BOOK REVIEWS

WAR CRIMINALS—THEIR PROSECUTION AND PUNISHMENT. By Sheldon Glueck. Published by Alfred A. Knopf. New York 1944. Pp. viii-250. \$3.00.

"I will arraign them straight—
Come, sit thou here, most learned justicer."

—King Lear.

A recent newspaper report states Foreign Secretary Anthony Eden upon questioning told the House of Commons that Hitler is a major war criminal and said it was up to the soldier who captured him to use his judgment as to whether to shoot him or bring him back alive. This dispatch provides food for thought and in a sense is typical of the many newspaper reports relating to "War Criminals."

Professor Sheldon Glueck's timely volume speaks for itself in no mean terms as this eminent criminologist and penologist's soul is on fire about this subject. Notice his comprehensive definition:

" . . . we may legitimately define war criminals as persons—regardless of military or political rank—who, in connection with the military, political, economic or industrial preparation for or waging of war, have, in their official capacity, committed acts contrary to (a) the laws and customs of legitimate warfare or (b) the principles of criminal law generally observed in civilized States; or who have incited, ordered, procured, counseled, or conspired in the commission of such acts; or, having knowledge that such acts were about to be committed, and possessing the duty and power to prevent them, have failed to do so."

Granting that this is a very wide definition the question has been raised as to whether a people can be indicted. In this day many idols have been shattered and Edmund Burke's orthodox view may be exploded.¹ Another important question: Where is the line of demarcation between major and minor war criminals to be drawn? Professor Glueck, mindful of Napoleon, the Kaiser, and Versailles likewise is disturbed about the question of high policy regarding the wisdom of having trials for Chiefs of State and his thinking on this matter is further evidenced by his observation that the right of asylum might cause the entire plan of prosecution to dissolve into thin air and that war criminals might use successfully the defenses of "Act of State," and "Obeying Orders of a Military Superior." If war criminals are considered pirates roaming in the world at large such defenses would not be available to them. Another interesting point is that major war criminals should be tried in an International Criminal Court. It is interesting to notice that the United Nations War Crimes Commission recently disclosed that Chiefs of State will have no immunity and the above mentioned defenses will not be recognized in behalf of war criminals. The proposed International Criminal Court that the author envisions would be a creature of the current San Francisco conference and a recommendation is in order while we are on that topic that every

¹ A press dispatch reports an American Colonel took a different viewpoint when standing in the presence of slaughtered refugees before the populace of a German city . . . He stated: "You are guilty of this crime."

delegate should have a copy of Professor Glueck's book when considering the problem of war criminals.

"It may be predicted," says the author, "that capital punishment or long-term imprisonment at hard labor . . . especially in rebuilding shattered Europe . . . will be the lot of most convicted Axis war criminals."

This excellent thought provoking book and its series of valuable notes should be in the hands of everyone who seeks to understand the important and intriguing question of "War Criminals . . . Their Prosecution and Punishment."

JOHN W. CURRAN.

De Paul University Law School.

We publish two reviews of this book: one by a practicing psychiatrist who has wide experience with criminals and delinquents, and the other by one of the legal fraternity who is devoting his time to practical problems in the area of delinquency prevention.—EDITOR.

CRIME AND THE HUMAN MIND. By David Abrahamsen, M.D.
New York. Columbia University Press. 1944. XIV and 244 pages. \$3.00.

Dr. Abrahamsen came to the United States from Norway where he was a psychiatrist and patriot. He has had an unusually deep and wide but spotty experience in criminological institutions there. He is extraordinarily well versed in modern American literature and theories, but unlike our natives he is not well grounded in our evolution in criminology and its literature. That is what makes his well written little condensed book of ten chapters so interesting. It, plus the reader-audience's funds of common knowledge, paints the contrast between the modern on the one hand, and the substantial and evolved and time tested but obviously and admittedly incomplete American concepts of crime and criminology. He semi-quotes rather profusely as he should: the reader will have to determine for himself if the modern writers quoted are illuminating or befogging.

The author's generalizations are too broad, his analogies are not impressive, and his omissions are glaring. Some chapters are much better than others: it is not a well rounded book. Many authorities in the field do not accept his quoted references with the weight he gives them.

Where the author gives us his own thoughts and observations and conclusions he is at his best.

Post graduate students in psychology and readers in psychiatry will find his Columbia lectures (his ten chapters) good reference material.

Practical persons like judges, prosecutors, defense attorneys and penologists will not find help in this book. For them it will be a book on some data and multiple theories and explanations (?) as to the causes of crime. The usual topics are listed: heredity, environment, home, companions, alcohol, personality, hostilities, murder, and need for research.

There is nothing new and little constructive about crime control. He does prove his point: the source of crime is in the mind of the criminal. He has an interesting formula

$$\frac{C = T + S}{R}$$

where C stands for crime, T for tendencies, S for the situation, and R for resistance. T also stands for traits. Since all the factors in the fraction are variables, and S and R especially S can be varied by others, there is reasonable expectation that not all potential crimes do occur but that some crimes will occur in any society.

Chicago.

HAROLD S. HULBERT, M.D.

This undertaking by a sensitive and gifted psychiatrist constitutes one of the freshest approaches in recent times to the everlastingly troublesome question: What role in criminal justice administration can psychiatry offer to assist in the discriminating discovery of responsibility for crime, and in the readjustment of the offender?

Dr. Abrahamsen, against a rich background of experience in criminology—in Norway, in England, and in this country—has furnished a provocative answer to that query. If a few of the facets of that response may disturb the practitioners of other behavior disciplines it should be said that the reasonableness with which Dr. Abrahamsen turneth away their wrath is not alone a tribute to the author's emotional maturity, but also to the rare humility with which he has developed a thesis heretofore expounded dogmatically.

His thesis is simple: Dr. Abrahamsen argues that as the history of mankind has always been a history of human behavior, and as crime appears to be a problem involving the personality, the situation, the time, as well as geography, the individual's behavior is influenced by socio-psycho-biological situations. In the background of every offense, the author asserts, there is clear evidence of the development at some point of a psychological attitude imparted by the impact of those situations upon the individual, and reflected by his reaction to each new identical or even vastly different situation. The delicate mechanism represented by his mind makes an effort, sometimes genuine, sometimes feeble, to adjust to these experiences, and the success with which the individual is capable of achieving that adjustment is the criterion for determining the presence and degree of his responsibility for misbehavior.

It is the failure to adjust, overtly exhibited, that we call *crime*; it is this that we punish, or treat, as the case may be. It is to the disposition of society to continue stubbornly its archaic principle of punishment for crime that Dr. Abrahamsen devotes a portion of his work. The idea of retaliation—which still contaminates much modern penological thinking—inevitably degrades both those who impose and those who suffer it. It is primitive because it reduces to gross oversimplification the complex mechanisms which enter into the phenomenon of crime; it smacks of the ancient tribal custom of a system of magic which was resorted to collectively to counteract behavior not susceptible to tribal understanding. It is as futile today as it was in Neolithic times.

Dr. Abrahamsen has rendered a unique service in bringing within the covers of this splendid volume a lucidly chronicled history of criminology as an aspiring science; a clear delineation of the human personality as a dynamic unit, upon the functioning of which the individual's behavior depends; a well rounded exposition of heredity and environment as causes of crime; a description of the

psychiatric examination of offenders; a description of the psychiatric-psychologic background of murder; and a discussion of newer techniques of treatment and research in relation to crime and delinquency generally.

While maintaining an intellectual intransigence in respect to the dominant role of psychiatry, the author exhibits an admirable grasp of the supporting roles that may be performed by other disciplines and treatment methods. His thesis—from which he does not retreat on any page of this highly commended book—is that only by achieving a greater understanding of motives and causal factors will our culture ever make substantial headway in the treatment of the individual offender. And it is by rehabilitating the individual offender that society will achieve its ultimate desideratum: an adequate protection from criminality.

Society for the Prevention of Crime, New York. EDWIN J. LUKAS.

A SHORTER HISTORY OF SCIENCE: Sir William Cecil Damfier. The Macmillan Co., New York and the University Press, Cambridge, England. 1944. Pp. 189. \$2.00.

The author of "A History of Science," one of the greatest works of the kind that the world has produced, has given us here a very concise but readable history of the physical sciences from the Paleolithic Age to the present. The lay reader and the man of science alike will enjoy this little book. It draws a clear picture of the relationships of the sciences to the whole web of our culture.

Evanston, Ill.

ROBERT H. GAULT.

CUMULATIVE ANALYTICAL INDEX TO THE "PROCEEDINGS" OF THE AMERICAN PRISON CONGRESSES, covering the years 1935-1943 inclusive: Compiled by Herman K. Spector. The American Prison Ass'n., 135 East 15th St., New York City (3) pp. 86.

All entries in this booklet are grouped under one alphabetical dictionary arrangement. They cover references to specific phases of the following subjects: adolescent courts; aftercare; case work; chaplains; classification; crime and criminals; crime prevention; criminal psychology; criminal statistics; criminology; delinquency (prevention and treatment); disciplinary problems; in-service training; intra-mural treatment; jails (administration, history, inspection, personnel, programs, standards); juvenile delinquency; libraries; medical services; national defense; parole; penology; personnel; prison industries; prison labor; prisoners' aid associations; prisons; probation; psychiatric services; psychopathic personality; public opinion; recreation; reformatories; rehabilitation; religious services; sentencing process; social services; training schools; war problems; wardens; work assignments; Youth Correction Authority.

Copies of this Index are available.

The compiler (Librarian of the Penitentiary of the City of New York, at Rikers Island, Bronx, N. Y.) has at hand statistical and interpretational reports of the Department of Correction of New York City that cover the years 1917 to 1931 inclusive. He is glad to exchange them for similar reports that cover other cities and states for the last 25 years or parts of that period.

ROBERT H. GAULT.