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Book Reviews

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BOOK REVIEWS

PENOLOGY FROM PANAMA TO CAPE HORN. By *Negley K. Teeters*, University of Pennsylvania Press—Temple University Publications, Philadelphia, 1946. Pp. 266, \$3.50.

This book, written by one of the most eminent North American criminologists, Professor Teeters, of Temple University, Philadelphia, possesses undoubted merits. Perhaps the most important of these is that it is the first attempt made by a North American penologist to know South American penology. The well known Professor has attained this knowledge from a four months' trip through the following countries: Panama, Colombia, Ecuador, Peru, Bolivia, Chile, Argentina and Brazil. One is forced to recognize that in such a short space of time, and more so if we take into account that the author scarcely knows Spanish, serious doubts can emerge in respect to what is said on such a complex subject as is penology in countries so different from his own. Nevertheless, such disadvantages are in no small measure compensated for by the following facts: the author is a great specialist in the field; he has not intended either—and this is another of his merits—to establish conclusions of any sort but only to pursue investigation; he has carried on his research objectively and with understanding, that is to say, without prejudice, and motivated by a sincere scientific eagerness to accomplish his task of comparative penology. Finally, Professor Teeters was accompanied on his investigations by specialists of the respective countries visited.

The picture offered to us of the South American jails is deplorable but true, and it is necessary to recognize it as so. Alongside of the defects the author also points out the improvements attained, especially in Argentina and Brazil, countries which march at the head of South American penology. The author also indicates that crime in South America is not as serious a problem as it is in the United States in which, evidently, criminality is one of the most serious problems.

Skilfully he points out that the solution of a great part of the South American penological problems, at least for certain countries, depends on what is done on the problem of the Indian, sharply and correctly observed by the author. We concur with him on this point, which we consider essential in the life of certain Ibero-American countries.

Dr. Teeters also indicates the prevalence of the biological factors, especially of the Italian school, among the South American penologists. In our judgment said predominance, although existing, is not as great as it seems to appear to the professor. But we do agree with him when he points out his doubts as to the efficiency of the system of *Los Patronatos* (private agencies with official blessing) still maintained in South American countries. His estimate of probation in South America, in our opinion, is owed to the fact that the North American system and the South American, of continental European origin, although analogous in certain aspects, are based on different legal concepts.

The references to penal laws are well documented and attest to a serious study of the material gathered and of the places visited. In our opinion the book represents serious progress and an important contribution in the study of comparative penology. With serene objectiveness the defects of the South American penitentiary methods are pointed out, but the improvements are also indicated when these exist. With complete impartiality certain customs, habits, situations, etc. are shown which

should be abolished. The author has not tried to make useless comparisons, but if he makes them it is only to show what, penologically, should not be continued.

This book, of extraordinary interest for North and South Americans, tries to establish between the U. S. and the other countries of America an interrupted penological contact which was begun in the past century by Ibero-American penologists mentioned by Professor Teeters. He proposes, in sum, an inter-American cooperation in penology which ought to lead to better understanding in the study of criminality. He also tries to put an end to certain false interpretations still existing in the U. S. concerning penology in South America. Professor Teeters correctly points out the difference there is between the theoretical progress of penology and its practical realization in the different countries, including his own. For him the greatest difference between North and South American penology is found in the fact of the socio-economic tendency of the first rather than the biological tendency of the second. This differentiation will disappear the day the criminologists both North American and South American admit that one set of factors does not fit into all crime causation, but rather an aggregate of sociological and biological factors.

In his last chapter Teeters points out some means of penological interchange, toward which he has a slightly skeptical attitude, which we believe is justified. A simple interchange of magazines will never be enough to establish a mutual knowledge of penological problems. Perhaps one could consider the possibility of creating an inter-American magazine of penology, in which the articles would be published in the respective language of the author. We do not believe that it would be necessary to include any summary in the other two languages. In such a manner there would be a magazine with articles in English, Spanish and Portuguese, which would facilitate that penological interchange which we judge to be of great scientific and practical value.

As the author himself points out, his book will stir up all kinds of criticism. In our opinion it is concerned with a worthy subject, which although not complete, opens a path which should be followed by other American criminologists and penologists, and on employing this expression we point, as the author does, to all those on the continent. It is a useful book which cannot be severed from the study of comparative American penology, written by a man who is not only an eminent criminologist but also a comprehensive man who has tried to get to know the delinquent of other countries for a better understanding of the complex and perennial problem of crime.—(Translated by V. L. Maslin)

La Paz, Bolivia

MANUEL LOPEZ-REY*

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A PSYCHOLOGY OF GROWTH. By *B. I. Beverly*. New York: McGraw-Hill, 1947. Pp. xv + 235.

The author has brought together in this book pediatric psychiatry and psychology for student nurses, based upon his experience in both areas. He states his goal to "give nurses the understanding of themselves and their patients . . . by studying mental growth and development from infancy through childhood and adolescence to adulthood."

Dr. Beverly outlines the foundations of mental health, stressing growth needs and patterns, and then traces the physical, physiological, and emotional factors in development during the rapid growth period from conception to the age of two. Successive periods are described, from the nursery school through preadolescence and adolescence into adulthood. Throughout the book, the author emphasizes his thesis that the two requirements for maximum mental growth are 1) security and 2) "the opportunity to do things appropriate to (the child's) age and ability."

Although some of the dogmatic statements expressed need experimental verification, a number of empirical studies are reported in describing the majority of observations.

The format is good, a summary heads each chapter, and an appendix of visual aids lists more than 50 films and over a dozen sources for these films for use in instruction of student nurses. This book can be useful to parents as well as to nurses, but its treatment of the material is too brief to be of more than survey value for other than the lay reader.

Northwestern University

IVAN N. MENSEH

YOUR NERVES. HOW TO RELEASE EMOTIONAL TENSIONS. BY LOUIS A. BISCH. New York: Wilfred Funk, Inc., 1945. Pp. viii + 310. \$2.50.

Following the theme of his previous publications, the author continues to indoctrinate the public in the general problems of mental disorder. Evaluated as a popular contribution intended for non-professional persons, the book presents fundamental dynamics, etiology, and symptomatology at a simple level with much clarity and skill. There are relatively few factual deviations despite the popular orientation. A simple, but vivid style is combined skillfully with numerous case history illustrations to make the content clear and resonant. Particular effort is devoted to reassuring the anxious reader through the clarification of popular misconceptions concerning nervous problems.

The content is concerned primarily with neurotic mechanisms which are constantly differentiated from psychotic dynamisms which the author terms "insanity." In this respect, the recurring statement that neurosis cannot lead to psychosis is open to factual question. Chapter headings are aimed to intrigue and are overly sensational. The content deals with such basic factors as psychosomatic preoccupation, excessive introspection and self-consciousness, apathy and withdrawal, the development of phobias, obsessive-compulsive symptoms, anxiety reactions, emotional lability and instability, dynamic implications of guilt feel-

ings, alcoholic reactions, and numerous other unhealthy adjustment patterns. In all instances, the author suggests positive behavior for readjustment whose theoretical adequacy transcends the implication of universal applicability.

The book is intended for individuals experiencing neurotic difficulties. Although some reassurance and general understanding is transmitted to the reader, the therapeutic value of the content per se is limited. The essential value of the book would appear to lie in its use as a prelude to a group or individual program of psychotherapy. In this respect, the patient should approach the therapeutic situation with some fundamental information and understanding which, nevertheless, must be supplemented by a more specific and basic discussion during treatment.

Northwestern University

SEYMOUR G. KLEBANOFF

THE NURNBERG CASE. By *Robert H. Jackson*. Knopf, 1947. Pp. XVIII + 269, \$3.50.

This is one of several or many books on the Nurnberg Trial of the Nazi leaders and organizations. It must be evaluated against the background of the other literature on the Nurnberg Trial. It does not include the indictment: that was published in Knopf's 1945 book "The Case against the Nazi War Criminals". It does contain some documents which are not in the official eight volume U. S. Government Printing Office work, 1946, "Nazi Conspiracy and Aggression", eg. this book contains Justice Jackson's preliminary and final reports to U. S. President Truman. This book is Jackson, Jackson, Jackson. The preface, by Jackson, is excellent orientation for those now and in the future who are not aware of the landmarks and daily developments of one of the greatest recorded trials in all history. The preliminary report to the President is the plan (7 June 1945). That is followed by the agreement of the four nations (8 August, 1945) to which is attached the Charter of the International Military Tribunal Chapter III is Jackson's Opening Statement (21 November 1945), which includes specifically naming the 24 persons indicted. Chapter IV is Jackson's address (28 February 1946) about the law under which Nazi Organizations are accused of being criminal. Chapter V is Jackson's closing address (26 July 1946) with some notes or citations to documents which had been presented to the Committee. Chapter VI of 85 pages is excerpts from the cross-examination of four of the defendants—Goring, Schacht, Speer and Mitch. The seventh and eighth page of the Preface gives the verdict (30 September and 1 October 1946) on the 215th and 216th days of the trial.

The book itself is printed on poor paper, sparsely illustrated, has typographic errors, and its binding is somewhat careless; war-time shortage of paper still continues at the present time, spring of 1947, and almost universally there is a shortage of highly skilled, reliable craftsmen. It is hoped that the second edition will be worthy of its contents.

Now as to the trial and its law. Partisans and non-readers have criticized its law as *ex post facto*. Even if the Nazis on trial had not been accused under The Charter ("new law" if you will) the prosecutors produced mountains of evidence which demonstrated their guilt under laws which they had accepted as law until they set themselves above all laws except their own dicta! They, living outside the law, the law of Germany, the law of "intra and inter tribal decency" (an Indian term, used by this reviewer) had Unconditionally Surrendered. Outlaws, living outside the law, have minimal claim on the asylum of the law.

The organization of the trial was excellent. There were four counts in the indictment.

- I. Conspiracy to seize power—prepare—a war of aggression.
- II. Waging wars of aggression.
- III. Violation of the laws of war.
- IV. Crimes against humanity; persecution and extermination

The United States' duty, under Jackson, was to prove count I, and to prove it against a.) certain individuals, and b.) certain organizations.

The British duty was to prove count II.

The French and Soviet duties were to prove counts III and IV; the French with crimes committed in the West and the Russians with crimes in the East.

In general, this Nurnberg trial was for conspiracy, conspiracy to prepare a unified Germany with no minorities so it could attack one neighbor after another and thus master Europe for the sole benefit of the German State—it even included capturing the King and royal family of Italy. Thus the Nurnberg trial was for the *general* conspiracy. Later the various countries, e.g., Norway, would try those who committed wrongs against them, e.g., Quisling; also later the military of the four nations and others would try those who committed wrongs against them, e.g., the U. S. military courts and commissions would try those Germans who slew or mistreated captured U. S. aviators; and also later the non-Nazi Germans would try Nazi Germans who had wronged the German State. Thus the Nurnberg trial was not the first of a series of such trials after World War II, unless the similar trial in Japan might be regarded as in series with it. It did set a pattern for future trials if there be future wars of aggression. Wars of liberation and wars to correct wrongs are not wars of aggression. Republics cannot organize to attack other nations in wars of aggression. That is the lesson of the Nurnberg trial, *individuals* of a state which wages a war of aggression, and organizations of a party of a State which leads in waging wars of aggression are liable to stand trial as criminals under the growing code of international law and treaties.

Jackson was right: those he accused were properly accused under international law as well as under the laws of humanity and under military law, and not solely accused under the "new law" of the international charter for this tribunal.

Where Jackson was historically wrong and un-American, but undoubtedly tactically right, was his omitting to mention that Russia joined Germany in aggressive war on Poland and also in omitting to refer to Italy's guilt in her wars of aggression in Africa.

As a lawyer, as a prosecutor, Jackson is great, but as a philosopher especially as a political philosopher he is only good. As an executive and planner Jackson is of the greatest magnitude.

Jackson was fortunate in that the meticulous Germans kept their own records of the growth and actions of their leaders, for by these documents and excerpts from them, their guilt was demonstrated.

Jackson was wise in that he differentiated between Germany as a criminal nation and Germans who were criminals and gloried in obeying criminal orders.

Jackson was successful in the diplomacy in fusing the leaders and the legal concepts of four diverse nations, U. S., Britain, France, and Russia: The Charter was acceptable, the Judges worked as a team, and the prosecutors worked as a team. It was a gigantic task needing gigantic brains in gigantic personalities. Their success is their historic monument.

Some day it is to be hoped that the conferences of the judges will be published, for parts of their rulings (e.g., re Krupp) and parts of their verdict seem out of line with the prosecutors, motions and evidence.

In summary, for those who would study how the minds of finest lawyers function on a great occasion this book and some similar little books are worthy of reading and study. In this and similar books the reader is not sickened by details of Nazi barbarities: how the Court (meaning all concerned) could stand it is the mystery of the trial. This book is readable and worthy of being very widely read. Our non-combat Americans, our Department of Justice and our military Judge Advocate Departments (Army and Navy), which are all branches of our Executive Department, have carved out a very, very great victory. Now the State Department needs to entrench our gains over all forces inimical to right.

Persons interested in criminology, not just in petty, individual criminals but in great criminals as well, will appreciate this book. We recommend it to the reader-audience of this *Journal*.

Chicago, Illinois

HAROLD S. HULBERT
