


1948

Book Reviews

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Recommended Citation

Book Reviews, 38 J. Crim. L. & Criminology 527 (1947-1948)

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BOOK REVIEWS

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

(Professor Teeters' book has already been reviewed in this Journal, from a Latin American viewpoint, by Professor Manuel Lopez-Rey of Bolivia—XXXVIII, No. 3.—EDITOR.)

This book is a survey of penology in the eight countries of Panama, Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, and Brazil. Professor Teeters obtained some financial assistance in 1944 from the Cultural Relations Division of the Department of State which enabled him to travel widely in the countries named. Thus the book is based not alone on written documents but on actual visits to many of the institutions described. To one who wishes to broaden his penological horizons, I recommend this book highly.

Professor Teeters has found in Central and South America many of the things which can be observed here at home. Among these are the contrast between jail and penitentiary conditions, the former being always the worse of the two. Then there is the gap between the findings of the classification clinics and administrative practice which is commonly found here in the United States. Prison administrators differ as they do here, some being intelligent understanding men who know what the goal is and some the refuse cast up from the sea of politics. Interesting, too, is the great influence which John Haviland, the architect of the Eastern Penitentiary of Philadelphia, has had on prison building in these countries. While they speak of their prisons as panopticons, they are not so designed but are true replicas of the central rotunda and wheel-spoke form of the Eastern Penitentiary. I would say, too, that the presence of the huge Indian population affects prison treatment as does the existence of numerous Negroes in certain states and cities in this country.

Among the features of prison administration not found in the United States are the great emphasis in classification clinics on the biological causes of crime, the bold effort to solve the sex problems of prison life by arranging for sex visits either in or outside the prison, penal colonies located at a distance from the main centres of population as on islands, administration of women's institutions by Catholic orders, and the ever present dormitory system for juveniles.

Professor Teeters believes, and rightly so, that locating penal colonies far from the public prying eyes is bad in principle since there is a decided tendency for cruelty and neglect to creep into such institutions. He thinks that Colombia has the best penal system of any of the five countries on the West Coast and surpasses all in the recognition of the implications of the newer penology. Argentina stands in the forefront of modern prison construction. A curious situation, not found elsewhere in South America, exists in Brazil. It has one criminal code for the entire country, but prison administration is completely decentralized among the twenty states. Remaking criminal codes has, he finds, become a great

pastime for the jurists of many of the countries. The relation between this highly skilled work and prison administration is generally lost sight of. Probation and parole are still in an embryonic state of development, probation being merely the postponement of the execution of the sentence, and parole a shortening of the sentence for good behavior, without supervision.

It has been my belief that in the United States there can be found examples of the best and the worst penal institutions and agencies. A visitor to our shores would have a hard time in striking a fair balance. I feel that Professor Teeters has striven hard to be fair and impartial in evaluating the work in the eight countries he visited and that he has succeeded in this effort.

Philadelphia, Pa.

LOUIS N. ROBINSON

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- INTRODUCTION A LA CRIMINOLOGIE. By *Dr. Etienne de Greeff*, Professeur a l' Ecole des Sciences Criminelles de Louvain, Joseph Vandenplas, Libraire editeur. Bruxelles 1946, 414 pages.

This is a most readable and stimulating book. The approach differs from the procedures and classifications of our textbooks and gives us the opportunity of a critical comparison. Many students will be struck by the prominence European criminology still grants to the anthropological and medical side of the crime problem. Numerous case studies, splendidly presented and well selected, give color and realism to the theoretical discussions. Looking for recent European statistics we are somewhat disappointed since most of the figures go back to the bucolic times preceding the first world war. Yet there is a good reason for this absence. Two great wars have disorganized the statistical services of all European countries, populations have shifted, economic troubles have lodged a powerful veto and brought about a discontinuation of statistical collections which has even plagued scientific research in this country in the years following the crash of 1929.

Professor de Greeff discusses what we would call the sociological foundations of crime under the headings of "the environment you can not choose" (*milieu inéluctable*) and "the environment you select" (*milieu choissi*). The chosen milieu embraces the manifold patterns in which the young person breaks away from the family group, handles or mishandles his vocational proclivities and enters new groupings. De Greeff regards many migratory escapes to colonial regions, the armed forces and foreign legions as equivalents of suicide, a view which deserves further study. He makes the interesting distinction between "brusque suppression of the habitual environment," the process of uprooting and the catastrophic convulsion of the milieu, as experienced in railroad accidents, earthquakes, bombardments, sudden and total political and social caving-ins. The picture the criminologist draws of the war time and the post-war period in his native country is the first scientific attempt of assaying phenomena of which we know nothing. The author's psychology of civilian looting and rape betrays the keen observer of ugly facts; most of these crimes were never reported. At the end of the war a wave of banditism descended on the country, followed by an uninterrupted series of assassinations for political reasons, traitors and collaborators being the main object. Every criminologist should read

the passages dealing with the "césarisme" of the Belgian collaborators and the power dizziness of some maquis leaders. "As soon as the Germans had left, a great number of 'desequilibres' joined the underground, enjoying as it appears, particularly the possibility of exercising some power." The reviewer has observed the same attraction and the same psychopaths in other political upheavals.

In a chapter on the intelligence of the criminal de Greeff stresses the point that many of the dull-normals or morons make a tremendous effort to compensate their intellectual deficit by strict conformism, the achievements of a good memory, strained attention, assiduity and some helpful emotional performances, attaching themselves closely to stronger and shrewder individuals. This effort is often successful, sometimes so draining their nervous reserves that it becomes a new cause of social failure.

The whole second part of the book consists of a criminal psychology of the psychopathic delinquent and the murderer. There is a most instructive attempt to outline a method of preventing the homicide from passion, introducing the useful and practical notion of the "pre-criminal".

The reviewer thinks that many readers will learn as much as he did from this book, the first to reach us across the Ocean.

Kansas City University

HANS VON HENTIG

RECENT PENAL LEGISLATION IN SWEDEN. By *Thorsten Sellin*. Stockholm, Isaac Marcus Boktryckeri-Aktiebolag. 1947, Pp. 70.

An excellent exposition of penal legislation enacted during recent years in Sweden to modernize its penal system, culminating in the new law on imprisonment which became effective July 1, 1946, is provided in this treatise by Professor Thorsten Sellin following his recent visit to that country. The subject matter is professionally treated in thorough detail, objectively portrayed, and clearly and concisely interpreted to the reader.

The subject matter is considered by the author in five sections. His first consideration is a picture of the development of penal philosophy, concomitantly enacted principles of penal treatment, the status of penal treatment at the time of enactment of the new law, and a brief description of the organization of the penal system. The second section describes briefly the composition and functions of the agencies of penal and correctional treatment. The third section presents the philosophy of penal treatment which motivated the drafters of the new Act. The next presentation is a survey of the legal provisions and operational techniques of the act itself. The last section is an examination of the various aspects of the treatment program of the new Act. The appendix contains, in toto, as enacted the Act of December 21, 1945, concerning the execution of imprisonment, etc., which became effective July 1, 1946.

Obviously for reasons of situational factors unique to that country, a not too exact parallel can be drawn between the prison system newly adopted in Sweden and the progressive systems in effect in this country. However, for a refreshingly clear presentation of the fundamental tenets of punishment, its purposes and function, and of the individualized

treatment concept upon which this legislation is predicated as well as an excellently illustrated example of Swedish national progressive character, this book is highly recommended to the student of penology and jurisprudence.

Portsmouth, N. H.

EDMUND R. EAST

EVIDENCE IN CRIMINAL CASES. Third Edition. By *Michael Lee*. London: Butterworth & Co., Shaw & Sons, Ltd., 1947. Pp. XXXI, 269.

The first two editions of this volume were by William Shaw, formerly Clerk to the Justices for the City of Manchester, England. The present edition is by Michael Lee, a barrister-at-law of the Middle Temple. The present volume presents in very brief compass the rules of evidence in criminal cases in England. It is much shorter than the standard work in England, Roscoe on *Criminal Evidence and Practice*, the fifteenth edition of which was published in 1938. This brevity does not, however, seriously detract from the great usefulness of the volume. The author has employed clear and simple language and addressed himself to the most frequently recurring problems of the practitioner.

It seems to me that a similar short textbook might be published in this country. Possibly the National Conference of Judicial Councils might add to its Judicial Administration Series a volume to be entitled "Evidence in Criminal Cases". I know of no short American textbook on the subject. Attention has been given to pleading and practice but evidence has been neglected.

The second edition of Clark on *Criminal Procedure* by W. E. Mikell devotes sixty pages out of 661 to evidence. Keigwin's *Cases on Criminal Procedure* devotes ninety pages out of 721 to evidence. The American Law Institute Model Code of Evidence is primarily of interest in civil cases, and contained no citations to cases. Wigmore is in many bulky volumes and equally concerned with the rules of evidence in Civil Cases.

Chapter I of this book is concerned with evidence generally, II with confessions, III with the conduct of the defendant in other transactions, IV with statements in the presence of the defendant, V with acts done and statements made out of the presence of the defendant, VI with opinions, VII with burden of proof, VIII with competency of witnesses, IX with privilege of witnesses, X with oath and affirmation, XI with documentary evidence, XII with secondary evidence, XIII with presumptions, XIV with criminal intent, XV with corroboration, XVI with depositions, and XVII with examination of witnesses.

The case citations do not include reference to the English Reprints. This will make it less useful to American readers.

Temple University Law School

LESTER B. ORFIELD

THE FEDERAL ADMINISTRATIVE PROCEDURE ACT AND THE ADMINISTRATIVE AGENCIES. Proceeding of an Institute Conducted by the New York University School of Law on February 1-8, 1947. Edited by *George Warren*, Teaching Fellow. Introduction by *Dean Arthur T. Vanderbilt*. Published by New York University School of Law, 1947. Pp. viii and 630.

The tremendous growth of the administrative process in federal and state polity in the last decade has caused the doctors to hold consultations before making a prognosis as to its ultimate end. Herein are the papers of twenty experts that contain the pros and cons of various aspects of the new Federal Administrative Procedure Act of 1946, referred to as the McCarran-Summers Bill. These papers were presented at the institute held at New York University School of Law in February 1947, and the volume also contains the discussion from the floor . . . notes and institute proceedings. It is a source book of outstanding value.

Whether you are a psychiatrist, a penologist, a police officer, a member of a commission, a criminologist, a professional or mundane student of criminal law there is much of comparative interest in this volume for you. For instance, what is the scope of administrative sanctions? Are the common law rules of evidence to be applied under the new act? What constitutes a "fair hearing"? What is the effect of the publication of a rule, regulation or resolution in the Federal Register? What are "Mims"? These and other questions that are discussed have a significance in state and municipal as well as federal administrative procedure today. No person is without the ambit of the administrative process and in recommending this timely volume to all readers, it might be well to conclude with the following words from Blackstone

"As therefore, every subject is interested in the preservation of the laws, it is incumbent upon every man to be acquainted with those at least with which he is immediately concerned; lest he incur the censure, as well as inconvenience, of living in society without knowing the obligations which it lays him under."

The volume contains an Appendix including a copy of the Act and an excellent Index.

Law School, De Paul University

JOHN W. CURRAN

PEOPLE'S COURT. By *Edward C. Fisher*, Judge of the Municipal Court, Lincoln, Nebraska. The Northwestern University Traffic Institute, Evanston, Ill., 1947. Pp. XII and 164.

That court, the Traffic Court, which is the clearing house for more men, women and children than all the other courts combined, is the subject of Judge Fisher's interesting and illuminating book.

This book is a worthy companion for Traffic Courts, by George Warren, published several years ago. However, Warren's was a national study or survey while Judge Fisher's book is written from the standpoint of a judge who has had several years experience on the traffic bench. It mirrors the typical parade of humanity that passes before that court, with a study of the foibles and failings of the infinite variety that the court has to deal with.

There are chapters also on traffic judges and prosecutors; fines and penalties; the police officer; the reporter and the court; the lawyer and the court; the drunken driver; and safety organizations and the court.

This is the first publication of its kind by a traffic judge. Only a traffic judge could have the background and experience necessary to

write such a book. Only a broad and liberal mind of unusual sensitivity and depth could or would explore so fully the motivation for human conduct that causes a defendant to be cited into court.

This book spotlights dark areas that play an important part in the chain of causation of traffic accidents. It should be interesting reading and an enlightening slant for traffic judges and prosecutors, police chiefs and traffic officers, lawyers, reporters and all others interested and concerned in the functions of the traffic court and the reduction of traffic accidents.

Judge, Municipal Court, Akron, Ohio

THOMAS M. POWERS

PRINCIPLES OF CRIMINOLOGY, by *Edwin H. Sutherland*. J. B. Lippincott Co., Philadelphia, 1947, Pp. 643. \$4.50.

The author states in his introduction, "This edition, like the earlier ones, is designed to place emphasis on the organization of knowledge. The theory of criminal behavior is brought into the foreground. It appears in the first chapter and may be used as the point of departure and perhaps as the principle of integration."

This is the major change in the new edition of a most valuable text book. Of course, many minor changes, which include both subtractions of old materials and the addition of new are to be found. Most of them are centered in twelve chapters. It is regrettable in the opinion of the reviewer that a revised edition appearing in 1947 gives negligible attention to the significance of World War II for Criminology and Penology. The absence of conclusive statistics does not seem to warrant the omission of the discussion of the British reports on juvenile delinquency in Britain during war time, the reports of the Federal Bureau of Investigation in this country covering the war years, and many other reports which seem to have significance. Along the same line, it would have seemed desirable to include some discussion of prison industries during the war period. Presumably the author is preparing a still later edition in which this and much more pertinent material will be included. Even so, most readers of the book will wish that the author had chosen to give us at this time the benefit of his keen understanding and penetrating insight into the relationships between war and the fields of Criminology and Penology. It would have been most helpful had he added a final chapter covering this material.

As a text, it remains one of the most stimulating available for either academic or adult education.

Northwestern University

W. F. BYRON