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## Book Reviews

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## BOOK REVIEWS

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CRIME: CAUSES AND CONDITIONS: By Hans von Hentig. McGraw-Hill, New York, 1947. Pp. 379. \$3.50.

In this book Professor von Hentig has presented a scholarly discussion of many of the factors that contribute to criminal behavior. He suggests that most of our criminals are milieu-made. They are law abiding when life runs smoothly but when social storms are brewing, they yield to extreme pressure and become law breakers. This group consists of the emergency offenders as distinguished from the "everyday" criminals who respond by criminal behavior to minor stimuli and are likely to have trouble all the time.

The treatment of the subject-matter in this book is realistic. It is not difficult to agree with the author's statement that "Crime's most numerous and most dangerous representatives are never seen by a judge, a warden, or a psychiatrist." The book contains numerous statistical charts but the reader is properly warned of the complete inadequacy and inaccuracy of crime statistics. The author believes that theorists in the field of criminology too frequently pay more heed to the construction of principles than to the slow process of collecting facts. He points out, with full justification, "we are not so much in need of innumerable theories and new terms, running helter-skelter, but of more and more verified facts." And it is only rarely that we find the true expert—the person who has had the opportunity to observe a vast material and at the same time has acquired the talent of drawing correct or nearly correct conclusions from these observations. Professor von Hentig's book emphasizes the complex nature of the subject of human behavior. With regard to those who would oversimplify the problem by explaining criminal behavior as resulting from a single cause and referring to all other circumstances as mere contributory factors, the author believes that while such distinctions may be tenable, they are of little value. He says: "From the point of view of criminology, every conditioning factor must be regarded as a real and genuine cause whose removal from the causative chain might alter the result so that a crime would not happen." Professor von Hentig's treatment of many causative factors is comprehensive. There is much thought-provoking material in the book which consists of four parts: Part I—The Problem of Crime, Part II—Causes of Crime, Physiological Variables, Part III—Causes of Crime, Social Forces, and Part IV—Conditions of Crime.

The book clearly gives evidence of much painstaking effort in its preparation. A wealth of source material was studied and analyzed. Criminology belongs to the initiatory sciences. "It is not 'the' criminal but a small, boiled-down portion left over from numerous sifting processes, that offers itself to our study." The author suggests that it is therefore extremely dangerous to arrive at definite conclusions in many instances. Nevertheless, the studies and analyses set forth in this book are definite contributions toward a better understanding of many phases of the complex problem of crime.

Chicago Crime Commission

VIRGIL W. PETERSON

THE NINE YOUNG MEN. By Wesley McCune. Harper Brothers, New York, 1947. Pp. 299. \$3.50.

In the prefatory note, the author sets as his main task "a journalistic account of what has been going on recently at the top of the nation's judiciary." For this he is particularly well equipped: he has studied law and for a good many years he has been a Washington reporter.

It may be doubted that American history books of the future, however abridged they may be, will omit the story of the Supreme Court reorganization controversy of 1937. President Roosevelt lost his fight to infuse new blood into the Court by enlarging it, but he did achieve the larger purpose of securing more liberal interpretations of New Deal legislation. The scales tipped to the left even as the struggle was in process. A clear, liberal majority was attained in 1938. How has the Court fared since?

McCune goes about answering the question in two ways. A chapter is devoted to each justice, including a brief sketch of his life and a more elaborate account of the way he has voted on the bench. Other chapters deal with broad areas in which decisions have been handed down, such as civil liberties, labor, or interstate commerce. The raw materials for both kinds of chapters are in the main the published decisions of the Court itself. Obviously cases are cited twice. This would all be very well if the author had divided the book into two parts. Instead, the chapters alternate, like a multiple-deck sandwich, between biography and subject-matter. A case may be cited first in a subject-matter chapter. A hundred pages later it may be cited in a biographical chapter. By this time even the assiduous reader has forgotten what the case entails, and McCune has chosen not to help him bring it back to mind by repeating the case fairly completely.

The volume is interlaced with anecdotes. Those who like puns will applaud chapter titles like "Justice Tempered with Murphy." The journalistic style reminds one of *Time* magazine, which is not surprising, for the author worked for that publication for several years. There result many neat phrases and sentences, a curious lack of dignity, and an uneasiness because some of the stories are so very pat that they were chosen before the point they illustrate. But whether one likes journalese or not, the mode of expression is certainly interesting. The reader will not fall asleep.

The ideological revolution which took place in the Court in 1937 and 1938 produced many books, and justifiably. Perhaps McCune has been disappointed because he could not find a continuation of the left-ward trend to any sensational degree. The post-revolutionary decade has been one of adaptation and adjustment—and maladjustment. McCune has tried hard, exhaustively and competently, to find a pattern of beliefs for each of the judges. There still is not enough predictability in the positions of enough associate justices to enable the observer to forecast what the Court's majority decision will be in borderline cases.

Of most immediate interest to the readers of this JOURNAL are the chapters and decisions in the fields of civil liberties and criminal law. However, the book is none too helpful here, not because of any shortcomings, but because the Court itself has muddied the waters as much as it has settled them. One lesson can be clearly drawn: the prosecutor who wants a conviction had better build it well and with scrupulous

regard for the rights of defendants if he wants it affirmed on appeal. If the new Supreme Court has achieved this, it will have performed a long-term service to the legal and law enforcement professions.

Northwestern University

ROLLIN B. POSEY

THE PSYCHOLOGY OF EGO-INVOLVEMENTS. By M. Sherif and H. Cantril, John Wiley and Sons, New York, 1947. Pp. 525 + VIII. \$6.00.

For the past twenty years there has been a constantly increasing interest in the relative nature of those evaluative scales or frames of reference which determine our differential behavior in evaluative or judgmental situations. Beginning with the study of the relative judgment in psychophysics, it extended into the entire realm of value judgments with the study of the affective or hedonic judgment, and finally spread into social psychology through the study of the determining factors in social attitudes. These frames of reference, or value scales, of which judgment is a function, are relative in nature and depend largely upon the particular perceptual experience of the individual. Such perceptual experience may involve direct contact with an object, person, or group, or may involve indirect contact through verbal transmission. While the appearance in 1936 of Sherif's book on "The Psychology of Social Norms" is usually taken as marking the formal application of these principles to social psychology, both Sherif and Cantril have been thinking along these lines since their graduate student days. In the present volume, the authors expand these ideas of the relativity of judgment, the frame of reference (or value scale) as the determiner of judgment, its dependence upon the perceptual experience of the individual, and the importance of social norms in forming the value scales of the individual, and apply them to the understanding of "ego" and "ego-involvement."

An attitude is defined as "a functional state of readiness which determines the organism to react in a characteristic way to certain stimuli or stimulus situations," and ego is defined as the "many attitudes which from infancy on are related to the delimited, differentiated, and accumulating 'I,' 'me,' and 'mine experiences' " of the individual. The outstanding characteristic of ego-involved behavior then become its relativity and its almost complete dependence upon the social milieu. Personality, from this approach, becomes a matter of "nurture" rather than "nature." Underlying all the theoretical interpretations is a background of dialectical materialism which at times makes the reader wonder whether the basic frame of reference within which the book is written is one of impartial evaluation of scientific fact or of determined justification of a special social philosophy.

In gathering together a large body of important material (largely neglected) and applying it in stimulating and enlightening fashion to the understanding of human behavior in a wide variety of fields, the authors have performed a signal service to psychology. This is definitely a "must" book for any serious student of human behavior. Yet it must be read with care. It is one of the most "right" and yet most "wrong" books that this reviewer has read in a decade. For it is a curiously intolerant book for one who defends a so completely relativistic point of view. In pleading for a special interpretation of behavior, the authors have overextended themselves. Straw men are used liberally, as are unjustifiable formulations of opposing arguments. Posi-

tive evidence has been marshalled more carefully than has negative. With all its imperfections, however, it remains an important book. This reviewer would wager it is one of the most important psychological treatises of its generation. But it must be read carefully and judged from a wide frame of reference, not from the authoritarian attitude of its authors.

Northwestern University

WILLIAM A. HUNT

**FEDERAL PRISONS.** A Report of the Work of the Federal Bureau of Prisons, Department of Justice, Washington, D. C. 89 pages, 1947. Free.

This Report, released in July of 1947, covers the work of the Federal Bureau of Prisons. It includes a six-year summary of the Bureau's experience with Selective Service and Training Act violators as well as a statement of minimum standards for local jails as prescribed by the Federal Bureau of Prisons.

During the six year period 11,140 Selective Service Violators were committed to the Bureau of Prisons. For administrative purposes it became necessary to classify this group of violators into three types: (1) Conscientious Objectors, of which there were 1,205; (2) Jehovah Witnesses, numbering about 4,050; (3) Other violators of the Act, numbering about 5,005. The Jehovah's Witnesses Group differed from the other Selective Service Violators in that they maintained that each was a minister of religion and, therefore, not only exempt from serving in the armed forces, but also exempt from classification as a Conscientious Objector. In refusing both induction and special civilian work, they believed that they had done their full duty and that in prison they need resist no more. Consequently, they proved to be tractable prisoners and so were placed in minimum custody institutions.

The Conscientious Objectors constituted a more heterogeneous group consisting of those who were denied the status of Conscientious Objectors by the Draft Boards. Most of these based their objection on religious grounds such as the Quakers, Mennonites and Amish Groups, but others were political and philosophical objectors who became administrative problems by their belligerency, passive resistance, and non-cooperation to gain publicity for their cause.

The third category of violators, a more mixed group than the first two, consisted of out-and-out draft dodgers, nearly 40% of whom had previous criminal records. Most of these would have been rejected by the armed forces, or would soon have been medically or dishonorably discharged.

The Jehovah Witnesses Group seemed, as a whole, to receive the longest sentences. In 1944 the average sentence imposed upon Jehovah Witnesses was 42 months; upon Conscientious Objectors, 34 months; and upon other violators, 28 months. Research upon the problem of the war objectors is necessary to lay the ground-work for dealing with non-cooperators in the event of another war.

A considerable portion of the report is given to the matter of jail inspection. Of the 3,127 county and city jails in the United States, only 444 are fully approved for Federal use and 348 others are approved for emergency use only. The minimum standards for local jails prescribed by the Federal Bureau of Prisons are fully set forth in 16 items.

The Bureau of Prisons stands ready to serve any state in making a survey of its jails and submitting a report and recommendations.

The total number of prisoners during the year numbered 19,408, or 531 over the previous year. Offenders who have not yet attained their 25th birthday account for slightly more than 40% of the total commitments. The average sentences for the 2,216 military commitments was 21½ years. The average sentences for civilian prisoners stood at only 1-1/3 years. 53.5 of the prisoners with sentences over a year had previous commitments to penal or correctional institutions. If Selective Service violators and Military cases are excluded, 61.5 of the prisoners had been in prison before.

The Report is supplemented by photographs showing the program of the Bureau of Prisons' 24 institutions and 5 prison camps. There are also 34 statistical tables. The report moves quickly from subject-matter to subject-matter and is interesting reading.

U. S. Probation, Chicago

CHARLES H. Z. MEYER

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PENAL REFORM IN ENGLAND, 2nd Ed., (English Studies in Criminal Science, Vol. I). Edited by L. Radzinowicz and J. W. C. Turner. MacMillan and Company, Ltd., London, 1946. Pp. x—192. 10s 6d.

This revised and enlarged edition of the first of a series of publications sponsored by the Department of Criminal Science, Faculty of Law, University of Cambridge, was originally published in 1940.<sup>1</sup> The present volume, which is similar to its predecessor, contains ten essays dealing with various aspects of English criminal policy and administration. There are two new chapters—"The English Police System" by Sir John Maxwell and "Approved Schools" by Sir Vivian Henderson—and some relatively minor changes in other chapters which appeared in the first edition. In general, this is a useful source of information concerning the English system, and as such, it should prove helpful to American students. Like all books of its kind, however, it suffers somewhat from unevenness in writing quality as well as from the varying degrees of insight exhibited by the different authors.

Sir John Maxwell's history of the development of the English police system, which is a good statement generally, is mainly a chronological description, emphasizing the contents of various Parliamentary Acts rather than interpreting their effects. Perhaps more attention to the setting would have been helpful to those American readers who have but slight knowledge of English social developments. Familiar to all, however, is the American counterpart of the situation described by the author when he states that ". . . one important factor in police administration has survived all changes and enactments—it has remained local in character and in its application." (p. 97)

The chapter by Sir Vivian Henderson on the Approved Schools used by the juvenile courts is interesting and well-written. The evolution of the present institutions from the earlier Reformatory and Industrial Schools is traced, and we are told that there are now 137 Approved Schools housing about 11,500 children and young persons. The institutions vary in capacity from 40 to 200 persons, and commitments from

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<sup>1</sup> The first edition of the book was reviewed in this JOURNAL by Professor Jerome Hall and by Dr. William Healy; see Vol. XXXII, No. 1 (May-June, 1941), pp. 105-106.

the courts include children and young persons needing care and protection as well as young offenders. Qualified by certain age limitations, the maximum period of detention may not exceed three years; the actual length of confinement is left to the discretion of the management of the schools, but it is interesting to note that the pre-war average period of training was thirty months. Prior to 1943, the juvenile court judges selected the Approved School to which a child deemed to be in need of such training was sent, but in view of the great variety of schools this was a hit-or-miss technique at best. Therefore, since that year the Children's Branch of the Home Office has undertaken to find a suitable school for each child. We are also informed that some seven privately-managed "classifying schools" will be established by the Home Office, to which all children selected by the courts for residential training will be sent for study and ultimate transfer to an appropriate school.

According to the author, some Local Education Authorities have established Approved Schools in recent years but the majority are still under the management of volunteers or of philanthropic or religious societies. The English plan for "residential training" then, is largely a system of privately-operated, subsidized institutions under the general supervision of the Home Office. The costs "after allowing for the product of the children's work and any available voluntary contributions," are divided equally between the Exchequer and the Local Authorities. Sir Vivian, who is President of the Association of Managers of Approved Schools, is an ardent advocate of the existing system. He states:

"All the Acts which have been passed dealing with these schools, from 1854 to 1933, have confirmed this principle of voluntary management which has proved itself so effective when dealing with the welfare of young people and children." (p. 128)

Some American readers, in view of the dismal conditions found in our own state training schools, may be tempted to look favorably upon the potential development of such a plan here but this reviewer does not believe that "the principle of voluntary management" is a panacea which offers a solution to our problems. Government must eventually assume its neglected responsibilities to the delinquent on a plane consistent with civilization's progress in other fields, and it cannot be done by dividing the public responsibility into fragments for distribution to a multiplicity of private societies:

On the whole, this volume is a useful addition to any library. The University of Cambridge has performed a very distinct service in making this series of essays so conveniently available.

The University of Chicago

FRANK T. FLYNN

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REDISCOVERY OF JUSTICE. By F. R. Bienenfeld, George Allen and Unwin, Ltd., London, 1947. Pp. 263.

The seat of law is not the bosom of God for F. R. Bienenfeld, but in the sub-threshold of consciousness where Sigmund Freud and our most secret motivations first encountered each other. In fact, the "Rediscovery of Justice" may be said to be a search for universal law on Freudian principles, and the exposition, a Freudian theory of law and politics. The basic assumption of Bienenfeld's argument is that the "nursery . . . is the prototype of all governed communities" (p. 18). It is in

the nursery, therefore, that simplest of all communities, that the quest for justice must begin.

Children in the nursery commonly and continuously make certain claims against each other, the denial of which is invested with the feeling that injustice has been done. These childish demands for justice are claims for equal shares, preferential shares that recognize merit and reward accomplishment, status, and freedom from restraint. In the external world of which the nursery is the microcosm, the demand for equal shares turns out to be the foundation of Communism; the demand for shares according to merit is Socialism; the demand for status produces Conservative parties; and the demand for freedom from restraint produces Liberal parties. Since the nursery does not recognize the claims to justice of strangers to the nursery, the sense of belonging to the in-group is said to provide the foundation for Nationalism.

Justice in the nursery has its objective aspect as well as its subjective aspect. The first is involved in the relations between parents and the children whose subjective claims they must reconcile. Impartiality is the soul of objective justice which may perhaps be summarized as the conciliation of conflicting claims in a system of peace and order with a minimum of force and a maximum promotion of progressive evolution. It is not entirely clear whether justice is primarily technique or content; it appears to have the characteristics of both.

Ethical theories of law of another day had no difficulty in ascribing the source of justice to divinity or to nature, or, more recently, to society. One gets the feeling that Bienenfeld would like to base natural law in history, but German writers of the nineteenth century have made it impossible for him to assume that any principle of law can be proved to be of lasting validity throughout history. In an uneasy compromise between ethics and science, Bienenfeld makes natural law eternal in a relative kind of way. In the various stages of growth from childhood to manhood, he says, there is a self-evident body of rules that applies to each: the infant is not consulted on the family budget, for example. There is a corresponding body of self-evident rules in the parallel development of mature societies. The self-evident propositions for one phase of growth will be different from those of another, but for the same phase, wherever it appears, they will be "eternal." This he calls the theory of the relativity of natural law. Bienenfeld is of the view that a new body of self-evident propositions is in the making and that the provisions of the United Nations Charter contain some of the elements out of which an International Bill of Rights may be fashioned.

The conceptual scheme of the book is worked out with Procrustean fidelity. Thus, in the treatment of private law and public law, private law appears to have exactly the same classifications as the claims of children against each other and public law has the same classifications that appear in the relations between children and their parents. There is little or no evidence to support the principal hypothesis that society is in any significant respect like the nursery, or that the evolution of society parallels that of the development of the child into manhood. It is surely poetry and not science or philosophy to observe that the Soviet nations are "passing the borderline which separates political and economic childhood from puberty" (p. 225). There is no clear statement of what is meant by "society," and it appears to cover countries, cultures, states and communities indiscriminately. Although the evo-

lution of society would seem to involve sequence, the author fails to support his thesis by systematic reference to the chronology of its various stages. The rate of evolution may evidently encompass the entire pre-historic epoch (p. 105) or be as short as three generations (p. 225) although one generation is evidently too fast (p. 224). The identification of the developmental stages in the contemporary world seems to be attended with a certain amount of difficulty for China and India, which are said to be in "childhood"—in fact profess a body of "self-evident" propositions worthy of the most mature stages of social accomplishment.

The appended list of recommended readings contains four errors in the citation of American works. American readers will be interested in the addition (p. 67) of a new member of the Union, the State of Vernon (presumably Vermont).

University of Minnesota

EARL LATHAM

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SUMMARY OF AMERICAN LAW. By George L. Clark. Introduction by Roscoe Pound. Lawyers Co-operative Publishing Co. Pp. XXV and 691. \$7.50.

A text covering the subjects of which a law student should have real knowledge; a good orientation pre-study text for law school students.

It is not a book for lawyers nor for specialists within the law. Of the thirty subjects covered in this clearly written and easy-to-read book, a student can get useful knowledge on many law subjects not covered in his classes.

The book includes thirty-six pages on criminal law, summarized.

Chicago

H. S. HULBERT

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