

1948

## Book Reviews

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## BOOK REVIEWS

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HANDBOOK OF PSYCHIATRY: By *Winfred Overholser, A.B., M.D., Sc. D.*, and *Winifred V. Richmond, B.S., A.M., Ph.D.* J. P. Lippincott & Co., Philadelphia, 1947. Pp. 252, \$4.00.

This book, primarily intended for the layman, was written by Dr. Overholser (Superintendent of St. Elizabeths Hospital, and Professor of Psychiatry, George Washington University, Washington, D. C.), and by the late Dr. Richmond (formerly Chief, Department of Psychology, St. Elizabeths Hospital, and Consultant in Psychology, New Mexico State Department of Welfare). Dr. Overholser was President of the American Psychiatric Association at the time of publication of this book; he is an outstanding expert in medico-legal psychiatry and is the author of many articles dealing with this branch of medicine.

The book is approved by the American Association for the Advancement of Science as a sponsored non-technical scientific publication.

In the preface, Dr. Overholser states:

"The authors have here attempted to present, in a simple and unsensational manner, the elements of the varied types of mental disease, their causes, symptoms and prospects. Therapy has been sketched in general terms only, for the authors have not desired to offer encouragement to self-treatment. Rather, they have wished to clarify for the nontechnical reader the substance of mental disease and the proper attitudes toward it. It has been their hope that the college student, the nurse, the average man or woman who has mentally ill relatives or friends, and perhaps even the practicing physicians who has shied at the more technical volumes on the subject, may gather from this book some measures of understanding which will allay some of his misgivings and redound directly or indirectly to the welfare of the half million (and more) patients in the mental hospitals of the United States, as well as of the unknown thousands of neurotics in the community."

In this reviewer's opinion, the above aim has been very successful. The authors point out clearly the differences between psychiatry and psychology; they clarify the role of psychoanalysis; they describe: (a) the causes of mental disorders; (b) the mental hospital and modern methods of treatment; (c) mental deficiency; (d) various types of psychoses; (e) the psychoneuroses; (f) psychiatric conditions of children, etc.

Two chapters are of particular interest for subscribers to this journal—that is, Chapter 13, dealing with the psychopathic personality, and Chapter 15, dealing with crime and mental disorder. In Chapter 13, the authors classify various types of psychopaths. They list the theories as to the causation of such deviated personalities and point out the accepted present-day modes of treatment for these individuals. In Chapter 15 the authors discuss the definition of crime, the theories of crime and punishment, and they point out the relationship of crime and mental disorder. They stress the growing recommendation of the need of individualized treatment of offenders.

Another chapter, which should be of great practical value to attorneys in private practice, is Chapter 11, which deals with patients suffering from paranoia. These individuals constantly seek legal aid

because of their delusions of persecution. Particular mention is made of the dangerous and often homicidal tendencies of paranoid individuals who are often intelligent, suave, fine looking and who can often cleverly conceal their mental symptoms from judges, lawyers and juries, as well as from many members of the medical profession who have had no formal training in psychiatry. Moreover, such persons, who have been committed to mental hospitals, often induce lawyers to secure their release on writs of habeas corpus; the lawyer is often deceived by the plausible statements and apparent normal behavior of the patient and frequently accepts the patient's rather than the psychiatrist's evaluation of his mental condition.

In summary, the reviewer endorses most heartily this book for the use of laymen and for physicians not specializing in psychiatry. He agrees with the final paragraph written by the authors:

"This book has been written in the faith that the layman wants to know more about psychiatry, and that, rightly informed, he will lose much of his dread of mental abnormalities and be willing, even eager, to join with psychiatry and mental hygiene in helping to advance the campaign for better human beings in a better world."

University of Virginia Medical School    FRANK J. CURRAN, M. D.

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THE REDUCTION OF INTERGROUP TENSIONS: A Survey of Research on Problems of Ethnic, Racial, and Religious Group Relations. (Prepared under the direction of the Committee on Techniques for Reducing Group Hostility.) By *Robin M. Williams, Jr.* Social Science Research Council, New York, New York. Bulletin 57, 1947. Pp. X, 153. \$1.75.

Problems of inter-group hostility and conflict are commanding increasing attention of scholars and researchers of contemporary American society. Correspondingly, crime and police authorities have been vexed by a host of newly emergent problems in the realm of individual civil rights and minority-group conflicts of community-wide proportions.

The concern of the sociologist with the analysis of various devices, techniques and stratagems in the reduction of inter-group conflict is of timely significance to law enforcement officials. This volume, as the subtitle reports, is "a survey of research on problems of ethnic, racial, and religious programs" which have been put forward and which are currently under way to bring about better relations between such groups. The effectiveness of these various activities is a moot question for, as the author observes, "the working assumptions of action programs (to reduce inter-group hostility) . . . have not been evaluated by research period." In similar vein the author points out the inadequacy of the existing studies of inter-group relations and stresses the need for further and more systematic research.

The recommendations as to possible areas of research, while modestly referred to as a "few concrete illustrations of the types of studies which might be initiated," are in the reviewer's mind a mere recitation of the general formulations under which much of the current sociological research is being undertaken. Indeed, the author's interest in a systematic and more "fruitful" type of research seems to be based on the

assumption that somewhere, somehow, there exists a problem which will render itself for study according to the requirements of the author's views of an experimental design. In the reviewer's experience the volume is of greatest value in assembling and indicating the limitations of a host of studies with which sociological literature is replete. On the other hand, the suggestions as to research and the *line* pursued as to technique and method are not designed to engage the terms and conditions of individual behaviour and group inter-action under the circumstances of modern mass society. The formulation of a systematic approach to the problems of inter-group hostility requires something more than an eclectic listing of problem areas and an indication of the vast range of possible social relations inside which inter-group tensions may arise.

The reviewer offers the following observation and hypothesis as a clue to a more systematic basis for research in this field. Present inter-group research is not adapted to the highly dynamic, mobile, and shifting character of racial relations. These relations are decreasingly a function of formal practices and etiquette. Still less are they governed by the attitudes and opinions of individuals as such. The inter-penetration of racial and ethnic groups is increasingly a function of organized and deliberate interventions, whether in maintaining the status quo or modifying the existing patterns. Fluidity and the intervention of organizations appear more frequently as the two major and controlling conditions of changing race relations. Research directed along these lines may prove helpful to the police and civil authorities in coping with the provocative aspects of minority group relations, as well as contribute to our general fund of scientific knowledge.

University of Chicago.

JOSEPH D. LOHMAN

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LAWYERS, LAW SCHOOLS, AND THE PUBLIC SERVICE. By *Esther Lucile Brown*. New York: Russell Sage Foundation, 1948. Pp. 258. \$3.00.

The author of the book here reviewed is not a lawyer, has never studied law, nor taught it. She did, however, publish ten years ago a volume entitled "Lawyers and the Promotion of Justice", which is another study from the Russell Sage Foundation. Moreover, she has visited many law schools and has been in touch with many law professors. While other things being equal a study by a lawyer would be entitled to more weight, intelligent laymen have often made valuable suggestions as to improvements in the law.

In Part Two the author describes the nature of work done by lawyers in federal agencies. This information should be useful for lawyers who contemplate entering the government service, and for law schools in preparing their curricula: The author mentions that there were 5,368 lawyers in the Government service on May 15, 1939. She neglects to mention that there were about 150,000 lawyers in the country as a whole, so that only one lawyer in thirty was in the federal service. To my way of thinking it would seem out of proportion to revise the law school curricula to train properly one student for government practice and ignore the twenty-nine who will go into private practice. It has not surprised me that in Nebraska there has been much criticism from the Supreme Court and the bar of the state of the new curriculum at the University of Nebraska which has concentrated on

public law to the detriment of private law courses even though the curriculum has been expanded in time from three to four years.

The most significant portion of the book is Part Three dealing with the implications of government service for legal education. This part of the book discusses many matters which have only been presented in a fragmentary way if at all to practitioners. These matters are not new to the law-school faculties, as they have been presented year after year, often with slight changes, at the main sessions, or round tables, or in committee reports of the Association of American Law Schools. Law professors, who in previous decades poked fun at the colleges of education, now seem themselves to be concentrating on matters of methodology, rather than the substance of law school courses.

The author favors the greater use of the social sciences and other non-legal materials. In three year curricula, however, there is already much cramping on account of added courses in law such as administrative law, labor law, taxation and legislation. Moreover, it is almost impossible save in a few great law schools, such as Yale and Chicago, to procure men well versed in both legal and non-legal materials. Even the highly endowed law schools themselves run into difficulties on this score. Personally, I prefer the University of Minnesota plan of having students go over to the arts college or school of business for such non-legal courses as they may wish to pursue. It should be noted that while there has been much talk about bringing the social sciences into the law, the volume of books and articles produced to link the two, is pitifully small. Mountains of controversial facts may be piled up, and there may be an accompanying failure to indicate essential legal theories and techniques, which it seems to me is the real function of a law school.

The social sciences seem to have greater value as to some individual subjects in the curriculum than others. Especially is this true as to Criminal Law. At pp. 116-117 the author states: "Teachers of criminal law have made many distinctive efforts to inform themselves about pertinent sociological and psychological theories and facts, and to integrate these theories and facts in their teaching. Jerome Hall's 'Theft, Law and Society'; Michael and Wechsler's widely acclaimed 'Criminal Law and Its Administration'; Professor Dession and Dr. Kahn's clinical seminar in psychiatry, at Yale; Sheldon Glueck's seminar in criminology at Harvard and his and Mrs. Glueck's studies of juvenile delinquency; Professor Puttkammer's broadly sociological course in criminal law administration at Chicago—these and other attempts illustrate what has been done to enrich criminal law within a relatively brief period of time."

Temple University Law School

LESTER B. ORFIELD

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UP FROM THE APE. Revised edition. By *Earnest Albert Hooton*. New York: The Macmillan Company, 1947. Pp. xxii + 778. \$7.00 trade, \$5.00 student edition.

The first edition of this work, published in 1931, represented an important survey and interpretation of the principal facts regarding man's ascent from lower forms. The new edition brings down to date most of the important findings of the intervening years. That these are significant from the author's viewpoint is shown by the fact that the

present book is 162 pages longer than the former. He remarks, "that the finds of fossil man since 1931 exceed in number and importance all that had been made in the whole period before that date." Yet, he goes on to say,—“On the whole I should say that the greatest progress has been made in the study of the physical anthropology of the individual in its relationship to his physiology, psychology, and behavior.” (p. vii) However, much of the former text remains, except for occasional retouching of style or statement, since the essentials of physical anthropology of the species has not been too greatly altered despite recent discoveries. It is in the matter of the physical anthropology of the individual that he adds new pages. Perhaps the best service a short review can render is to indicate the chief additions and emendations of the new edition.

Part I, "Man's Relations" is only slightly altered. In Part II, "The Primate Life Cycle," there are two new sections, one on "Were Man's Ancestors Arboreal Arm-Swingers or Pronograde Ground Apes?" (pp. 130 ff.) On this old question the evidence is still uncertain and the author inclines to a compromise view (p. 133). The other addition presents material on "touch pads and friction skin" (pp. 199ff.) as further evidence of man's relationship to other primates. Part III, "The Individual Life Cycle" contains only minor modifications, but Part IV, "Fossil Ancestors and Collaterals," while following mostly in the former line, reviews the important new findings of fossil apes and men in South and Central Africa, and especially the significant recoveries from Java and South China. The theory of Weidenreich about the giant ancients comes in from some appreciative but cautious discussion. Hooton admires "the courage" of Weidenreich for his bold reconstructions of a giant prehistoric race from which lesser forms may have evolved but he states that he was unable to give the new theory critical attention since Weidenreich's book, *Giant Early Man from Java and South China*, appeared after the book under review was already in type.

Part V, "Hereditry and Race" replaces and extends the comparable Part of the old edition, "Contemporary Races: What They Are; How They Developed; Their Evolutionary Meaning." More than 30 pages are added on the fundamentals of genetics and their bearing on racial inheritance and racial classification. Then, too, the discussion of the physiological tests of race is considerably expanded. Also, while the main racial and sub-racial classifications are not greatly altered, there is some emendation in the new book as to details.

Part VI, "The Anthropology of the Individual" is completely new. It draws heavily on the work of W. H. Sheldon and associates with regard to somatyping, and on various studies which attempt to correlate body build and certain diseases, both organic and mental. As a concluding section, and with no logical relation to the content of Part VI, there is a short summary of "The Stages and Status of Human Evolution." Also new is a longish appendix which gives the elements of anthropometry, including simplified directions on Sheldon's method of somatyping. There are 12 pages of selected bibliography, a full index, 11 tables, 68 textual figures, and 41 pages of plates.

According to the author's own statement, he wrote the first edition as a "popular" book on human evolution." As it turned out, the volume was read chiefly by students and he says he is "now wholly

reconciled to the task of writing unpopular books." Yet, the author's style is as lively as it was in the former volume and contains many amusing bits of doggerel—probably much of it his own, though usually attributed to others.

The new edition will be welcomed by anyone interested in knowing how we got this way—at least so far as our biological make-up is concerned. There is but passing reference to the author's much debated attempts to relate individual morphology to types of criminal conduct.

Northwestern University

KIMBALL YOUNG

CASES AND MATERIALS ON DOMESTIC RELATIONS. By *Albert C. Jacobs*. (Second edition with 1947 supplement.) The Foundation Press, Inc., 1939 1x and 1011 pp. plus supplement, 1948, 113 pp.; index and table of cases, \$7.50.

Professor Jacobs' casebook marks a noteworthy exception to the legal textbooks of others who are often compounding felonies in human relations. Lawyer or not, the professional man with an interest in family organization and disorganization will benefit from examining this book. Replete with efforts at insight and interpretation, this book scorns in part the legal abracadabra of domestic relations law for an applied perspective drawing from both law and sociology.

Worth noting is the organization of the book's contents. Part I is concerned with family organization. This division deals in natural order with each phase of the courtship and marriage relationship. "The Contract to Marry" and "Interference With the Contract to Marry" comprise two sections, for example, which are not considered under breach of promise or annulment but appear in the second chapter under "Family Organization" entitled "Prior to the Organization of the Family Unit."

Part II is devoted to "Family Disorganization." Besides dealing with the legal mechanisms of annulment and divorce the author contrasts "the theoretical rules which have an ecclesiastical heritage with the practical scheme which has developed."

"Husband and Wife" is the title of Part III which is sub-divided into chapters dealing with the solidarity of husband and wife relationship and its economic implications. A similarly generalized breakdown is employed in Part IV entitled "Parent and Child."

There have been no changes made in the main text which was issued in 1939. Amendments and fifteen new cases are noted in the supplement appearing since 1947.

Five pages are given to an annotated selected bibliography most of which is devoted to so-called "non-legal" materials. The author's choices are well taken but unfortunately (from this reviewer's point of view) are pointedly limited to the subject at hand. Professor Jacobs might well have suggested a few more books and articles whose main concern is not the family per se but the society and culture of which the family is only a part.

Any domestic relations case book is doomed to forego certain of those considerations which bear no legal precedent for judicial interpretation. It is regrettable that a "new synthesis" must ignore the question of desertion, for instance, "because the problems connected therewith are largely financial and are presented elsewhere." Desertion has more than once been appropriately referred to as "the poor man's

divorce". One wonders, were its implications to undergo the analysis of prospective lawyers, practitioners and judges specializing in domestic relations, to what extent law and decision might be affected. A similar question might be posed regarding the omission of law dealing with the testimony of spouse for or against spouse.

But the degree to which law and decision do reflect present-day social phenomena is significant in light of the above. A currently popular report that deals with the sexual behavior of the human male contemptuously dismisses many of our laws as violating America's sex mores. Its authors neglect to note that the immoral father will often not tolerate immorality in his daughter and prefers to hold the law constant to his community's "protective" mores, not to his own conduct. They might also consider the *interpretation* given law in judicial decision and to note the correlation between mores and judicial reasoning. States a decision in but one of several similarly significant instances (Tomkins v. Tomkins, Court of Chancery of New Jersey, 1920, 92 N. J. Eq. 113, 111 Atl. 599—in which the court found against a husband bitterly contesting annulment proceedings filed by his wife):

"The burden, then, being shifted to the husband to excuse or justify the plight of his wife, the question comes to one of belief in his story of forbearance for five years, under most trying circumstances, simply because sexual intercourse was painful and distressing to her I have misgivings. Such solicitude of a groom is noble, of a husband, heroic. Few have the fortitude to resist the temptations of the honeymoon. But human endurance has its limitations. When nature demands its due, youth is prodigal in the payment. Men are still cavemen in the pleasures of the bed . . . The husband's plea does not inspire confidence. Common experience discredits it. And if, in fact, he had the physical power, and refrained from sexual intercourse during the five years he occupied the same bed with his wife, purely out of sympathy for her feelings, he deserves to be doubted for not having asserted his rights, even though she balked."

The presumption of impotency has not been overcome and a decree of nullity will be advised.

The author suggests that law has in part broken away from its dogmatic philosophical moorings. While new legislation has been anything but uniform, the author observes that the law of the family has "ceased to be a common law subject, such as contracts and torts, and has become a statutory subject, more like sales and bills and notes."

It is asserted that "much of the sociological data on family relations is not in a form capable of presentation to law students." Where Professor Jacobs draws the line on "form capable" is not in evidence, but he fails to make a constructive point of a significant methodological assertion. It is no less difficult for other students to assimilate certain sociological writings and reports. Unfortunately the author, however, would discriminate between manners of presentation depending upon the student; what is sauce for one is not sauce for the other. Although Professor Jacobs has prepared a better than average case book, he has pioneered no new method of presenting sociological data. He will do well to furnish his talents toward bettering the common techniques of law and sociology rather than merely propose that the law student's participation in a common perspective be a more palatable one.