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Book Reviews

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BOOK REVIEWS

THE ALCOHOLIC WOMAN: CASE STUDIES IN THE PSYCHODYNAMICS OF ALCOHOLISM. By *Benjamin Karpman*, M.D. The Linacre Press, Washington, D. C., 1948, pp. 240, \$3.75.

There have been published numerous statistics on alcoholism and theories about the hereditary and the environmental factor; social and psychological determinants have been stressed, based on correlations, computations and higher mathematics.

Dr. Karpman comes out with a book dealing with three cases, which will make every good statistician's hair stand on end. Applying his method of detailed case studies, he has nevertheless been able to write a book full of important detail (beside a little chaff). The summary of his main results could be made use of for the confirmation as well as the refutation of anybody's pet theory on alcoholism.

The home of one of the girls was absolutely not intolerable. One of the girls had some hereditary family taint. One father was neurotic, one mother entirely uncontrolled. There were an Electra complex and there was a strong mother tie. There were hasty marriages. In two cases homosexuality played no part. In one case there was good education, in another good occupational adjustment. Delinquency played a part in one case, suicidal tendencies in all three of them. Anxiety dreams were common to all three (as to whom not). The acquaintance with alcohol was incidental in all three cases. The alcoholism that developed was very different. Two cases led to delirium tremens, one heard voices, another had visions. Sexual promiscuity was outspoken in one case. It developed parallel to alcoholism. Alcohol seems to have fulfilled in all three cases the psychological function of substitute gratification.

As was said before, it is not the statistical results, but the unusual vividness of detail, the striking pictures of three different alcoholic personalities that makes this book highly worth while.

New York

WLADIMIR ELIASBERG

CALL THE NEXT WITNESS. By *Phillip Woodruff*. Harcourt Brace & Co., New York, 1948. Pp. 208, \$2.50.

This book presents excellent descriptions of types both of people and regions in India, and much more.

Accurate insight is given into the life of the villagers who constitute 90 per cent of the 400,000,000 people of British India. The British Raj has ended, but the way of the life of the villager will not change for generations. While the British ruled, in some respects the way of village life was similar to that of the Negro in parts of the deep south, but with these among other differences. In both something feudal was preserved, but in our South is a common language, common dress, with many common customs shared by most members of all classes. In India, a small ruling race of Britons from families which had served both the King-Emperor and the Indian people—and in the main served both well—for one, two and three centuries, was superimposed upon a medley of races, castes, subcastes, religions, languages, costumes and customs of the most diverse group of similar yet dissimilar peoples under one government in all the earth. Nowhere and at no time was confusion ever better organized and better administered than under

the Government of India from Hastings to Mountbatten. And it probably hasn't changed much under Rajagopalachari and Nehru, though the cry "bearah" is heard in fewer places and in them less frequently.

One who reads *Call the Next Witness*, if of thoughtful mind and retentive memory, will know the real Mother India much better than some who have spent a few weeks in Delhi, Bombay and Calcutta, and then returned to write and speak as "authorities" on the "Indian Problem."

The tale is the story of a murder, an investigation, a trial and a hanging. To some extent, the outcome—and such a result is not always and precisely peculiar to the agencies of justice of India—depended upon the preponderance of the perjury rather than upon the weight of the truth. Yet justice was done in full measure. The guilty did not escape. And no ultimate injustice resulted in the last tragic scene in its court yard of what in India is called—and spelled—a district "gaol."

The leading characters are accurate portrayals of types, which are familiar to any one who has been long in India, and easily recognizable by the American who learned when there that Hindustan was the country of the Indian and not of the Briton. The village watchman, the Muslim and Sikh constables, the British District Officer, responsible for the welfare of a million or more subjects, the native magistrate, the Anglo-Indian district and sessions judge, and the judge of the high court all are typical.

He who reads *Call the Next Witness*, if once a sojourner in the valley of the Ganges, will suffer nostalgia for that colorful meeting place of East and West. The reader, who has never been in India, perhaps will wish to visit there. If he does, he will see the prototypes of the cast of characters of a very interesting and well written novel, except the District Officer and the High Court Judge. They are gone, and forever.

Chicago

GRENVILLE BEARDSLEY

LAW REPORTS OF TRIALS OF WAR CRIMINALS SELECTED AND PREPARED BY THE UNITED NATIONS WAR CRIMES COMMISSION. Vols. III and IV. H. M. Stationers Office, London, 1948. Pp. 123 and 130. Price, 5s each, net.

These two volumes includes 14 cases, two from the Supreme Court of Norway, one from the French Court of Appeals, one from the Supreme Court of the United States (the Yamashita Case), four from United States Military Commissions in Germany, five from British Military Courts in Germany and the Far East, and one from a Canadian Military Court in Germany.

One of the Norwegian cases is of especial interest in recognizing the existence and applicability in Norwegian courts of an international criminal law defining crimes and penalties even though normally Norwegian courts apply only Norwegian legislation in this field. The Norwegian code included a rule against the *ex post facto* application of criminal laws and the defense in the Klinge Case urged that this precluded punishment for an offense committed before enactment of a law providing for the death penalty for the offense. The majority of the court, however, found that the death penalty for the offense in question was recognized in customary international law. Consequently, the court was justified in awarding this penalty in spite of the *ex post facto* rule. (Vol. III, pp. 1, ff.)

The Norwegian Supreme Court also examined the status of the Norwegian underground during the German occupation. In its opinion, Germany could execute members of the underground as a measure of necessary self-defense if they were caught in the act, but the sabotage activity of the underground was not strictly a "war crime" and persons engaged in it could not properly be punished later, nor could the Germans make reprisals against such activity. (Vol. III, p. 17.)

Among other questions discussed in the cases are the effect of superior orders, the defense of necessity, the criminal liability of officers for failure to control forces in their command, the right to shoot escaping prisoners of war, the status of Alsace-Lorraine during the German occupation, and the use of affidavits in war crimes trials and other procedural requirements.

Accounts of the legal foundation and practice of Norwegian, French, and United States courts for the trial of war criminals is included in Volume III, and a similar account of Canadian law and practice in Volume IV. Such an account of British law and practice was included in Volume I of the series.

Although the United Nations War Crimes Commission has terminated most of its activities, it is understood that it will continue the publication of this valuable series of reports until it is completed.

University of Chicago

QUINCY WRIGHT

DANGEROUS WORDS: A GUIDE TO THE LAW OF LIBEL. By *Philip Wittemberg*. Columbia University Press, 1947. Pp. 335, \$5.00.

Mr. Wittemberg's volume, "A Guide to the Law of Libel," as he calls it, attempts to introduce the principles of preventive medicine into the law by making those who traffic in language aware of the virus of "dangerous words" which might subject them to libel suits. To this end he examined thousands of cases in order to isolate the viruses, and the book leans heavily on quotations from cases. In addition the author has supplied a *List of Terms Judged Libellous* and a *Table of Cases*. All aspects of the mechanism of defamation are treated here including questions of privilege, inadvertant libel and defamation by radio, but often too unsystematically and haphazardly for the serious student of defamation.

The author's purpose, of course, does not allow too much emphasis on criminal libel, but the book brushes against it in some instances. Mr. Wittemberg notes (page 3) for instance that the chief distinction between civil and criminal libel is that the latter, chiefly the creature of statute, requires a "mischievous and malicious intent." The traditional explanation is that criminal libel protects the public peace because it tends to "provoke animosity physically expressed, and thereby perhaps to cause disturbance of the public peace and repose." (Page 3.) But later (page 47) in his discussion of the privilege of political criticism Wittemberg comes closer to what was the original function of defamation, protection of the government and the grandees of the Blackstonian era from criticism. No matter that the criticism was true, for the dogma in criminal libel was "the greater the truth, the greater the libel." In civil libel the rule was otherwise, and 1843 Parliament passed a statute making truth a defense also in criminal matters. In one chapter Mr. Wittemberg presents the language of the 33 state constitutions and 19 state statutes which do the same in the United States.

Two other chapters are pertinent. In one, *Libel of the Dead*, the distinction between civil and criminal libel is touched upon. It is the unanimous rule in civil cases that there is no recovery, but in nearly every state of the union libel of the dead is made a crime by statute. But the most important area today where criminal libel may be operative is the field of group defamation. In a chapter on *Members of Racial, Religious, and other Minority Groups* Mr. Wittemberg mentions that three states have made it a crime to libel the people of a race, while in other states there have been prosecutions under breach of the peace statutes.

Dangerous Words may have some prophylactic value for newspaper editors and the like, but a scientific illumination of the law of criminal and civil libel must be sought elsewhere.

University of Chicago, Law School

MORRIS L. WEISBERG

A CONCISE HISTORY OF THE LAW OF NATIONS. By *Arthur Nussbaum*. The Macmillan Company, New York, 1947. Pp. XI and 361, \$4.50.

At a time when mankind is struggling to establish order in a world of anarchy, an examination and appraisal of the historic development of international law should be of special value. The establishment of the rule of law among nations is certainly an indispensable element in world order. For this role, international law in its present state is inadequate. Does the development of international law to date give any promise that it can fill this role in the future?

Professor Nussbaum, who is Research Professor of Public Law at Columbia University, does not attempt to give a direct answer to this question. He notes that the history of international law begins as early as the documentary history of mankind, but that the law of nations made little progress before Grotius, and that until the nineteenth century "it remained more a matter of doctrine than of practice." But a new era began to unfold in the second half of the Nineteenth Century, when states greatly expanded, intensified, and accelerated their practices in matters of international law. Considering the developments of the past, he predicts that "international law will further grow and intensify the cooperation among the nations, even if the United Nations should not live up to expectations; in the case of a favorable development, progress, of course, will be much more rapid."

In his treatment of the subject the author follows Wheaton in interweaving the history of political events with the history of doctrine. In stating that no such attempt has been made since Wheaton, Professor Nussbaum seems to forget or overlook Van Vollenhoven's *Du Droit De Paix* (1932).

To cover the history of the law of nations in a volume of less than 300 pages is no small task. Some subjects are necessarily treated very cursorily. In some cases the amount of space given to a subject is difficult to understand. For example, the League of Nations Conference on the Codification of International Law held at the Hague in 1930, receives only four lines. Even in a concise history of the law of nations, the attempt at codification by the League of Nations deserves more extensive treatment, even though the results were disappointing. But in general the work is well done. An excellent survey of the historiography of international law is carried as an appendix.

University of Kentucky

AMRY VANDENBOSCH

LONDON CHILDREN IN WAR-TIME OXFORD: By a *Barnett House Study Group*. London. Oxford University Press, 1947. Pp. XI—113, \$2.00.

This study of the war-time emigration of some seven hundred and fifty thousand English school children from London to the Oxford community goes far impressionistically, but offers nothing in the way of scientific conclusion. A sample group of juvenile evacuees living in a reception area has been observed with an effort made to analyze the socialization of these children in terms of their forced adaptation to new surroundings, the conflicts inevitably aroused by a deliberate change in the pattern of childhood folkways and mores, and the relationship between "the experiences of evacuation to individual success on the one hand and maladjustment and delinquency on the other." The book concludes with an effort to hypothecate the possible after-effects of their evacuation experience, but no control situation is pointed to, nor is any reliable method of prediction proposed.

Since a pre-withdrawal study of children had not been undertaken, a group of local Oxford children and non-evacuated London children coming from that part of London from which children were moved, was used as a control group for comparison purposes.

The best adjustment to the new community was made by children who were billeted in foster homes without the presence of their own mothers. In personal habits having to do, for instance, with new foods, greater personal cleanliness, earlier bedtimes, the children were more reticent to change. Most easily amended were habits of play and spare time use. Values of many adjustments, it is suspected, were cancelled out in considerable part by the childrens' resumption of inferior ways of life upon their return to London.

While normal education was disrupted, the effects of change on education appear to have been largely beneficial. The children reacted favorably to the expansion of the curriculum encouraged by additional facilities, greater amounts of space, and smaller classes. Many children accepted part time jobs, whereby the authors conclude that they obtained the advantages of gainful employment. It was held that a positive influence existed in the greater intellectual capacity possessed by many of the foster parents and the University's proximity.

Delinquency was a difficult phenomenon to study because many stranger-children were under suspicion for or accused of most of the misdemeanors committed in the community. While proven delinquency was least in the group of evacuated children, the age-old bugaboo of court statistics reared its ugly head in a fashion that was not adequately challenged by authorities. The best adjusted students remained in Oxford, while, it is suggested, the less stable and those most prone to delinquency drifted back and forth, depending upon the incidence of bombings in London.

The value of this study in terms of what can scientifically be assumed to have happened to the children is inconclusive. Graphically illustrated, however, is the variety of challenges given to education, juvenile court procedure, adoption, and other functions underlying the growing community's stake in child welfare.