

1949

## Book Reviews

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## BOOK REVIEWS

JUVENILE DELINQUENCY IN MODERN SOCIETY. By *Neumeyer, Martin H.*  
New York: D. Van Nostrand Company, Inc., 1949. Pp. x, 335.

The problem of juvenile delinquency today is engaging the attention of an increasing number of persons and organizations with the result that the literature on the subject has already developed to truly heroic proportions in the form of textbooks, monographs, articles, plans, projects, reports, editorials and films. With such a formidable production of analyses, case studies, statistical compilations, diagnostic and treatment programs one understandably might be led to believe that now we *know* something about the misconduct of youth and what to do about it. Professor Neumeyer presents and evaluates in considerable detail nearly all the relevant studies and programs that have thus far appeared in print. The task he set himself was to indicate "the major basic factors and conditions (causes)" of juvenile delinquency and describe the "effective agencies and methods of delinquency control" chiefly from the viewpoint of modern social science. He examines the pertinent contemporary materials in fifteen closely written chapters dealing with delinquency as a social problem, its extent and distribution, trends in this country, personality factors (in two chapters), home and family conditions, companionship and juvenile gangs, influence of community institutions, population and cultural factors, economic and physical environment, law observance and enforcement, discovery, case analysis and protection, juvenile court, probation and correctional institutions, social action and community services, and community organization and methods of research. Divided into three parts the volume reveals coherence, sound organization and a skillful handling of the subject.

The author emphasizes the multi-factor nature of the problem and the baffling complexity which makes any and all generalizations with reference to basic causes highly dubious.

The juvenile delinquent is a product of human and social relationships that defies even the most talented and gifted student to discover in the entangled skein of motivations, meanings and orientations any definite answer to the opaque puzzle that constantly shifts its emphasis only to appear in areas where it should not be found if we are guided by the findings and predictions of others. The case study analysis viewing the constellation or melody of relationships with a clear and wary eye will probably light up more dark places than any other method.

In the treatment section, particularly in his careful and informed presentation of the procedure and function of the juvenile court, Professor Neumeyer has done an excellent job. I wish, however, he had pointed out that it is still a court no matter how widely it differs in philosophy and procedure from the criminal court. A juvenile violator of the law is still an offender no matter how much social workers juggle the language to read "declared delinquent." He might also have shown the complete fallacy of chronological age as a criterion of responsibility. Further, the question might be raised: Is juvenile delinquency properly a police function with so many other agencies designed specifically for the understanding of youth? If the juvenile cannot, by law, be a criminal, how justify police action? Since juveniles cannot be fingerprinted, except for selected serious crimes, where they are triable in courts of

general criminal jurisdiction, the intervention of police would appear to be at least moderately illogical.

Professor Neumeyer's plan for control and prevention through mobilization of community resources, whether community organization or councils, would undoubtedly arouse general approval. Just how that can be done outside of the professional workers in the field of social service is not clear. While everyone deplores delinquency there still remains a goodly amount of general public apathy when action is needed.

This volume will find its greatest usefulness as a source book and a guide rather than a textbook in juvenile delinquency.

University of Pennsylvania

J. P. SHALLOO

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CRIMINOLOGY. By *Ruth Shonle Cavan*. Thomas Y. Crowell Co., New York, 1948. Pp. 747. \$4.25.

In the preface of this interesting and new publication Dr. Cavan states the two-fold purpose of the text-book: first, "a sociological analysis of delinquent and criminal behaviour" and second, "a detailed and critical evaluation of law enforcement agencies and their methods of dealing with criminals." As a college text the book is well organized and clearly written with an adequate coverage of the important topics in the field. Dr. Cavan and the publisher are to be commended in the generous use of 31 tables, 57 photographs and 11 charts or figures. In this respect the book is a new departure because most publishers have been hesitant in using illustrative material in criminology text-books.

Instead of a lengthy discussion of the validity or invalidity of various theories in crime Dr. Cavan describes crime as a social problem and shows how society attempts to treat the offender. As a text book writer, Dr. Cavan, "rides no special horse to the post" in the field of crime. Each subject in the 23 chapters of the book reviews the significant and recent literature in a clear cursory manner. Specialists in criminology may expect an author to present some new or recent concept in the field, however, originality is not a characteristic of a college textbook. For those who seek originality students must look to writers of monographs.

Dr. Cavan's text contains a well selected 31 page bibliography at the end of the book together with 23 pages of study subjects and questions arranged according to subject. This book will have a wide appeal for beginning college students and the general reader. The inovaters may find omissions in the book but as a text the book is well balanced, clearly written with exposition as the prime value. Since Maurice Paramelee published his *Criminology* 30 years ago American text book writing has come a long way. Dr. Cavan has made a contribution in the field of Criminology in this field.

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WALTER A. LUNDEN

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SYMPOSIUM ON MEDICOLEGAL PROBLEMS. Edited by Samuel A. Levinson, M.D., Ph.D. J. B. Lippincott Co., Philadelphia, 1947. Pp. XIV and 255, \$5.00. Indexed.

Examination of the initial group (of a series) of forums on problems facing doctor and lawyer proposes that the co-sponsorship undertaking of the Institute of Medicine of Chicago and the Chicago Bar Association will be a fruitful one. Of particular note is the thoughtful realization

of the many contributors that medicolegal implications are not simply medical nor legal; philosophy, economics, psychology and sociology offer findings that must be correlated with professional training and experience. Lay and expert practitioners in these fields should profit from a reading of this book.

The two above-named organizations have sponsored symposiums on medicolegal subjects in which prominent attorneys and medical men including Dan Carmell, Allan R. Moritz, M.D., Oscar Hawkinson, M.D., Professor Fred Inbau, Francis X. Busch and Morris Fishbein, M.D. have been invited to participate. This, the first series, is concerned with the following topics: (1) The Medical Witness in Court: Expert Testimony; (2) Artificial Insemination; (3) The Practice of Pathology and Its Medicolegal Problems; (4) Operations to Produce Sterility; (5) Trauma and Tumors in Industrial Medicine; (6) Scientific Tests in Evidence having to do with blood grouping tests in disputed paternity cases and chemical tests for intoxication. To each subject a formal paper was addressed by doctor and lawyer followed by an extraordinarily revealing discussion and question period.

The medical discussion of operations to produce sterility is accompanied by six illustrations. While there appears to be little technique other than more words with which to illuminate the contribution of the legal specialist, lawyer and lay reader alike could derive considerable revelation from the presence of additional drawings and photographs in the medical discussions.

Contributions to knowledge such as this shame the vestigial thinking in modern setting that "law is a jealous mistress." Today's lawyer whose only preoccupation is law is doomed to a permanent clerical rating. Many attorneys, legal educators and members of the judiciary are awakening to the interrelationships experienced by law with other scientific perspectives and professional endeavors. The New Jersey Court of Errors and Appeals recently declared, in a far-reaching decision, that an industrial relations counsel is not engaging in the unauthorized practice of law, granted that he has recourse to it.<sup>1</sup> The Omaha (Nebraska) Mid-West Clinical Society in October 1948 sponsored a formal round table discussion entitled "The Doctor In Court."<sup>2</sup> An English survey of substantial proportions into the legal and medical implications of artificial insemination is deservedly cited by one of this book's contributors, Dr. Alfred Koerner.<sup>3</sup> "The University of Nebraska (College of Law) at the present time is developing a Legislative Laboratory, where we hope to have experts from the various fields help us in studying legislative reforms. This laboratory could very easily be extended into an institute of law and medical science or of law and social science . . ."<sup>4</sup>

It is difficult, without expending pages, to summarize even what appears to your reviewer to be this book's most important contributions. Very revealing to him, however, were the prejudices righteously ex-

<sup>1</sup> *Auerbacher v. Wood*, 59 A. 2d 863 (1948).

<sup>2</sup> For a transcript of these five papers, see *The Journal of the Omaha Mid-West Clinical Society* (January 1949).

<sup>3</sup> *Medicolegal Criminological Review* (England), July-September 1944. Page 74.

<sup>4</sup> F. K. Beutel, Dean, University of Nebraska College of Law, "Necessity of Reform in Court Procedure Governing Medical Testimony"—a paper delivered before the aforementioned meeting of the Omaha Mid-West Clinical Society.

pressed in the name of the law's concern with personal moral laws. The pages devoted to questions from the floor illuminate the intellectual and psychological barriers to the formulation of practical working hypotheses for thinking and collaboration in this field.

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ROBERT C. SORENSEN

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VIJF EEUVEN STEDELIJK STRAFRECHT. By *Dr. Louis Th Maes*. (Five Centuries of urban criminal Law). De Sikkel, Antwerpen, 1947- 830. p.

There are studies on the criminal law and procedure of many medieval cities, Augsburg, Nürnberg Regensburg, Speier, Zuerich, Dortmund and Freiburg. Dr. Maes presents us with the most elaborate and the profoundest of them all, a fascinating description of 500 years of criminal practice in the old city of Mecheln in Belgium. Starting with the foundation of the Germanic Laws the development ends with the abolition of legal autonomy by the French Revolution in 1795.

Dr. Maes leads us first through the systems of jurisdiction and the rules of criminal procedure which illuminated the life of the prosperous and powerful community. Similar to our military commissions and other war-time emergency procedures there were exceptional patterns of prosecution: the proceedings against peace-time "enemies," heretics, witches, traitors, gypsies and suicides. Their utter dangerousness required an immediate counterstroke without the delaying intercession of ordinary safeguards. There is an excellent chapter on ancient pardon practices. Good Friday was a favorite term. We meet still the "right of the virgins"; by asking a man sentenced to die to marry her, a girl could save the poor wretch.

The system of criminal law was highly developed. We need only look at the different types of rape. Penalties were carefully graded according to the status of the victim: whether she was a girl, a married woman, or a lady of easy virtue. Around 1400, by the way, the usual punishment was still castration in Mecheln. In aggravated assault we find an extended catalogue of the wounds inflicted and corresponding responsibilities incurred. The most severe penalties were given those who wounded the weak and the defenseless: daughter or sister, the servant, a beguine, or a prostitute. Larceny was divided into half a dozen and more different patterns.

More than usually we learn in Maes' book of that neglected part of criminal life, the military offenses, tax evasions, gambling—it was forbidden to indulge in playing ninepins in certain squares and streets—vagrancy and begging. In those unruly times they were great and unsolved problems. There was a large number of physically handicapped. There was a saying: "young soldier, old beggar." Countless ailments and interesting conditions were simulated and reflect the contemporary belief in miracles. Some women went around, for instance asserting to have borne monsters. The religious swindler pretending to be a hermit or pilgrim was a common feature. The third part of the work deals with punishments. There is a vivid description of the many forms of death penalty, mutilating punishments, whipping, branding, banishment and cropping of hairs, a punitive measure our retrograde mentality has revived. The photographs which accompany the text and illustrate it are unusually well done. Historians of criminal law will be interested in the strange pillory for prostitutes, reproduced on page 368. By gather-

ing a tremendous bibliographical material (see the chapters on the hangman, the defense attorney, blood revenge, indictment, ordeal, right of refuge, torture, clemency, heresy, witch trials and death penalty) Dr. Maes has made a splendid contribution to the history of criminal law.

This is a work which will assume and retain for a long time a seat of honor in the field of legal history. It is original, honest, abundant in new facts and it spans five hundred years of social control with the mastery of the great scholar.

Univ. of Kansas City

HANS VON HENTIG

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STUDIES IN CRIMINOLOGY. By *Arthur N. Foxe, M.D.*, Nervous and Mental Monographs No. 76, New York, 1947. Pp. 162. \$4.50.

This small volume contains the writings of Dr. Foxe which have been collected here from the various psychiatric and medical journals published from 1936 to 1946. Dr. Foxe was the psychiatrist at the Great Meadows Prison from 1933 to 1939 and at present is engaged in the practice of psychiatry in New York City. The articles are arranged into three groups: General, Classification and Psychoanalytical. The General, shorter or longer articles, range from "Witchcraft," "Pilate" to "The Antisocial Aspects of Epilepsy." Those in the second group deal with the practical application of psychiatry in the field of prison administration. The third group covers such subjects as "Resistance to the Understanding of Criminotic Behavior" to "Freud's Contribution to an Understanding of Delinquency" to "Terrorization of the Libidio and Snow White." These 22 articles constitute a valuable and interesting treatment of psychiatry and human behavior.

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