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Book Reviews

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BOOK REVIEWS

THE JOURNAL OF CRIMINAL SCIENCE: Edited by *L. Radzinowicz* and *J. W. C. Turner*. London. Macmillan and Company, Ltd., 1948. Pp. 207. \$3.75.

It is a pleasure taking note of the accomplishments of the Department of Criminal Science at the University of Cambridge, England. With two exceptions,¹ this symposium is contributed to by British academicians, police, and public officials. These eleven papers, summarizing and describing rather than reporting new research in their respective fields, deal with the following subjects: corporate responsibility under criminal law, criminological research by sociologists in the United States, sex crimes, Metropolitan Police organization, crime detection methods, "The Treatment of Political Delinquents in Some European Countries," protecting the accused, insanity as defined by principles of criminal law, the police exhibition, probation officer training in England and Wales, and proposals regarding treatment of the accused.

Taft contrasts types of American sociological research in criminology under the following headings: individual causes and influences, e.g. the gang; neighborhood and community surveys; particular types of delinquents and crimes; crime within given minority groups; "analyses of the general culture." Some criminologists may raise their eyebrow at his arbitrary dichotomy of theories of causation. To one group he attributes a search for universal characteristics of criminal behavior—one he claims they refuse to credit as genuine casual factors unless their presence is indicated in all observable instances. On the contrary, there are those students of criminal behavior to whom he attributes a type of factor whose "test of causation is . . . the effect of its absence." This theory is described as holding that such factors appear in combinations peculiar to given types of crime.

Sir Roland Barrows' chapter entitled "The Responsibility of Corporations under Criminal Law" utilizes a concept of the corporation which is strictly legal and inanimate. Within these bounds the author advocates the corporation's obligations to the law, stating that "after all, corporations are creations of the law for the purpose of facilitating the organization of human society and the conduct of human enterprise."

In "The Treatment of Political Delinquents in Some Foreign Countries," J. M. van Bemmelen raises some challenging questions in the fields of jurisprudence and administrative behavior. The latter, which borders hard on the interpretation of the former, is the more interesting. Questions of treason *ex post facto*, the public relations involved in "demobilizing" the roster of political prisoners (especially a country's own nationals), the absence of economic contribution by the guarded and their jailers in times of need, and the re-introduction of the death penalty in several countries are discussed. Administrative problems encountered in fashioning a rationale for dealing with "anti-democratic" political acts as opposed to political acts of collaboration point up a significant conflict of ideologies within the interpretation of criminal law.

While this book deals rather explicitly with description and enumera-

¹ Professor Donald Taft, University of Illinois, and Professor J. M. van Bemmelen, State University of Leyden (Holland).

tion, it possesses a generous amount of information regarding British procedure and outlook for the reader, be he teacher or lawyer.

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College of Law

ROBERT C. SORENSON

SYMPOSIUM ON MEDICOLEGAL PROBLEMS—Series Two. Edited by *Dr. Samuel Levinson*. Philadelphia. J. B. Lippincott, 1949. Pp. xvii and 275. Indexed. \$5.00.

The spirit of this second series, like the first, meets the oft-cited dictum of Justice Holmes contained in the editor's introduction: "The life of the law has not been logic it has been experience." Continuing their efforts to challenge doctors and lawyers in specific learning situations involving interaction between their two professions, three Chicago organizations—Institute of Medicine, Medical Society and Bar Association—have co-sponsored meetings in five subjects undertaken as follows: (1) The Human Skeleton in Legal Medicine; (2) Psychiatry and the Civil Law; (3) Psychiatry and the Criminal Law; (4) Federal Control of Drugs and Cosmetics; (5) Radiation Hazards and Health Protection in Radioactive Research.

Dr. Francis J. Gerty, in dealing with the medical aspects of psychiatry and civil law, points out that "the right of liberty is only one of the fundamental rights and, under the conditions of mental illness, should not always take precedence over the preservation of life or the opportunity to recover that measure of happiness for which mental health is necessary."

While, on the subject of psychiatry and criminal law, Dr. Paul L. Shroeder and Wilbert F. Crowley¹ agree on the need for more psychiatric treatment for those found guilty of committing crimes, it is not clear whether the latter believes that treatment is a derivative of punishment rather than a more adequate substitute for it. While homage is justly paid to the development of the behavior clinic attached to the courts, this reviewer is reminded of three things: first, in many communities, including Chicago, the individual found "insane" by the clinic and unable to stand trial is committed to a "hospital" until adjudged capable of going to trial with the original charges still hanging over him. Records will reveal that some men have been "detained" for over twenty years in this demi-monde status, awaiting, often with little treatment available, the day they are adjudged sufficiently well to stand trial. Second, the "knowing the difference between right and wrong" and "understanding the nature of the accusation" criteria defined by law are pathetic standards by which to judge the role of the mental patient before the bar. Third, regardless of the respect and attention paid the psychiatrist, the sociologist, and the social worker, Mr. Crowley's concluding plea that "we let courts and juries still remain as the bulwark of our liberties" overlooks without solution the degree to which evidence gathered from professional examination can be guaranteed acceptance and comprehension rather than burial under the emotions of jury members and the tricks of the courtroom trade.

Dr. Andrew C. Ivy's brief report on the human experimentations of German physicians under the Nazi regime can be summarized as follows:

1. These doctors were not on the whole psychopathic—no more, that is, than any devoted followers of totalitarian rule might be suspected of being.

¹ First Assistant State's Attorney, Cook County (Chicago), Illinois.

2. Brutal and atrocious experiments were justified by accused physicians on the following bases:

a. "The prisoners used were going to die anyway . . ." They might as well be used to obtain knowledge "for the welfare of mankind and the army."

b. The end justifies the means in that the suffering and death of a relatively few will result in the later saving of many.

c. If the experiments are to be performed at all, it is preferable that they be conducted by "well-trained scientists."

3. The German criminal code as late as 1944 prohibited any kind of euthanasia and experiments on persons without their consent.

4. Conditions (ethical principles) for human experiments were violated in that the subject's consent was not obtained, insufficient or no knowledge was available to justify the value of the results gained from such experiments, and suffering was all but encouraged by the usual absence of trained attendants.

5. The status of medical experimentation with human beings in this country, although it operates under the most rigorous ethical principles, is in question due to the potential suits for malpractice and damages in the case of unforeseen injury or death.

The statutes emerging from the use of radioactive materials have been few. Discounting those laws enabling the administration of atomic energy development, rules for regulation of exposure levels, for example, have been promulgated by the United States Bureau of Standards. Legislatures have, in this respect, been aware of the lag between their knowledge and research findings so have steered clear of the subject. New findings are daily changing concepts. The law has not yet provided for specific application in the event of radiation-derived injuries. Attorney Augustine Bowe emphasizes the need for considerable study and intelligent legislative draftsmanship. He is quoted as saying in this regard that "we so often complain that the functions of courts are being taken over by commissions and bureaus. This is inevitable if the law insists upon keeping a half century behind the rest of human activities."

The lag between science and law is emphasized, as well, in the case of the administration of the food and drug laws. Dr. Morris Fishbein, in a concession to government as sound as his opposition to government-insured medical security is maniacal, emphasizes that legislation, rather than law, is the process which bears watching. Stating that "controls grow from experience," the regulation of new discoveries and of the processes which newly-found inventions reveal must await the dissemination of knowledge and its application to the problems outside the laboratory of rigidly controlled experimentation. In this discussion, more attention might have been paid to the incitement to violation encouraged by many of our society's mores and other laws.²

"The Human Skeleton in Legal Medicine" will, for many, be the most informative section of all. It is technical enough, yet worded for the "lay" physical-anthropologist. The chapter is effectively illustrated with photographs, tables, diagrams, and three pages of bibliography. Dr. Wilton M. Krogman draws from the literature and his own extensive experience in illuminating the application of anatomy and physical anthropology to law enforcement problems.

² See, for example, the many case histories in Edwin H. Sutherland, *White Collar Crime*, New York: The Dryden Press, 1949.

My reaction to Volume 2 of *Symposium on Medicolegal Problems* is similar to that regarding Volume 1 which I recently reviewed. John Dewey, George H. Mead, and others believe that objects and events derive their meaning from the challenge of use and that we think as we encounter constantly occurring crisis situations big and small. The wider the breadth of our vantage points, the greater the benefits which can accrue to all of us from the findings of medicine and law. These symposiums contribute to this goal.

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ROBERT C. SORENSON

PERSONALITY PROJECTION IN THE DRAWING OF THE HUMAN FIGURE. By *Karen Machover*. Charles C. Thomas, Publisher, Springfield, Ill. 1949. Pages 181. \$3.50.

Drawings made by patients in clinics and hospitals have been studied empirically over fifteen years or so as means for analysing personality. Over a considerably longer period, and for a similar purpose, the drawings of school children have been more or less systematically observed.

When a patient is drawing with a pencil he is not suffering the restraints and embarrassment that he experiences when he is being orally interviewed. Theoretically, therefore, he tells the truth about himself—for much the same reason that the man who has imbibed enough alcohol is likely to reveal what he would otherwise conceal . . . *In vino veritas!*

In this book the author outlines a method of analysis based on the interpretation of drawings of the human figure. Obviously, theoretical considerations are of little, if any, avail in such an undertaking. Only attempted analyses by numerous hands of many hundreds of drawings of one patient after another can yield a method of interpretation that will do justice to any personality under observation.

The present book includes analyses of drawings made by several persons who had been charged with crime. The layman, on reading them, will naturally be puzzled by such a statement as the following relating to a drawing that had been made by a young man who was a car thief (Page 131): "The omission of hands would relate to the patient's guilt regarding his car stealing and also regarding his lack of achievement. (Guilt aggravated by the demands of his guardians.) He had never made an adequate adjustment to people or things."

Couldn't hands be omitted from the drawing merely because the drawer found it difficult to include them? In another case "Regression and collapse of judgment are seen in . . . the confusion of profile and full face . . . (Page 119)." Could this peculiarity, also, be due to lack of skill in drawing?

Somewhat analogous questions were asked years ago when the Binet Tests were new. Untiring research has answered them, or submerged them in practical results. It is to be hoped that such an outcome will be forthcoming in relation to Projective tests.

Evanston, Illinois

ROBERT H. GAULT

THE PSYCHOLOGY OF ABNORMAL BEHAVIOR. By *Drs. Louis P. Thorpe and Barney Katz*. The Ronald Press, New York, N. Y., 1948. Pp. 877. \$6.00.

This book deals with the background, nature, origin, and symptoms of abnormal behavior. It includes chapters on the psychoneuroses, the

various organic and functional psychoses, and the principles and techniques of psychotherapy. It encompasses the general fields of psychology and psychiatry. Ninety pages of the book are devoted to discussion of the psychoneuroses and two hundred and forty-six pages to the discussion of the psychoses. In this regard the book might be considered an introduction to, or textbook of, psychiatry.

The book lists the American Psychiatric Association classification of personality disorders. It then follows a classification of its own which is somewhat artificial and no improvement upon the American Psychiatric Association classification. A number of the classifications described are merely symptoms of psychiatric disorders. Among these are feelings of insecurity, etc., stuttering, criminalism, frigidity, and impotence. Conditions such as amaurotic family idiocy, juvenile paresis, psychoses due to carbon monoxide and lead poisoning, and psychoses due to pericious anemia are discussed. Such conditions are seen only rarely even by busy practicing neurologists and psychiatrists and are of no special value in an introductory book of this type. Inadequate personalities are discussed under simple maladjustments. These are commonly grouped under constitutional psychopathic inferiority reactions. These reactions are not included in the classification and are barely mentioned in the book. Pronounced emotional instability usually considered to be a constitutional psychopathic state is classified under the psychoneuroses. The description of psychosomatic maladjustments does not include some of the more common types such as colitis, and fracture and accident cases. The classification as a whole is symptomatic and not dynamic. The subject of sex is approached in a descriptive behavioristic way. The chapter on "Sexual Abberations" does not discuss the Freudian sexual theories. These are generally conceded to be valid and basic. Kinsey is quoted with finality even though the validity of his work and findings is contraversial. Under the "War Neuroses" operational fatigue is discussed at considerable length. Operational fatigue is no longer commonly regarded as a disease entity. The terms has fallen largely into the same disuse and confusion as shell shock of World War I. The term originally served to give a respectable high sounding name to a group of psychoneurotic states as did shell shock in World War I. This syndrome might best be deleted and the cases described under more accurate and familiar designations such as anxiety state and psychoneurosis, hysterical.

The book as a whole is written from the descriptive standpoint with a strong tendency to oversimplification. The chapter on "Objectives of Psychotherapy" is excellent. The psychobiological approach and school of thought of Dr. Adolph Meyer is barely mentioned. One or more chapters could well be devoted to this subject. Under the various psychoanalytic methods there is only several lines of discussion of the methods of Dr. Otto Rank.

The references in the book are excellent and cover the current literature on the various subjects. The book is written in simple non-technical language and is easy to follow. It contains a glossary of technical terms which should be valuable to the beginning reader in abnormal psychology. The book contains much valuable information for the beginning student in the field of mental illness, and is as a whole well written. I take pleasure in recommending this book.

Atlanta 3, Georgia

HARRY R. LIPTON, M.D.

THE CRIMINAL AND HIS VICTIM. By *Hans von Hentig*. Yale University Press, 1948. Pp. 461. \$6.00.

The book under review is the second of a trilogy planned by the author. The first, *Crime: Causes and Conditions* (McGraw Hill Book Company, New York), was published in 1947, and dealt mostly, but not exclusively, with socio-cultural factors. The present work concentrates on bio-physical factors, but it includes analyses of many of the aspects treated in the earlier work also. In his preface, the author indicates that he has planned the third book, *The Therapy of Crime*, but has not yet written it.

Professor von Hentig was formerly Dean of the Law School at the University of Kiel. One step ahead of the Nazis, he finally managed to come to the United States, after first becoming Professor of Criminal Law and Criminology at the University of Bonn. He is the author of a dozen books, mostly in German, and of countless articles. The present work reflects the traditions of Germanic scholarship. It is thoroughly documented with numerous footnotes, references, and quotations on practically every page, often from mythology and from literary works, as well as from case studies culled from popular journalism. The importance of some of these citations is not always evident, and considering their great number, they tend to interfere with the smooth reading of the text. The references are considerably to German sources. It is important and significant that they recognize fully the works of Lombroso, and Hooton. Though Professor von Hentig has held important criminological research, teaching and advisory posts in this country for more than ten years, his familiarity with many contemporary American works and viewpoints, and with the general psychoanalytic approach, is not clear. His references to non-Germanic European sources are infrequent. Consequently, it is not surprising that in his frequent references to suicide and its analysis, *vis-a-vis* crime, and concerning climatic and seasonal variations, he quotes many others, but never once refers to the pioneer studies and fundamental interpretations of Emile Durkheim. Under the circumstances, there are numerous questionable interpretations throughout his book.

The volume is divided into four parts, the first three of which deal respectively with "Constitutional Factors and Crime," "The Sociobiological Elements of Crime," and "Geopsysics and Crime." The author's phraseology is often unfortunate and ambiguous, but many of his statements indicate that, for him, hereditary and constitutional factors *per se* are very important criminogenically, as are also racial and climatic and seasonal factors as such.

The author frequently and loosely uses the concept of instincts, and makes suggestive, but highly dubious comparisons between human beings and the lower animals. There is no doubt that if he had had a systematic framework of reference for the analysis and integration of the nature of crime and of crime causation, he might have avoided many of his unfounded conclusions. Without such a systematic theory, the author's treatment of many topics often lacks cohesiveness and significance. And he has scarcely any reference, either in this or in the earlier work, to such factors as social disorganization, cultural conflict, social class structure, class relationships and class values, socio-political processes in the administration of criminal justice, and the nature, pervasiveness and significance of white-collar criminality. He seems not to appreciate

adequately the basic criminogenic implications of these factors. Professor von Hentig repeatedly expresses a healthy skepticism of official criminal statistics; yet he frequently relies very heavily on them for certain purposes and at such points his conclusions are open to question.

The author has a fresh approach and often provides valuable original insights, as in his analyses of the criminality of Americans of various degrees of foreign ancestry, of gangs of various types, occupation and crime, religiosity and crime, etc. He treats many topics not dealt with generally, such as his detailed treatment of the role of various mental disorders and types of drug addictions in criminality, vocationally selective factors, etc.

The most original portion of the book is Part IV, which deals with "The Victim." The last seventy pages of the book are devoted to this subject. It is a valuable contribution, not only because of its systematic classification of the victims of criminals in terms of those physical, mental and social weaknesses which make the victims especially easy to prey upon, but also because the author adequately establishes the conclusion that in certain types of sex offenses, physical assaults, and confidence games, the reputed victim is just as responsible for the situation as the reputed offender—sometimes more so—and that the conventional viewpoints here are in need of re-evaluation. The author classifies these reputed victims by psychological type, suggesting the importance of the victim's behavior-patterns as provocative of crime. Professor von Hentig then goes on to extend this approach to the community, suggesting that, by maintaining certain criminogenic situations, it practically guarantees its own victimization and suffering through criminal depredations, though the individual victim of crime is perhaps more to be looked upon as the "activating sufferer." This is an integrated approach, and one that assumes the essential interdependence of personality and culture, and the interrelationship of the individual and his society. As the author indicates, it contains promise of potentially important practical results. If he had fully assimilated this approach, he might have avoided some of the dubious statements contained in the earlier part of the volume.

Although the book is thus of uneven merit, nevertheless it makes many important contributions. Professional criminologists will certainly want to read it. It is sure to be a cross-fertilizing influence.

The book contains both a subject and a name index.

The City College of New York

IRVING A. LANZER

MODERN CLINICAL PSYCHOLOGY. By *T. W. Richards*. McGraw-Hill Book Co., Inc., 1946. Pages 331. \$3.50.

"This book is written expressly for those who, for whatever reason, seek to supplement the intuitive knowledge of personality that they already have." According to this statement from the author's preface the book could be serviceable to a representative of any one of a long list of occupations including ". . . salesman, attorney, fisherman or showman" for each of them, in a sense, is a psychologist. But the text is not so simple as these words imply. The book is a good supplement, not to "intuitive knowledge of personality" but to a very substantial first course in general psychology or its equivalent. It is far beyond the "fisherman or showman." Indeed, many a student who has completed a first course in psychology lacks the background that the book assumes.