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## Book Reviews

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## BOOK REVIEWS

EVIDENCE OF VIOLATIONS OF HUMAN RIGHTS PROVISIONS OF THE TREATIES OF PEACE OF RUMANIA, BULGARIA AND HUNGARY, SUBMITTED BY THE UNITED STATES TO THE SECRETARY-GENERAL OF THE UNITED NATIONS PURSUANT TO THE RESOLUTION OF THE GENERAL ASSEMBLY OF NOVEMBER 3, 1950. VOLUME I: VIOLATIONS BY THE RUMANIAN GOVERNMENT, FREEDOMS OF EXPRESSION AND OF PRESS AND PUBLICATION. Department of State, Washington, D. C., November 1951. Pp. viii, 195.

The Peace Treaties with Rumania, Hungary and Bulgaria imposed obligations upon those governments to maintain human rights in their territories and to cooperate in establishing international commissions of investigation in case violations of those provisions were alleged. The United States and other governments protested that such violations had occurred from the entering into effect of the treaties, and, getting no response, invoked the treaty procedures. The three governments refused to cooperate on the ground that the matter was domestic and that the charges were unfounded because their constitutions assured human rights and the repressive measures objected to were in pursuance of obligations to weed out Fascist organizations. The problem was then submitted to the General Assembly of the United Nations which obtained advisory opinions from the International Court of Justice holding that since the issue involved treaty obligations it was not domestic, that the three governments were under obligations to cooperate in establishing the commissions called for by the treaty, but that if they refused to do so the commissions could not be established.

The General Assembly then passed a resolution condemning the wilful refusal of the three governments to carry out their obligations and requesting members to submit evidence of violation of these treaty provisions to the Secretary-General of the United Nations. The present volume is the first to be submitted by the United States in pursuance of this resolution. It includes evidence only of charges against Rumania and only of charges concerning the violation of freedoms of expression and the press. Further volumes are to be published.

An introduction by Secretary of State Acheson summarizes the case and a general statement of sixteen pages points out the significance of the evidence and the violations established. The bulk of the volume reproduces the evidence translated into English and consisting mostly of quotations of Rumanian laws and decrees and testimony from refugees. "Large quantities of material which would be convincing to historians and relevant in the formulation of opinions in the transaction of ordinary international business but which in a courtroom might be held hearsay or not the best evidence" is excluded from the publication. In the main, statements are presented in full but in a small number of cases there are excisions "in the interests of economy and efficiency of presentation and in deference to the directions of individual deponents" (p. vii).

The material is of value in indicating the methods of Communist countries in this field. The opposition press is eliminated, censorship is established, all public utterances not in conformity with the party line are prohibited, and arbitrary punishment is visited upon non-conformists. The material seems ample to sustain the charges in any tribunal administering justice.

University of Chicago—Law.

QUINCY WRIGHT

THE OLD BAILEY AND ITS TRIALS. By *Bernard O'Donnell*. New York, The Macmillan Company, 1951. Pp. 218, illustrations, index. \$3.00.

Criminal jurisdiction for the metropolitan area of London is exercised by a special Central Criminal Court, dear to the devotees of detective yarns under its popular name—the Old Bailey. The changes that have occurred behind Old Bailey's historic walls since its original site as the Newgate prison of twelfth century notoriety have been interwoven with overall changes in British law and procedure. Bernard O'Donnell has used the violent men, desperate deeds, shameful punishments, and colorful trials which have stained the court records of Old Bailey to trace the transformation of British Justice from vindictive Elizabethan codes to the humane laws of the present.

In 1767 Sir Stephen Jansen described Newgate prison as an "abominable sink of beastliness and corruption." Grimy walls bearing the carved initials of the doomed and heavy flagstones upon which depressed prisoners walked bore silent witness to savage tortures and mutilations, to callous hangmen practicing their grisly art, to raucous mobs excitedly gathering as late as 1868 to witness public executions, and to "hanging breakfasts" where judges, jailers and their friends caroused on municipal expense. John Stubbs, an author who dared criticize the matrimonial intentions of Queen Elizabeth, suffered the penalty of having his hands cut off for "seditious libel." Seldom could a man cheat the gallows, especially in an age that hanged a man as promptly for simple theft as for murder, and where professional witnesses were paid to swear whatever was required of them. Recalcitrant jurors who disagreed or hesitated in returning a verdict were carried in a cart through the city to listen to the taunts of a jeering crowd. Highwaymen, regicides, petty thieves and debtors all appeared at Old Bailey to hear their sentence of agonizing death or punishment with the pillory, the whipping post or the hot iron.

Contrasted with this sordid picture is the modern Old Bailey, whose dome is surmounted by a gilded figure of Justice, sixteen feet high, holding aloft her sword and scales over the London street scene. Symbolically enough, the corporation of London has not blindfolded the stately statue, this to impress upon its citizens that justice as administered in the Central Criminal Court is not blind. On the bench of the court usually sit a visiting jurist from the High Court of Justice, three judges paid by the city, and either the Lord Mayor or an alderman of London who is, in theory, as much a judge of the court as his professional colleagues. Thus the old tradition that the city of London enjoys special judicial rights has been maintained. As author O'Donnell's memory roves back through the criminal trials which he has witnessed during the past forty years, he demonstrates that the dignified demeanor of the present-day trial settings and the dispassionate administration of British law well justify the inscription over the main entrance of Old Bailey: "Defend the children of the poor and punish the wrong-doer."

Bernard O'Donnell's assiduous research into the official documents of the court archives added to the dramatic fascinations of the subject itself have made *The Old Bailey and Its Trials* a worthwhile addition to British social and legal history.

The Ohio State University

HAROLD M. HELFMAN

HISTOIRE DE LA POLICE. By *Marcel Le Clère*. Paris, Presses Universitaires de France, 1947. 135 pp. 120 francs.

HISTOIRE DE LA JUSTICE. By *Marcel Rousselet*. Paris, Presses Universitaires de France, 2nd Edition, 1948. 128 pp. 120 francs.

LE CRIME. By *Jean Marquiset*. Paris, Presses Universitaires de France, 1948. 127 pp. 120 francs.

LES PRISONS. By *Jacques Voulet*. Presses Universitaires de France, 1951. 127 pp. 120 francs.

LA POLICE SCIENTIFIQUE. By *Leon Lerich*. Presses Universitaires de France, 1949. Pp. 128. 120 francs.

During a previous visit to France this reviewer was introduced to the "Que sais-je?" series of the *Presses Universitaires de France*, much used by French and foreign students in universities and professional schools as review and collateral reading. At that time Rousselet's *Histoire de la Justice* (1st Edition, 1943) was the only criminological work available. This reviewer visited the editors and suggested a broader coverage especially recommending volumes on the police and prisons. Whether in response to this recommendation or to other pressures, there are now available in the series five volumes relating to matters criminological.

Taken together these little volumes provide an excellent orientation in the theory and practice of the French administration of justice. Each volume is written by an outstanding personality in his field, all have been checked carefully for conciseness and clarity, and all have been turned to the "Que sais-je?" pattern, whether by pre-editorial orientation or by judicious use of the "blue-pencil" is immaterial. To the foreign reader they appear more historical and descriptive than analytical and critical—with perhaps too much attention given to the development of the modern institutions and practices—but since these manuals are intended primarily for French students, who it may be assumed already have some knowledge of the current situation including the limitations of the service and the institutions dealt with, this criticism may not be entirely valid.

Marcel Le Clère, author of *Histoire de la Police*, is a lawyer and a commissioner of police of the city of Paris. He devotes four chapters to police development in France with emphasis on the reign of Fouché—paying almost no attention to the policing of other countries. In his best chapter, *La police contemporaine*, he not only describes modern French police organization but provides two excellent charts and makes half-a-dozen well-thought-out recommendations—including a strong suggestion that the French police have much to learn from the police of other countries and the proposal that French police officials be sent abroad to study foreign police systems and methods. M. Le Clère's bibliography consists for the most part of 19th Century literature with only two volumes of relatively recent vintage (1926 and 1936) and it contains a plethora of memoirs indicating to this reviewer a too romantic approach to the police problem. He says little of recruitment methods or standards, training (though he does mention *en passant* the *Ecole Nationale de Police* at Lyons and recommends in his conclusions the establishment of an *Ecole Supérieure de Police* as an integral unit of the National Institute of Administration and the setting up of an *Institut des Hautes Etudes de Police* in which police commissioners and other high police functionaries could exchange experiences and perfect uniform methods), promotion, discipline, pay, working conditions, liaison with the Gendarmerie Nationale and other policing bodies, ratio of police to population (though he presents a few scattered observations on maldistribution of police), costs, and the staff services. M. Le Clère suggests, very aptly, two new terms: *policology* and *policologist*. These words describe much more exactly than any in use the competencies included in our terms, police administration and police science.

In *Histoire de la Justice*, Marcel Rousselet, president judge of the Seine Tribunal, covers briefly Athenian and Roman law, the administration of justice under the French monarchy, the changes brought about by the Revolution and by Napoleon, and finally the civil and criminal justice of today. Rousselet concludes that the study of the mechanisms of a large number of jurisdictions and the work of their personnel over several centuries discloses that while their differences appear great, in reality they are not—not only the costumes but the usages, traditions, and even the laws have perpetuated themselves.

*Le Crime*, by Judge Jean Marquiset of the Seine Tribunal, is more difficult to evaluate since it does not follow a familiar pattern. In seven chapters, M. Marquiset discusses the legal view of crime, the criminal mind, the doctrine of free will and criminal responsibility, criminal types (murderers, thieves, arsonists and unnatural parents though not in a neo-Lombrosan pattern), the search for the criminal, the repression of crime, and crime as a social phenomenon (including some French crime statistics which are no more objectionable than similar statistics from other countries). Chapter V (*La recherche du criminel*) might well be transferred intact to the *Histoire de la Police* and Chapter VI (*La répression du crime*) to Voulet's *Les Prisons*. There is precious little theoretical or academic criminology in *Le Crime*—not even Tarde and other French criminologists being deemed worthy of discussion—and M. Marquiset's bibliography of ten titles includes but two works on police administration and police science, four medico-legal books, two codes, one penal law, and Rousselet's *Histoire de la Justice*, commented on above). *Le Crime* is interesting but not wholly satisfactory as a French criminological treatise.

Jacques Voulet, to whom we are indebted for *Les Prisons*, is a lawyer and assistant director of the French Department of Justice. Of the five works considered his most nearly approximates ideal presentation of the material—a short historical summary, description of foreign practices (his brief comments on the American prison system are unobjectionable if somewhat uncomplimentary, eg: “. . . le régime pénitentiaire n'est pas progressif”), the over-all organization of the French prison system, special chapters on the jails (*maisons d'arrêt*) and the prisons (*établissements de longue peine*), a too short chapter on the readjustment of discharged offenders, and a few strictures and recommendations including a condemnation of preventive arrests. Voulet covers many areas of interest to American penologists: buildings, security, food, clothing, work, discipline, medical services, religion, rehabilitation, etc. One is surprised on finishing the volume that so much could be covered so well in so few pages.

Criticisms in this review of the shortcomings of individual volumes of the “*Que sais-je?*” series should not be interpreted as a condemnation of the whole. These five books are all very good—the five together comprise an excellent criminological text at a negligible price (600 francs equal about \$1.60). This low price is made possible because of low production cost (paper covers, no illustrations, etc.) and high sales volume. This reviewer has had his five volumes bound together in an attractive leather binding for less than the price of an average college text in criminology.

*La Police Scientifique* by Judge Leon Lerich of the Seine Tribunal of whom Edmund Locard writes in his introductions: “. . . He is peculiarly fitted to write this difficult book . . . in competence as a criminalist he ranks among the better technicians. . . .”

Judge Lerich writes of fingerprinting, palm prints, footprints, poroscopy

(the Locard influence), ballistics, document examination, etc., not with the objective of making the reader an expert in each of these difficult skills, but rather to instil in his readers (the book is directed to judges and law students) an appreciation of the role of the police scientist—and an intelligent understanding of the police scientist's methodology as well as of his conclusions. The author has read widely, chosen well, and presented his material in a concise, clear and interesting manner.

New York University

DONAL E. J. MACNAMARA

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MONEY AND EMOTIONAL CONFLICTS, *By Edmund Bergler, M. D.* Doubleday & Co., 1951. Garden City, New York. Foreword and 269 pages, \$3.50.

From the many detours on the road between emotion and money that are caused by neurosis, we want to cull Dr. Bergler's theory of the gambler.

The gambler does not, according to Bergler, start in the stock brokers office or in some more or less fashionable gambling house, his origin is in the nursery. The gambler, a man who habitually stakes or risks something on an uncertain event without calculating risks as a business man does, is in fact the megalomaniac child who has libidinated denials bound to occur. He wants to lose because losses give him an alibi. If he wins he will not stop gambling until he loses again and this is the proof of his original child megalomania. The gambler takes monetary losses as payment for his typical masochistic happiness-in-unhappiness-longings. The gambler cannot be cured by either winning or losing. The only possible successful counteraction is psychoanalytic-psychiatric therapy. These theses are illustrated by a number of interestingly written examples.

While this type of gambling certainly exists, Dr. Bergler will agree that the material so far published is not broad enough to bear out generalization. As Dr. Bergler has promised a special volume on "Winning And Losing In Gambling," one should like him to take into account the views of the sociologists, particularly the late Edwin Sutherland's theory of Differential Association. In this way, Bergler's position would gain and the readers should appreciate it if an avowed psychoanalyst would look over the fence and let us know how he feels about the neighbor's seeds.

New York

W. ELIASBERG

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PSYCHOANALYSIS AND POLITICS. *By R. E. Money-Kyrle.* W. W. Norton & Company, Inc., New York, 1951. 182 pages, incl. preface and index.

There is on page 115 of this book a footnote in which a sensitive reader might well discover the author's struggle between psychoanalytic dogmatism and some doubts stemming from common sense. The author somewhat casually remembers the fact that the character of the German military and official classes might not be determined entirely by the authoritarian home atmosphere, but also by a single economic fact: the loss of economic independence at the time of the big German influence. Thus the access to the inner sanctum of the author's ideas is, as happens often, not through the main floor but through the basement.

What can be gained through the psychoanalysis of political motives? In answering this the author is back to his dogmatism. "The political striving is influenced by unconscious motives"; by making these motives conscious in the strictly analytical way they at the same time will become more rational and in this way one might more likely achieve a rationally desired world. The