

1952

## Book Reviews

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## BOOK REVIEWS

CRIME AND THE COMMUNITY. By *Frank Tannenbaum*. New York: Columbia University Press, 1951. xiv 487 pp. \$4.50.

This book was originally published in 1938 by Ginn and Company. It is reissued now by the Columbia University Press without revision or change of any significance. Seven chapters (Chapters XII—XVIII), about one-third of the volume, were originally prepared for the National Commission on Law Observance and Law Enforcement (The Wickersham Crime Commission) and published as Report No. 9 of that Commission under the title "Report on Penal Institutions, Probation, and Parole," dated June 23, 1931. Three chapters (IX-XI), dealing with police and court problems, were written by Mr. Morris Ploscowe who had served as a member of the staff of the Wickersham Crime Commission.

The reissue of this well-known book at this time serves to point up significant differences in publishers' judgment as to what is significant in books in the crime field—recency and up-to-dateness of materials or significance and soundness of basic analysis. Some books are so sharply focused on the current events with which they deal that they are threatened by obsolescence as soon as published. As soon as more recent statistics appear, such books become obsolete if not favored by frequent revisions to keep the content up-to-date. Other types of books use data of current events only as illustrations of basic problems and patterns of interrelations. Obviously the Columbia University Press is of the opinion that the book under review offers a type of analysis of criminal behavior, the basic soundness and importance of which are in no way dependent on the recency and up-to-dateness of illustrative information.

In this the publishers, perhaps, have merely accepted the author's own view. He says "The extensive illustrative material, drawn from current and easily available sources, is merely illustrative. It is not part of the argument, and the argument is not dependent upon it." ("Preface," p. v.) Whether this appraisal is correct or not, it is nevertheless something of a novelty to have a book in criminology appear in 1951 filled with the illustrative materials and events of two decades or more ago.

The theoretical orientation provided in this book, for the understanding of the phenomena of crime and criminals is one well worth serious attention. It is basically the proposition that crime is best understood as an integral part of the community, not something special, peculiar, or abnormal. This is clearly set out in the quotation that follows:

American criminal activity must be related to the total social complex. The United States has as much crime as it generates. The criminals are themselves part of the community in its deeper sense, and are as much its products as are its philosophers, poets, inventors, business men and scientists, reformers and saints. This is a basic fact that we must accept. If we would change the amount of crime in the community, we must change the community. The criminal is not a symptom merely, he is a product, he is of the very bone and fiber of the community itself. The community has given him not merely his ideals and ends, not merely his relationships with the world that make the kind of career he lives a possibility. The community has given him his methods too, whether these be graft, political pull, or the use of a machine gun. The distinction between the criminal and the community, drawn in sharp contrast—a distinction between good and evil—is a false distinction and obscures the issue.

. . . The relationship between the criminal and the community is a total relationship and not a partial one. He is the product of the sum of our institutions and the product of a selective series of influences within them, as are the best and the worst of the non-criminal population. The community does not set out to make a saint, and yet it does occasionally. It does not set out to make a criminal, and yet it does, more than occasionally. (p. 25.)

This is a point of view and an emphasis on crime as part of the ordinary organization of community life with which the present reviewer is in general agreement. In accordance with this view, the explanation of crime is primarily a matter of tracing its development as part of community activity. Typical chapter headings are, therefore, "Education for Crime," "Organized Crime," "Politics and Crime," "Politics and Police," and so on. Even more revealing of the topics dealt with are some of the sub-headings in the chapters, such as "Habituation to a Way of Life," "The Hardening Process," "Crime as Livelihood," "Crime as a Career," "The Function of the Politician," "Justice at a Price," "The Web of Corruption," "The Logic of Crime," and "The Warrior's Psychosis."

In all this, the story is clearly and forcefully spelled out of how the youngster becomes a "man" who . . . "takes his 'bit' just as a soldier takes his wound, decently and without whining." (p. 194) Orientation to a life of crime comes about as naturally and as much a matter of course, one event leading up to the next, as does orientation to any other way of life, say that of the school teacher, the preacher, the banker, or the store keeper. This story Tannenbaum tells superbly well.

No one who had read this book, and understood its implications, should have been surprised at the revelations of the Kefauver Committee. All the sordid details of the "Web of Corruption" (pp. 153-172) that shocked the country in the winter and spring of 1951 have been spelled out in this book and documented from the reports of investigators and grand juries in Chicago, New York, Philadelphia, and other American cities. From the standpoint of this volume, the Kefauver Committee's revelations were really "old stuff." It was only the naive wish-to-believe that all this was changed with changes in officials that led the public to forget the events of the immediate past. Therefore it found incredible, in the spring of 1951, the revelation of the existence of friendly cooperation between the "underworld" of criminals, racketeers, and gangsters and the "upperworld" of police, politicians, and business men. Tannenbaum had told the full story of that interrelation a good many years before the Kefauver Committee hearings. Recent events merely illustrate for the present the soundness of Tannenbaum's statement, . . . "The relationship between the criminal and the community is a total relationship and not a partial one." (P. 25)

The materials on penology do not carry through the theoretical orientation of the analysis of crime as part of the ordinary activity of the community. Prepared as it was, as an investigator's report on the backwardness and inadequacies of existing penal programs before 1930, it is now so out-of-date that its descriptive details are of little more than historical interest. So many changes have been made in institutional programs and in the administration of probation and parole since that time that a full review of the situation twenty-five years ago has no great significance today except as a matter of background to give perspective for present attempts. It is therefore a pity that this material has not been brought up-to-date to give it present-day pertinence.

Here, then, is a book reprinted in 1951 the materials of which were already several years old when it first appeared in 1938. Its basic approach to the problem of crime causation is most important and challenging, and it matters little that the illustrative materials are not those of the current headlines. Its treatment of the materials on penology are out-of-date and no longer serve the purpose of making clear what is being attempted in the treatment of crime.

One looks in vain in this book, now as in 1938, for any discussion of the most critical question confronting penology today—namely, whether present penal methods make sense in the light of the analysis of crime causation so brilliantly formulated. Some attention to that important problem would have added greatly to the significance of the book as a whole.

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GEORGE B. VOLD

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SEX AND THE LAW. By *Morris Ploscowe*. Prentice Hall, Inc., 1952. Pp. 285 plus introduction, notes and Bibliography. \$3.95.

Sex and the law is an examination by a modern, world-wise lawyer, of the whole field of sexual attitudes, as regulated by present-day laws, in the various states of the United States.

In keeping with the tradition which would allow sex only in marriage, the book starts with chapters on marriage, annulment, divorce, illegitimacy, and then turns to sex actions "considered to be against nature," such as homosexuality, exhibitionism, peeping, etc. There is visible in every chapter the moderation of a man who has observed life, has seen that the flesh is weak, and who has still chosen to remain a lawyer.

Some of his statements will be mentioned to show the orientation of the author. He is against common-law-marriage; he is for a reform of the legal requirements to enter a marriage. This proposal is based on modern sociological and psychological insights in American marriage in what we believe we know about the prospects of success or failure of marriage. The author is against the marriage of minors, he is for the prevention of marriage of the mentally disordered, the physically diseased, the impotent; he is for the elimination of hasty and clandestine marriages through the provision of adequate waiting periods. Lax marriage laws, according to the author, contribute heavily to the demand for dissolution of marriage through divorce or annulment.

With respect to the much discussed sexual psychopath laws, it is pointed out that it is only the relatively small number of really dangerous offenders, i.e., offenders who proceed with force or violence or involve children or outrage public decency or commit hetero-sexual and homo-sexual prostitution against whom the sex-psychopath laws must be directed. "One need not become hysterical over the run of the mill exhibitionists, the fetichists, the frotteur."

As to the treatment of offenders psychiatry has, as is pointed out, at present not very much to offer, particularly for the reason that neither private practice nor institutions are prepared to treat them. The author is fully aware of the difficulties of law enforcement, even in those fields where such enforcement is in the interest of public health. However, the roots of the problem of public vice in politics is not dealt with.

On the "Wanted-list" of this book one should put a "plug" against the agent provocateur-methods used by the police in New York and in other cities, too. The detective or plain clothes man sneaks up to a citizen who has been minding his own business, talks him into some homo-sexual act and at the last moment reveals the badge under his lapel. The courts unfortunately still accept testimony by such provocateurs.

Another plug should be against the senselessly high penalties on many of the statute books. While Ploscowe sees that the law cannot eradicate homosexuals or other sexually devious behavior, he does not stress the undesirability of such penal threats which, on the whole, only instigate extortion.

Sum total: a valuable book; for practical use it may be desirable to have the decisions indexed according to states, years, etc. Also for a new edition a historical survey of the development in the various states might be desirable.  
New York W. ELIASBERG

ADVANCES IN UNDERSTANDING THE OFFENDER. Edited by *Marjorie Bell*. 1950  
Yearbook of the National Probation Association, 1790 Broadway, New  
York City, Pages 312.

The annual yearbook of the National Probation and Parole Association provides a helpful guide to the understanding of the philosophy, current practices, and problems in the treatment of the offender. The 1950 issue consists of twenty-three articles covering eight distinct areas in the correctional field. The Attorney General of the United States discusses "Federal responsibility" for the youthful offender. Two judges and a chief probation officer write on the juvenile court as a community agency. To those who are interested in the current thinking regarding the organization and function of the juvenile court, Justice J. W. Polier's succinct appraisal "Standard Juvenile Court Act, 1949" is essential reading. "The Role of a Citizens Advisory Council in a Juvenile Court Program" is discussed by Charles Boswell, who demonstrates how citizen participation was effectively used in Marion County, Indiana.

A superintendent of a boys' training school, a well known authority on group therapy, a Dean of a social work school, a U. S. Childrens' Bureau consultant on training schools, and a person who has recently completed research on release procedures, cover the various aspects of institutional treatment. These articles point out the various problems institutions are facing in their treatment program, and in after-care supervision. The study by Elizabeth Betz underlines the great variation in release procedures and the need for formulation of realistic policies, co-ordination of programs, education of the public, and enactment of better laws. The two sections "Organization of Probation and Parole Services," and "Probation and Parole Casework," are written by men having administrative responsibility for probation and parole work on state and federal levels.

Three interesting articles under the general classification "Psychological Study of Personality Deviation" treat the subjects of the criminal psychopath, the sex offender and psychological technique in probation and parole work. Of particular interest were the cases of psychopathic personalities presented by Melitta Schmideberg. She demonstrated that psychopaths can be benefited by psychiatric treatment. The two articles on "Probation and Parole Abroad" which describe the new developments in Western Germany and Israel give evidence that America is contributing ideas as well as money to the reconstruction of the post-war world. A most helpful section entitled "Legal Digest" gives a resume of the legislation and court decisions effecting juvenile courts, and probation and parole in 1950.

The scope of this volume is comprehensive and the writers are of varied disciplines and occupations. Nevertheless, there is a surprising unity of outlook with a focus on individualized treatment. A marked emphasis is placed on the need for trained personnel in the correctional field and on the need of correlating all efforts of courts, social agencies, institutions, probation and parole departments toward the reorientation of the offender to constructive behavior.

This unity of effort was noted by the National Director of Probation and Parole in the Netherlands, Dr. Maarten E. Tjaden, who recently visited the

United States, and made a study of our correctional practices. In Federal Probation, December 1951, he concluded with the following acute observation:

"What impressed me most and gave me much confidence in the future development of the correctional system in your country is that so many judges, prison officials, psychiatrists, and social workers have the same ideas about treatment of the offender, spoke the same language, and were interested in the development of social casework."

In the estimation of the writer a reading of this 1950 yearbook corroborates Dr. Tjaden's impression.

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DAVID H. GRONEWOLD

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THE FAMILY OF TOMORROW. By C. C. Zimmerman. Harper & Brothers, New York, 1949. 256 pages. \$3.50.

Criminologists have always been interested in the family as one of the most potent factors shaping human behavior, including of course criminal and especially juvenile delinquent behavior. Therefore a book on the family always arouses the curiosity of persons engaged in the study of crime: there is the possibility that it will contain some pertinent information or provide an enlightening perspective.

From a book bearing the title *The Family of Tomorrow* one might expect more direct and specific reference to the future. In reality a good four-fifths of the text deals with the past, primarily with the opinions of historic personages, writers, statesmen and religious leaders, on the structure and functions of the institution of the family. The discussion of the institution of the family in Greece and Rome of antiquity, early Christianity, the Middle Ages and the Reformation permeates the book and centers around the views of nine people whom Prof. Zimmerman considers the most outstanding in their contribution to the understanding of this institution: Augustus, Livia, Jerome, Jovinian, Augustine, Theodora, Erasmus, Luther, and Milton. The book really consists of a somewhat repetitious presentation and discussion of the views of these nine people, plus many others who are mentioned less frequently.

As to the prospects for the family of tomorrow, they consist in a projection into the future of a periodization discovered by the author in the past of the Western family. The sequence of the trustee family, the domestic and the atomistic family has repeated itself three times between 1500 B.C. and 1950 A.D. We are now presumably in the age of modern anarchial atomism and should expect the polarization and confusion of the 21st century to be succeeded once more by tomorrow's primitive trustee family. The author makes a plea for The American Family Institute, which should be established as a powerful organization for preserving and improving the family system. He senses the conflict between his deterministic cycles of family development and this plea for social action to influence the historic course of events, but thinks that this conflict is resolvable: "instead of yielding to cultural determinism and blindly waiting for a new day, . . . we try to preserve and reindoctrinate *family, culture and faith* at a higher level."

This study is permeated by arbitrary value judgments to such an extent that it can hardly be considered a scientific study in the sense of modern social science. It is more of a social philosophical treatise, and if approached as such is quite interesting, original and stimulating.

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P. LEJINS