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Book Reviews

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BOOK REVIEWS

JUSTICE ACCORDING TO LAW. By *Roscoe Pound*. Yale University Press, New Haven, 1951. Pp. 98. \$2.50.

In this *multum in parvo* volume Dean Pound adumbrates on the honorific and various meanings given to Justice and Law since the beginning of civilized thought. He expounds on the various theories of justice: justice is an individual virtue, a moral idea, a regime of social control, the end or purpose of social control and so of law, and the ideal relation among men which we seek to promote and maintain in civilized society and toward which we direct social control and law. He finds a source of the difficulty for the numerous meanings given to such terms as Justice, Rights, Law and Morals in the poverty of words. However, since general terms are unavoidably ambiguous and are subject to individual interpretation, a plurality of words denoting abstract concepts would, in the opinion of this reviewer, produce neither specificity nor universal meaning.

Dean Pound considers Radbruch's definition of justice best, that is, "the ideal relation among men."¹ Law, therefore, is the highly specialized form of social control for effectuating and maintaining an ideal relation among men. He recognizes that our legal institutions function in the absence of agreement among the philosophers as to *the* theory of values or *the* definition of justice. He contends that "Experience developed by reason and reason tested by experience have taught us how to go far toward achieving a practical task of enabling men to live together in politically organized communities in civilized society with the guidance of a working idea even if that working idea is not metaphysically or logically or ethically convincingly ideal."²

Thus, to Dean Pound the law attempts "to adjust relations and order conduct so as to give the most effect to the whole scheme of expectations of men in civilized society with a minimum of friction and waste."³ At best, this has meant the working out of imperfect compromises between conflicting forces. Yet, by a process of social engineering, he presumes that we may come near "to systematic adjustments and reasoned orderings according to an authoritative technique."⁴

Dean Pound's second lecture is given to the question, What is Law? Initially, he concerns himself with the need for law and social control. He explains that in a highly industrialized society adjudication cannot function adequately except in accordance with authoritative, determinative patterns through an authoritative technique of formulating from them the bases of decision. It is the distinction between the authoritative guides to decision in the adjudicatory process and the subjection of the will of one man to the arbitrary will of another which differentiates the administration of justice in the democracies and in the totalitarian states.

He notes three factors as having made the question, what is law, difficult. One, the need of balance between rule and discretion. Two, the several points of view from which law in the lawyer's sense of a body of authoritative precepts may be observed. Each presents a different approach and view. Third, law has taken on three distinct meanings.

He then considers the standpoints from which law in the sense of a body of authoritative precepts may be observed. Law is viewed differently by the lawmaker, the individual subject to the precept, the judge and the legal advisor. The lawmaker sees it as items of desired conduct. The individual

1. Pound, *Justice According to Law* (1951) 19.
2. *Id.* at 29.
3. *Ibid.*
4. *Id.* at 30.

subject to the precept thinks of law as a rule of conduct. The judge views it as a guide to or pattern of decision. Finally, the attorney conceives of the legal precept as a basis of prediction. To Dean Pound these different views can be unified from the standpoint of the judge, since judges, in his opinion, for the most part render their decisions in accordance with established precepts. This provides a basis for the integration of standpoints.

To the judges who have a background in the common law, Dean Pound contends "the main body of its precepts speak alike no matter what their individual social or economic backgrounds or temperament."⁵ He sees an exaggeration of the subjective, arbitrary element in the judicial process as described by the realists. Experience has indicated that judges can by striking to perform that which the law expects of them and aiming at the ideal of objective decision come sufficiently near to it for practically all purposes even though theoretical perfection is not attained. He sees uncertainty of any consequence appearing where the rule of reasonableness is applied for there the tradition is unsettled and opaque. Also in the absence of clear objectives the wide range for the interpretation of legislation gives support to realistic theory.

Further, Dean Pound interlards that the school of realism is a "menace"—a viewpoint not shared by this reviewer—since the theory is negativistic. The realists opine that in practice we do not attain any high measure of objectivity and any attempt to achieve it would be mere pretense. So why try for standardization or consistency is Dean Pound's interpretation of their attitude.

This criticism appears to be overly severe for in practice some realists have shown increasing interest in the improvement of the law and the administration of justice. It suffices to mention only two leaders in this connection—and this by no means exhausts the list—Professor Llewellyn's outstanding work on the Uniform Commercial Code and the significant research in the conflict of laws and in comparative law under Professor Yntema's direction at the University of Michigan.

The purpose here is not to present a defense of the school of American legal realism (if that were really necessary); yet, in passing, mention should be made of its significant juristic contributions. Realism has removed the illusory, filmy veil of certainty from judicial law, thus exposing her imperfections to the critical gaze of the expert. It has helped us in our attempts to bridge the distance between formalism and ethical and social values and between illusion and reality. Its functionalism has been an impetus for the rational, scientific projection of the law.

Dean Pound presents three meanings of law: (1) the legal order, (2) the body of authoritative guides to or patterns of judicial and administrative decision, and (3) the judicial and the administrative process.⁶ The legal order relates to "the regime of adjusting relations and ordering conduct by the systematic and orderly application of the force of a politically organized society."⁷ The second meaning is that which the lawyer generally gives to the term "law." It, in this sense, comprises precepts, technique and ideals. The third meaning has been described by Mr. Justice Cardozo as "the judicial process."

Dean Pound contends that if the ideas identified by the three meanings are to find unity it will be by the concept of social control. He conceives of

5. *Id.* at 37.

6. *Id.* at 48.

7. *Ibid.*

“a regime which is a highly specialized form of social control, carried on in accordance with a body of authoritative precepts, applied in a judicial and in an administrative process.”⁸ Here we have the core of his legal philosophy.

His third and final chapter relates to judicial justice. In treating of the separation of powers, his initial concern is with the media for the administration of justice. However, he limits his consideration to the adjudicatory process and more specifically to judicial law. He conceives of adjudicatory justice as the birthright of the judiciary and identifies the adjudicatory functions of legislatures as evils, exhibiting the bad features of justice without law. This is so, for legislative justice is uncertain, unequal and capricious. It submits more readily to personal solicitation, lobbying and corruption. It is highly susceptible to the influence of passion and prejudice. And finally, legislative justice is molded by party politics, partisanship and “deals.”

He also finds little advantage in the claim that legislative bodies are more responsive to the popular will than the judiciary, since the former are too ready to abdicate individual reason and critical scrutiny for suggestion and impulse. Further, the administration of justice by large legislative bodies is cumbersome and costly. Such he claims has been the adverse experience of legislative justice which reinforces modern constitutional theories, those of Aristotle and sixteenth and seventeenth century thought.

One can find little disagreement with this fundamental political theory. It is regretted, however, that both Dean Pound and the realists have confined their jural studies to judicial law.⁹ In this book Dean Pound limits his legislative consideration to the adjudicatory functions. Since law-making by the legislatures involves a wide range of policy-formulation, it must not be ignored by the jurists if they are to give to the law its fullest meaning and clearest direction.

Dean Pound observes that the practice of referring and settling differences by litigation resulted in a breakdown of administration in the United States during the last quarter of the nineteenth century. He concludes that the development and expansion of the administrative process was due in part to this immobility of the judiciary. However, it appears that the activation of the executive was in response to social exigencies and the changing demands of the people—wants which the courts could not satisfy—and that the administrative paralysis of the judiciary was an effect rather than the cause for the new emphasis. Dean Pound’s writings leave unrecognized the fact that the administrative process is not solely concerned with the adversary proceeding but deals also with the more encompassing matters of administrative legislation—matters which bear a constant relation between one particularity (i.e. public utilities) and a branch of the public.¹⁰

Dean Pound strongly advocates the keeping of the judicial power in the judiciary and the lawmaking functions in the legislature. While not arguing against administrative agencies per se, he is convinced that the executive has over-extended itself to include functions which under the separation of powers theory belong with the other branches of the government. He, therefore, favors effective judicial scrutiny of administrative action to keep the agencies within their statutory bounds, to see that the law is rightly interpreted and

8. *Id.* at 49, 50.

9. Professor Julius Cohen has carefully presented this thesis, noting that courts are not “. . . the only conduits through which the force of government is carried to the individual. . . .” *Towards Realism in Jurisprudence*, 59 *YALE L. J.* 886, 888 (1950).

10. This emphasis appears in the administrative writings of Mr. Justice Frankfurter. It is also noted by REUSCHLEIN, *JURISPRUDENCE—ITS AMERICAN PROPHETS* 295 (1951).

applied by them, to invoke the proper execution of standards and to check the conformance of their actions to due process of law.

He sees a difference between administrative and judicial adjudication since the latter has numerous and effective checks upon arbitrary and biased actions as contrasted with what he maintains is an absence of adequate review of administrative activities. Dean Pound interlards certain advantages of judicial justice. First, as to both "law-declaring" and "law-deciding," it contains the most effective features of certainty and of flexibility. Second, the judiciary is subject to checks which are almost always inoperative against the legislators and executive officials. Third, judges generally "uphold the law against excitement and clamor."¹¹

He observes that the Anglo-American legal system is basically judicial, as the Continental method is essentially administrative. Yet, he is unwilling to accept this characteristic of the American system when administrative agencies assume judicial manifestations. The extension of judicial practices to administrative agencies must be viewed as a form of judicial specialization which is consistent with American judicial tradition.

In the opinion of this reviewer, Dean Pound's attitude reveals a manifest failure to judge objectively and appreciate fully the social drives which influenced the development of our government. His reasoning is bridled by a strong devotion to the judicial process. Hence, by applying a *de minimis* rule to judicial discordancies, he avoids those observations as to the inability or the laxity of the courts to develop and follow a plan of systematic principles. Such scrutiny is essential if insight is to be gained from judicial vagaries and impetus is to be given to institutional and legal revaluation.

The Ohio State University
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ERVIN H. POLLACK

THE HOMOSEXUAL IN AMERICA. A SUBJECTIVE APPROACH. By *Donald Webster Cory*. Introduction by Albert Ellis, Ph.D. Greenberg: Publisher. New York. 1951. 306 pages. Cloth. Price \$4.00.

This study of an important problem is offered by an author who frankly reveals his point of view, stating at the outset that he himself is a homosexual. There is much to be said for this frankness, in contrast to the disguised homosexual life-appraisals reflected indirectly through many well-known works of fiction.

What this author presents to the reader comes accurately labelled, not in the confusing ambiguity of Walt Whitman's lusty camaraderie with its boastful overtones imputing super-virility to friends who sleep in each other's arms. We are not misled about the subject under discussion as we are, for instance, in Proust's almost endless cynical wailing about the tormenting infidelities of the figure presented in fiction as his girl-friend, but who, apparently, turns out to be a man-servant so disguised. Since discussion has little point unless the subject is revealed, Mr. Cory's frank revelation of his viewpoint is helpful.

His book impresses the reviewer as a sincere and serious attempt to deal with complex and tragic problems. A vivid picture is presented of the objective homosexual world, the *gay bars*, men dressing in evening gowns to please others who refer to them as "she" despite their shared sexual distaste for anyone who is actually "she." Mr. Cory accurately notes that these figures suggest not so much a woman as the caricature of a woman. Here is perhaps a clue to the deepest aspects of the entire problem; but the author does not

11. POUND, *op. cit.* note 1, at 87-89.

follow it through. Possible causes of homosexuality and the results of treatment are discussed. Fundamentally the book is an appeal for understanding, a request for respect and acceptance, a criticism of the severe laws against sexual acts generally regarded as unnatural.

Mr. Cory is modest and tentative in speaking of causal factors. Here he is less prone than many psychiatric writers to accept as proof what is suggestive evidence at best and what is sometimes even less. He is pessimistic about the hope for genuine homosexuals being made genuinely heterosexual by psychotherapy, endocrine treatment or by any other means available today. The reviewer after many years of psychiatric practice has found no convincing evidence to the contrary and agrees with the author's opinion that it is neither kind nor wise for psychiatrists to be less than frank about this.

Like other articulate homosexuals, Mr. Cory attempts to show that their attitudes and practices are natural and their relations more or less equivalent to the mating of man and woman. On paper this argument can be maintained with considerable logic, but in life itself the promiscuity, ambivalence, carping or raging jealousies, and the inevitable frustration, indicate scarcely less emphatically than anatomy itself that the male is not biologically equipped to achieve real or happy mating with another male. Unlike Andre Gide, Rene Guyon, Edward Carpenter, John Addington Simmonds and other prominent apologists for homosexuality, Mr. Cory seems to recognize and admit much of the transiency and promiscuity so characteristic of homosexual relations. His book does not, however, indicate any recognition of those aspects or dimensions of human experience that distinguish the personal and real sexual love of man and woman from puerile heterosexual seduction in the spirit that has made many terms for sexual intercourse equally serviceable as synonyms for cheating and despising, and as terms of gross insult.

The book is interesting, well-written and vivid. In the reviewer's opinion it deals with its subject more accurately than some often cited as psychiatric studies. It deserves to be read by all physicians, jurists and social workers. It should be helpful to homosexuals of good will who are trying to make a happier and more acceptable adjustment, despite its attempt to attribute nearly all of the homosexual's difficulties to a hostile attitude of the majority and little or none to the intrinsic limitations and incongruities of his pathologic sexual aims.

Medical College of Georgia

HERVEY CLECKLEY

CONTEMPORARY CORRECTION. *Paul W. Tappan* (Editor), McGraw-Hill, New York, 1951. Pp. XVII plus 434. \$5.50.

This symposium by 32 contributors in 26 chapters, among them some of most outstanding American authorities in penology, is designed "to cover the major aspects of contemporary correction." This it does in a comprehensive manner, dealing successively with overall administration and policy, types of correctional institution, specialized methods of treatment, and non-institutional treatment. The contributors include Henrietta Additon, Benedict S. Alper, Robert D. Barnes, Sanford Bates, James V. Bennett, F. Lovell Bixby, Dr. Ralph A. Brancale, Richard A. Chappell, Price Chenault, John B. Costello, John R. Ellingston, Frank T. Flynn, Dr. Justin K. Fuller, Glenn M. Kendall, George K. Killinger, Frederick C. Kuether, Clarence B. Litchfield, Frank Loveland, Edwin J. Lukas, Austin H. MacCormick, Lloyd W. McCorkle, Richard A. McGee, Charles McKendrick, Sherwood Norman, Morris Ploscowe, Kenneth L. M. Pray, Walter C. Reckless, Henry D. Sheldon, Paul W. Tappan, Will G. Turnbladh, Walter M. Wallack, and Roberts J. Wright.

The volume is well-edited in double column pages and contains a great mass of information. It is at the same time a succinct, condensed and well-written presentation of nearly every important aspect of contemporary American penology. Its emphasis is upon the administrative operation of correctional systems, and its papers deal consecutively and painstakingly with sequences and procedures involved in each aspect of correctional policy. They are conscientious statements by careful workers in the field.

Among the more interesting and valuable to the reviewer were Chapter 3, "Training of the Correctional Worker," by Walter C. Reckless, Professor of Social Administration, Ohio State University; Chapter 7, "Classification in the Prison System," by Frank Loveland, Assistant Director, Federal Bureau of Prisons; Chapter 9, "The Youth Authority Plan," by John R. Ellingston, Special Advisor, American Law Institute; Chapter X, "The Service Unit," by Walter M. Wallack, Warden, Wallkill Prison, New York; and Chapter XIV, "Group Therapy," by Lloyd W. McCorkle, Associate Warden of Trenton State Prison, New Jersey.

Ellingston's article, dealing primarily with the youthful offender, is filled with honest indignation over contemporary mishandling of the young delinquent, and offers some clues for further experimentation in penal practice—social diagnosis at special reception centers; treatment utilizing constructive and useful objectives, with small groups in a non-punitive setting; replacement of low-grade, ill-paid custodial personnel by well-paid specialists in child care; careful screening of those admitted to the care of the Youth Authority to permit movement in two directions, of local, non-institutional care for the more hopeful cases, and commitment to specialized institutions for long-time treatment, of psychotics and defectives; and sound after-care for other youths, including social supervision in the family home where possible, foster (opportunity) homes and boarding clubs.

The Service Unit, described by Warden Wallack, is an interesting and worth-while development of classification to permit an integration of administrative control and knowledge of the institutional process as it affects the individual prisoner. But one wonders, on reading its description, whether the small service unit would not bog down in paperwork in the large institution, and fail to operate effectively as a prison case work unit.

Dr. McCorkle's paper on group therapy is exciting because it shows how professional skill can be used to engage prisoners in a form of therapeutic relation in a non-authoritarian setting within the confines of the prison situation. It is the most dynamic article in the volume.

With certain notable exceptions, including those articles noted, most of the volume is a somewhat pedestrian approach to the fundamental problems of penology. There is not too searching a comparison of goals and recommendations with actual penal practice, and most of the suggestions for policy change are lacking in boldness. The volume does not at all deal with what is actually happening to men in prison, and the outcomes.

The following subjects are noted for their absence: 1) a description of research studies of penal methods and their outcomes; 2) a systematic comparison with penal philosophies, policies and practices in other parts of the world; 3) a statement of major historical changes in penal philosophy and practice in the United States. Thus the volume does not tell us where we stand in the evolutionary development from punishment to treatment. The specialist in the field, reading with a point of view, will come to his own conclusions, but the layman is likely to be somewhat confused.

The volume describes present practices, with an eye to the (not too

distant) future. It is on the whole, a faithful representation of the middle-of-the-road dilemma of contemporary American correction, balancing carefully between punishment and treatment, security and administrative flexibility of treatment, regimentation and fraternization, idleness and forced labor.

From the picture given, American correction is in its details of operation, slowly evolving toward a more humane and sensitive pattern of treatment of the offender. Its chief gains have been in architecture, notably the slow abandonment of the ideal of the mammoth maximum security prison installation; in provisions for institutional and extra-mural classification and for reception diagnostic procedures. It has lost ground recently in the opportunities for constructive employment in industrial States, and prison idleness has had much to do with prisoner discontent. Some headway in the rural South is being made in overcoming the venalities and brutalities of the plantation system of convict slave labor. Measured bit by bit, the gains of American penology have been impressive.

Its failure has been the monumental one of fearing to abandon in practice an outworn penal philosophy of punishment which all but a few reject, for a newer philosophy of rehabilitation to which most give lip service but which few espouse in practice. What American penology needs is a conceptual framework for an approach to a pattern of effective human relations in the correctional setting. Until it develops one, its administrative, technical and physical improvements will be unproductive of rehabilitation.

The authors of this volume, who for the most part are concerned with direct responsibilities in the field of prison administration, are certainly not alone, nor directly to blame, for this state of affairs. They must feel, and with considerable justification, that they can travel in a desirable direction only at the rate at which the least enlightened fraction of our society will permit. Out of the insecurity with which the contemporary enlightened penologist faces his task, has come the failure of re-defining the status of the prisoner, to restore to him the dignity of equality and freedom within the limits of the prison community, to the extent to which he has earned it. The average prisoner is a man or woman who has spent most of his or her prior life as a free and sovereign American citizen, and who on release after a short period of confinement, will exercise the same rights and prerogatives as all other citizens. Yet nothing is done in this short period of servitude to prepare the straying citizen better for the discretionary use of those liberties. He is instead dealt with as though upon release he were to become a citizen of a police state.

In reading through sections of the volume, one comes upon evidences of facilities that could be utilized in the direction of a new penology. The Federal prison system reports a high ratio of personnel to prisoners, 1:5 at Leavenworth, and 1:3 at Danbury, making it possible, if that personnel consisted of the proper professional caliber, to set in operation a therapeutic program of human relations. But, one is tempted to ask, of what ultimate use is this high ratio if the Federal prison system will not move away from its policy of non-fraternization toward the development of therapeutic individual and group relationships, using here the term "therapy" to cover any *voluntary* shared activity under competent or professional leadership. (p. 69). We are tempted to ask our prison administrators whether existing legislation, other than prescribing secure custody, limits administrative flexibility in establishing *constructive* voluntary patterns of human relationship in prison. Those of us who have worked in penal institutions know that other kinds of

human relations already exist in our congregate system, legislation or no legislation.

Here and there one comes across evidence of progress toward the goal of better human relations in prison practice. In several places, social education is stressed. (p. 72). This is, of course, a fine objective, but it is not teachable through "courses" any more than the social education of the college student is achievable alone through courses. Social education, for the most part, comes about through sound social participation.

There is here and there evidence that the emphasis upon treatment is gaining some status in relation to the upper administrative hand of custody. Placing custody in the hands of jailers, and treatment in the hands of professional penal administrators, is a mile-stone in penal progress, as evidenced in the creation of the post of associate warden, in charge of all functions save custody. But should jailers in such a situation not be subordinated to penal administrators in the penal hierarchy? Should not wardens become principal keepers, and associate wardens in charge of rehabilitation become superintendents?

To conclude, what the volume does not cover and which should be dealt with in the very near future, is a study of the social process in the prison, utilizing descriptions from every experimental approach to the use of human relations roles and relationships for purposes of therapy in the prison situation. We need in the future fewer descriptions of administration and more of the know-how of group relations.

These comments should not be taken to indicate that the volume does not have solid values, for these it does have. Professor Paul Tappan, of New York University, is to be congratulated for having assembled a group of experts and specialists, and for having moulded their contributions into a cohesive and comprehensive volume. It is by far the best symposium on the subject of contemporary correction the reviewer has seen, and one that merits careful reading by every person engaged in the field of correction, or interested in it.

City College of New York

HARRY M. SHULMAN

THE UNKNOWN MURDERER. By *Theodor Reik*. New York: International Universities Press, Inc., (1945) 1949. Pp. 258. \$3.75.

Anecdotal and in part speculative, *The Unknown Murderer* should capture the interest of the student of criminal investigation and the student of the psychology of criminal behavior. Its orientation is largely psychoanalytical as it undertakes to puncture many of our assumptions and superstitions concerning the behavior of the person who murders.

Reik feels that society has too little concern for the subjective or psychological fact and too much interest in the objective, tangible fact. The latter elements figure prominently in the process of logical reasoning—the intellectual achievement on the part of the criminologist and literary detective which our culture admires. Interestingly enough, however, we often overlook the observation that "a clue is a fact which has to be co-ordinated with others in order to be of value for finding out what actually happened. In other words: a clue derives its value from a certain psychological process in the examiner." (Page 26.) Logical reality, by itself, does not always afford sufficient knowledge and observation.

Reik also suggests that false inferences are often drawn concerning the guilt of individuals accused of murder. One's facial expressions, for example, are often considered by police officials and jurors to be indicative of a man's

guilt when actually his hostility for the murdered man and his happiness at the latter's demise may effect a terrifying (though unrelated) guilty conscience. Cases are described in which suspected persons have been found guilty of murders which were never committed.

Whether one cares to adopt Reik's viewpoint regarding the significance of the role of the unconscious in the accused murderer—and this reviewer in many respects does not—this book is recommended for its imaginative survey of murders and murderers, its recognition of the complex of factors which deserve to be taken into consideration with respect to the phenomenon of murder, and its emphasis upon the neglect of unconscious processes in the search for judicial truth.

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ROBERT C. SORENSEN

TRIAL JUDGE. By *Bernard Botein*. Simon and Schuster, 1952. Pages 337. \$5.00.

The author of this book has been an Associate Justice of the New York Supreme Court since 1941. Prior to that time he had been prominent in the practice of law in New York City.

"Trial Judge" is a book that every potential juror and witness (which means all of us) should read. It is written in clear, non-technical English for the layman. Illustrative anecdotes abound. They are told for enlightenment—and they are entertaining. No one will rise after a reading without a distinct picture of what it takes to be a good judge.

"Long before the Governor thought of appointing me to the bench; long before I ever thought of being a lawyer, irrevocable strengths and weaknesses, perceptions and prejudices were being locked into my personality." Even his umpiring a sand-lot baseball game helped in that direction. Some effects of the locking are indicated in the chapter on "Influence and the Courts." In the last paragraphs of this chapter the author describes one type of influence which the judge cannot escape: the influence of the tested and proven, wise, intelligent and honest lawyer.

Readers who believe that the jury system has played a beneficent hand in the long history of judicial procedure, but who suspect that it has lost its virtue, will learn why Judge Botein is one of its friends today. Such a one may find his doubts lightened, despite the author's cases which illustrate the jury as sometimes swayed by waves of emotion. They will find, also, an unsuspected light in some corners of the rules of evidence. They will find support for the proposition that "No amount of instruction can make a Choate or a Webster of a pedestrian lawyer" and that "The truth is not always in a trial." Thoughtful readers cannot avoid gaining a wholesome pride in the higher courts which Judge Botein so well represents.

They will go on from there wishing for a Botein who will write on the Municipal Court judge—a companion to this book in both matter and candor.

Northwestern University

ROBERT H. GAULT

HOMICIDES AND SUICIDES IN FINLAND AND THEIR DEPENDENCE ON NATIONAL CHARACTER. By *Veli Verkko*. G. E. C. Gads Forlag. Copenhagen, Denmark. 1951. Pp. 189. \$4.00.

Dr. Verkko, who is a professor of Sociology at the University of Helsinki, is a leading expert on Criminal Statistics, specifically on crimes against life. In this study, he gives a history of homicide statistics on an international

scale. He then proceeds to discuss the disparity in Finland and other northern countries between crimes of violence on the one hand, and burglaries and larcenies on the other. One of his most interesting chapters is that on "The Influence of Strong Drinks on Crimes Against Life and Other Crimes of Violence in Finland". Verkko comes to the conclusion that one of the characteristics of the Finnish people is very poor ability to carry liquor. He quotes the German psychiatrist Kretschmer, who distinguishes three different character types which correspond to specific physical structures: the athletes, the leptosomes, and the pyknics. According to Kretschmer, the athlete represents a viscous type of character, the leptosome is schizothymic and the pyknic a cyclothymic type of character. The viscous character is supposed to display a particularly poor ability to carry its liquor.

"What is a poor ability to carry liquor?" Verkko asks. He quotes Jay H. Jasberg (leading Finn in America) who compares a drunken Finn's behavior to English and German immigrants in the same condition. "When an Englishman has drunk all day long . . . he dons his hat and walks home, dead serious, . . . goes to bed and resumes his work the next morning. A German may drink steadily throughout the day, fall asleep at night under the saloon table, and walk home the next morning without anybody even knowing that he has a hangover. But the Finn . . . who when sober is quite a well behaved man, when he . . . starts drinking, begins to sing. The second drink already finds him better than anybody else . . . and he begins to pick a quarrel with all present . . . He, who normally would not hurt a fly, now fumbles for his knife and wants to fight to show that he is a better man than anybody." According to Verkko's figures, the Finns, of all immigrant nationalities in the United States, hold the first place in crimes of drunkenness, followed by the Irish, Norwegians, Swedes, and Mexicans.

This book which is published in the framework of "Scandinavian Studies in Sociology" proves again, how scientifically reliable vital statistics can shed light on problems of human behavior and criminogenic factors which are still not sufficiently considered.

Hacker Clinic
Beverly Hills, Cal.

MARCEL FRYM

EXHIBITIONISM. By *N. K. Rickles*. J. B. Lippincott Company, 1951. Pp. 198. \$5.00.

"Exhibitionism is the act of exposing the male sex organ". From the legal standpoint this definition is not correct because, as the author takes care to point out in various places in his book, it is the wrongful intent or the socially unacceptable circumstances that make the act of exhibitionism in the usual meaning of the word.

Is the definition psychologically correct? In other words is there a psychological difference between the lustily strutting baring and alluring female and the guilt-stricken, overbearing and hiding male? On this question and the answer to it hinges much of the problems, touched on in this book. The answer that the author gives is not definite and not clear. He has written contradictory chapters as "Phallic Worship" (ethnological parallels) and on the other hand "Displaced Exhibitionism," containing a number of common sense examples of female exhibitionism.

As to the just mentioned chapter on "Phallic Worship" some readers might welcome a hint that the primitive worshipping of the phallus and the neurotic exhibitionism are different: the phallic worshipping is socially accepted and it is the prelude to the consummation of the normal act. The