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Book Reviews

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BOOK REVIEWS

NEW HORIZONS IN CRIMINOLOGY. By *Harry Elmer Barnes* and *Nealey K. Teeters*. Second Edition. Prentice-Hall, Inc., New York, 1951. Pp. xvi + 887. \$5.75.

In this second edition of a widely read and used book the authors have succeeded in retaining many of the desirable features of the 1944 edition while adding more recent materials that bring the discussion of many topics up to date. The new edition actually contains 182 fewer pages than the 1944 book. The reduction in size has been accomplished by the elimination from the text of many quotations and by the condensation of materials. Despite this the book remains encyclopedic in character. No other single book exists which covers more aspects of criminology and penology.

The book opens with three chapters (Part I) designed to set the stage for the reader by indicating the nature of modern crime, the presentation of facts pertaining to crime and criminals and by discussing the problems posed by various types of crimes and criminals. The white-collar criminal and the modern organized rackets receive special and quite adequate attention in this section. Anyone that still retains the notion that crime is behavior perpetrated solely by the stereotyped yegg of cartoon fame should be entirely disabused of such notions after an examination of the nature of modern crime and criminals.

The next part, entitled factors favorable to criminality, and containing eight chapters, is, as its title suggests, devoted to an examination of those variables believed to be or found to be associated with criminal behavior. The treatment of these topics, as is true of many others, is eclectic. To some this characteristic of the presentation will be a source of annoyance, to others it will be one of the more desirable features of the book. How the authors' summary presentation of the vast search which has accumulated on the various factors believed conducive to criminal behavior is viewed will depend on the readers inclinations regarding the etiology of crime. Those who like to see in criminology text books materials introduced and discussed on the basis of some systematic and well developed conceptual frame of reference containing a body of consistently related theoretical propositions will tend to shy away from the eclectic orientation of this section. Others who regard criminal behavior as a product of a great variety of factors and emphasize the heterogeneity of criminal offenders will find the authors' "multiple-factor" motif of the section especially attractive.

Part III, of book one, contains four chapters on the administration of criminal justice. The discussion ranges from the procedures and problems of detection and apprehension of suspected criminals to the disposition of both adult and juvenile criminal cases.

Book two, consisting of six parts, is concerned with penology. The reader will find in this book an adequate discussion of what has been done, what is now being done and what may (or should) be done to criminal offenders. The several conflicting views that characterize the treatment programs established to deal with the convicted offender are presented and related to the achievement or non-achievement of the professed objectives of treatment. Every effort is made by the authors to focus attention on the futility and irrationality of many aspects of present penological practices.

The 1951 edition is still exceptionally readable and stimulating. The prose continues to arrest the attention of the reader. This reviewer believes that

the new edition of *New Horizons in Criminology* will be found useful and widely accepted.

University of Minnesota

ELIO D. MONACHESI

THE BATTLE AGAINST DISLOYALTY. By *Nathaniel Weyl*. Thomas Y. Crowell Company, 1951. Pp. 378, \$3.75.

Within the last five years there has been an enormous growth in this country of a literature of "counter-communism." Contributed to for the most part by ex-Communists, it is apt to be of a special sort, characterized by breast-beating, dramatic exposés, and ominous warnings of an apochryphal nature. The confessional type of work is probably the best-known, typified by the books of Whittaker Chamber, Elizabeth Bentley, Benjamin Gitlow, and Louis Budenz. Another species of this literature, mainly the product of the non-communist journalist or spy-chaser, depicts with more or less objectivity depending on the writer and his experience, some aspect of our present domestic predicament vis-a-vis internal subversion. Some of these books merely report, leaving the reader to form his own conclusions; others exhort to action along specified lines. At the opposite pole, also in luxuriant growth, is a new literature of "counter-counter-communism." In this field also exists all degrees of passion and objectivity, ranging from the fairly sober and meticulous work of the *Cornell Studies in Civil Liberty* to the wounded cries of the far left press.

Even in this kaleidoscope of opinion and emphasis, Nathaniel Weyl's new book on the problem of domestic disloyalty is a hybrid. It is because it cannot be pigeon-holed or dismissed with a pejorative label. For the author has succeeded in weaving together in a curious pattern most of the dominant strands of the various viewpoints described above. He is therefore immune from charges on the right of being a soft-headed New Dealer, a communist tool, a denizen of the ivory-tower and on the left of being hopelessly reactionary or of discharging his hostility against the "God that failed" in the form of irresponsible accusations. Mr. Weyl is an ex-Communist writer who in the present historical study shows enlightened recognition both of the grave peril to American society latent in Communist conspiracy and the high place protection of civil liberties must occupy in a free society. In the author's words, although one-third of the book is taken up with historical development, the book "emphasizes contemporary conspiracy" and "discusses what is not being done, but should be done" about it. If Mr. Weyl's views cannot therefore be discounted as special pleading or the result of political naiveté, it is still relevant to ask whether he has presented a balanced and far-sighted program of control. Professions of belief in democratic values are here in abundance and there is no reason to doubt their sincerity. But for every ringing statement of political liberalism in the book, one can find opposite implications in others, leaving the reader with a somewhat confused impression. This lack of an organic unity may perhaps spring from a basic misapprehension on the author's part of what adherence to democratic values entails by way of steadfastness and faith in the ultimate vindication of free ideas and institutions. At least one may be justified in accepting with some caution the views on civil liberties of a man who has gone over from Communist absolutism to a crusading form of anti-Communism.

Nowhere in this book does the author explicitly raise this question of capacity to advise a democracy in a "time of troubles." Whether by design

or indifference he has chosen a form of exposition which excludes the personality of the writer and gives the reader the impression that even on the most controversial matters the facts related are documented beyond cavil. One looks in vain for the subjective element in the form of an "I think," or "I believe" or even "It would seem to me. . ." Only once in this long and closely written book does the author seem to step out from the pages and then only in the third person of a "certain ex-communist" who, had he been called by the Tydings Senate Sub-Committee investigating the State Department, could have linked certain well-known party members with Owen Lattimore through the Institute of Public Relations. (p. 253) Nor can the reader without outside information decide for himself what credit to attach to Mr. Weyl's views. His past party affiliation is nowhere announced and the impersonal tone of the text gives no inkling that one of the *cognoscenti* is speaking. I suspect nothing sinister in this but only an attempt, foiled by the McCarran Committee and the newspapers, to have his books accepted on their merits as scholarly journalism. But as I shall endeavor to show, this book, dealing as it largely does with contemporary issues of immense significance, is not merely the mechanical output of arduous research but an expression of a particular social viewpoint on problems whose solution will decisively affect our way of life. In matters such as these we must know not only ourselves but our advisors as well before we tinker with our precious birthright.

The erstwhile "left-winger" can of course help us to protect our political institutions and by his experience broaden our understanding of the social and psychological dynamics of revolutionary movements. As an informer against past confederates his status is little different from that of the traditional accomplice turned state's witness—he is just as vulnerable to impeachment on grounds of interest and bias. Our degree of respect for him will vary inversely with the degree to which we identify ourselves with the accused. At present we hate Communists so we love informers. As far as his sensitivity to democratic values is concerned, it would seem to depend on the point in time in which his apostasy occurred—the Purge Trials, the Hitler-Stalin Pact, the end of the Popular Front in 1945, or Korea. Mr. Weyl got out of the Party in 1939 but it took Korea to make him tell his story to the FBI. The story he told substantiated Chamber's testimony in the Alger Hiss trial by identifying the defendant as a secret Communist in the Government in 1934. As the present book is written from the angle of the political historian and not the participant, we learn nothing of the author's personal experiences during the thirties. Has then the author, in his role as impartial observer, contributed anything to our understanding of disloyalty and how to combat it in a free society? I think in several important respects he has.

Unquestionably a knowledge of history affords a detachment sorely needed in times such as these. We shock less readily and react with more caution if we know that the troubles currently besetting us have been faced in the past. With due regard for changed circumstances we see that some social solutions have worked while others have been self-defeating and always will be given certain constants in human nature and society. The author has written a wonderfully detailed and readable account of the history of disloyalty and espionage in this country from Benedict Arnold to the recently convicted Soviet atom spies. His learning is impressive as well as his handling of the materials. At least until he deals with our present *bete noire*, the Communist conspiracy, there is no reason to believe that the facts have been selected and arrayed to fit some private thesis. Historical objectivity is high with, if anything, a conscious bias in favor of individual non-conformity

against public or private control. Up through the first world war the book deals with espionage, treason, and counter-espionage during our major conflicts with other powers and during and after the Civil War. There are chapters devoted to the rise of the professional police and especially the evolution of federal law enforcement. With respect to legal measures against disloyalty, one is impressed by the tolerance of political heresy and even sedition that American history reveals. Jefferson's argument that the only political crime possible under the Constitution was treason as there defined, carried the day against the Federalist laws of 1789 which punished seditious libel, and from 1801 to 1860 all federal enforcement was in abeyance. From the Civil War on disloyalty was punished during wartime but not until 1940 did America have another peacetime sedition law. In the realm of private action, the author traces our "other tradition" of vigilantism from the Nativist or Know-Nothing Party and the Pinkertons of the last century to the American Protection League of the "Palmer era" and Red Channels in our own tense time. The high points of the first part of the book are the stories of the abortive Northwest Conspiracy, the rigged military trial of the Lincoln assassins contrived by War Secretary Stanton to implicate the defeated Confederacy, and the fantastic cloak and dagger schemes of German saboteurs and spies during World War I which culminated in the Black Tom and Kingsland disasters.

When the author approaches our present era and in particular the United States' relations with the world Communist conspiracy a note of tendentiousness appears. His thesis seems to be that our present domestic plight is so grave that all sorts of repressive measures, never before countenanced, are now justifiable under the libertarian mantle of the "clear and present danger" formula. There is also a suggestion that if we fully realized the true nature of the Soviet-run conspiracy we would take further steps in unharnessing law enforcement to deal with the menace. It must not be thought, however, that Mr. Weyl accepts uncritically all actions taken in the name of anti-communism. There is condemnation of the "deportations' delirium" of the twenties (with no recognition however that aliens are getting the same treatment today), private and congressional thought-police who confuse heresy with sedition, the blasting of reputations of innocent men, and the registration features of the recently enacted Internal Security Law which are considered by the author legally inoperable. But the main burden of his argument is that we must accept present restrictions and probably more if we are to survive in a world polarized into two implacably hostile camps. The FBI, which is beyond reproach, must be strengthened. Our arrest and search and seizure rules must be re-appraised in light of the devious ways of the far-flung conspiracy. Government wire-tapping should be legislatively approved. Congressional committees may properly be used for the exposure of "front" and "communist-inspired ventures in the propaganda field" and also for laying the basis for perjury prosecutions. The Loyalty Programs should be strengthened as they involve only "thought surveillance, not thought control," and are procedurally fair because stigmatization is not punishment. The Smith Act of 1940 under which mere membership in the Communist Party is indictable, although "a drastic curb on speech and political activity," is an effective weapon in the Cold War. Impatience is evinced with the requirements of public trial and confrontation by the accuser. With respect to factual accuracy in the book, there is small room for objection. In his account of the FBI's part in the Judith Coplon case, there is no mention of the evasions resorted to by the agents in the second New York trial to conceal wire-tapping both in testifying and destroying records. In the Washington trial the "tap" on telephone conversations be-

tween Coplon and her lawyer during the trial is dismissed as a "red herring." Senator McCarthy's part in the vicious smear campaign against Anna Rosenberg before her confirmation as Assistant Secretary of War is given scant attention.

These latter, however, are only matters of emphasis. The main contention of the author is that Holmesian "clear and present danger" formula (which we are reminded is a "two-edged sword"), when used affirmatively, justifies a temporary dimout of civil liberties. Only thus says Mr. Weyl can we save our form of democracy. Without questioning this dubious use of a constitutional rule which does no more than recognize a minimum compulsion of the Bill of Rights, it seems fair to ask what sort of country would be left whenever we emerged from the storm cellar. Too few of us seem aware of the vital relationship between freedom of speech and association and the survival of democratic politics. Already stagnation of thought due to fear and apathy is widespread. To assume that our liberal and tolerant tradition is hardy enough to withstand a protracted period of repression is to do violence to history and ignore the irrational dynamics of modern society. If the author can countenance such inroads on all civil liberties one wonders whether these fundamentals have for him any great meaning.

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LAW, THE SCIENCE OF INEFFICIENCY. By *William Seagle*. MacMillan Co., N. Y. 1952. Pp. 171. \$3.50.

The startling title of Chapter VII in this book is: "The Bogus War on Crime." Its contents are typical of the sensational generalities that characterize the whole volume. Some of the book's criticisms of the administration of criminal law may be taken by the unlearned reader as an indictment of the fundamental principles of legality which are guaranteed to us by our American Constitution and our Anglo-American legal inheritance. In fact, no one but an unlearned reader could swallow the virulent attack that the author makes upon American concepts of justice. The danger is in the existence of so many such readers. It may be that the author wrote with the altruistic desire to solve an admittedly difficult problem—namely: the adjustment of the rights of the individual and the rights of the State; but it appears that the primary purpose of the book is to condemn, arouse distrust, suspicion, and revolt against the American method of administering justice.

The following quotations are from Chapter VII. Although the fallacy contained therein is self evident, a few comments are appropriate.

"Yet it seems absurd that everyone can be questioned about a crime except the person who is accused of committing it, and who is probably the criminal." Every lawyer knows that the accused may be questioned as to the crime and that the prohibition is only against certain methods of interrogation. Therefore, the statement is factually incorrect. Moreover, there is the not so veiled implication that it is unjust for the individual to assert, or to have, any rights in an interrogation. Frankly, I do not see an excuse for that kind of writing.

"The trial cannot even begin unless the accused has been informed precisely of the nature of the offense charged against him." This statement is in the nature of a complaint against the law of arraignment. It has been deemed a salutary principle of law that the defendant has a right to know of the charge for which he is going to be tried. Few lawyers or jurists or other Americans question its soundness, but the author says that this principle is

a "comic incident" of the criminal law. It would be tragic if our criminal law did not have this "incident."

"The presumption of innocence is even more absurd—". The author is here cutting deep into our democratic institutions. One can only wonder, upon reading this, what objective he had when he wrote that statement. Surely his purpose was not to use the strong force of reason with a reading public of lawyers.

"The skill of the prosecutor is neutralized by assuring to one accused of any serious crime the right to counsel." The implication is plain that it would be easier for the state to secure convictions (and I understand that an innocent person has been convicted in the past) if the Bill of Rights, in this respect, were repealed.

"The significance of the jury—is that the grossest amateurism dominates the prosecution of crime." Perhaps it would be more convenient for the state to try cases without a jury; particularly if a judge were bound to the State by political ties. And then the author continues by saying, "the judge, too, can be tried by filing an affidavit of prejudice against him". Follow these suggestions; abolish the jury and the right to a change of venue and what has a citizen got? Nothing.

"The leadership in the contemporary campaign of judicial sabotage has been achieved by the Supreme Court of the United States." This charges the Supreme Court with deliberate and fraudulent attempts to block the administration of justice. I do not believe it.

This book is calculated to make money by sensational statements. Out of charity I will make no further charges. I extend to him that presumption of innocence which he would deny to me. After all, the Bill of Rights guarantees freedom of speech and of press and I can only hope that that freedom will continue to protect defendants and the author's right to publish books—even one such as this.

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BERNARD T. WELSH, *Attorney.*

DISORGANIZATION: PERSONAL AND SOCIAL. By *Herbert A. Bloch*. New York, Alfred A. Knopf, 1952. Pp. 608. \$5.00.

The author states in Part I that he will present a co-ordinated theory of social and personal disorganization. The central theme of this "integrated frame of reference" is a sociological theory of personality growth and development which is designated as "the theory of the psychogenetic pattern (p.g.p.)" which emphasizes the important concepts of status and role. Part II of the text deals with the individual who is the victim of social disorder. This second section is characterized by the following chapter headings: Adolescent Tensions and the Changing Social Order; Delinquent Disorders and Social Change; Contemporary Factors in Delinquency; Social Change and New Perspectives Upon Crime; Cultural Drifts and Sexual Pathologies; Problems of the Sex Offender, etc. Other chapters deal with leisure and personal vices, drug addiction and gambling, mobility, mental cases, and suicide.

In Part I there are excellent chapters dealing with frames of reference and social change. But this is followed with a doubtful development of the concept of "latencies". Mr. Bloch defines latencies as: "Particular latent elements within the personality which make it difficult for the individual to confront and acknowledge certain conditions of realistic social change. These elements we refer to as latencies." The general framework of Part I is more than a social psychological approach. It is social psychology of a particular type with an

added theory of personality. In this formulation there is an admitted attempt by the author to weld together the views of anthropology, sociology, Freudian psychology, and some psychiatry. This wedding of concepts was attempted with equally negative results by S. S. Sargent in his *Social Psychology*. Rather than presenting a unified whole to the practitioner in any one of these disciplines there is a tendency to point out the incongruencies of the various approaches more vividly. Sociology and anthropology fit well together as is demonstrated in Mr. Bloch's book. Some psychology is palatable as is some of the less unique psychiatry, but in general there are likely to be three points of view rather than one. Mr. Bloch tends to favor a socially oriented psychology as his fundamental approach to social behavior.

Generally speaking Part I is very interesting reading and is recommended to those who are unfamiliar or need refreshing with such concepts as "social equilibrium," "social latencies", and "psychogenetic patterns (p.g.p.)". Mr. Bloch uses ample case histories to demonstrate his points and to ram them home. If one wished to impart this framework to a class in Social Disorganization he would find that the students would not experience any great difficulty in following the very clear development of the frame of reference.

Part II is a different matter, indeed, from Part I. The second section of the text begins with an analysis of adolescent tensions and problems which fluctuate between a keen insight into the American scene and a rather sophisticated naiveté. The author also fails to clarify or support with any evidence such a statement as: "It is stated as a general sociological axiom that delinquency is a function of marginality." The discussion of adolescent problems indicates the author's tendency to become more and more psychological in his treatment of problem areas. The categories or concepts of "regression", "compensation", "projection", etc., are used as explanations of behavior patterns and descriptions of them. The author devotes about one hundred pages to the problem of adolescents and juvenile delinquency. It would seem that the subject could have been as adequately handled in less space. Following the treatment of adolescence there are sections assigned to crime (about 60 pages), sex in one form or another (about 100 pages), personal vices which could include Mr. Bloch's treatment of alcoholism, drug addiction and gambling (about 50 pages), mobility (about 20 pages), mental cases of various types (about 50 pages), and suicide (about 20 pages). While many of these sections are excellent (i.e. Drug Addiction and Gambling) the question of the selection of areas of disorganization for such a text as this seems to be meaningful.

Bloch states that there probably are no more than 110,000 drug addicts in the United States, about 16,538 suicides a year, and around 80,000 mental cases of the institutional type. Yet all texts in the general area of social disorganization devote enormous amounts of space to these particular problems and even other less significant problems. As one example of an area neglected by Bloch and all other authors in the disorganization field is the phenomena which involved 15,950,000 persons in 1950—namely traffic accidents. There is also the problem of the 17,023,513 persons who in 1950 found it necessary to be hospitalized with a great number having to adjust to the financial and social demands of the situation.

In all fairness to Mr. Bloch it should be stated that his text, which has here been mostly criticized, would rank above most others in the field of social disorganization. It should be said that the text does tend to overemphasize some areas which would cause some concern in Universities with adequate courses in Juvenile Delinquency, Crime, and Social Psychology. The overall presen-