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Book Reviews

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BOOK REVIEWS

DETENTION IN REMAND HOMES. A Report of the Cambridge Department of Criminal Science on the Use of Section 54 of the Children and Young Persons Act, 1933. Edited by *L. Radzinowicz and J. W. C. Turner*. Macmillan and Co., Limited, 1952. Pp. X, 67, appendices. \$2.25.

An Act of the British Parliament of 1933 established local places of detention for young persons to the age of 16 who are not sentenced to probation or fined. These Remand Homes receive persons not given bail and waiting trial or other disposition, and those sentenced up to a maximum of one month.

The book is a statistical study of the characteristics of boys sentenced to the Remand Homes of Birmingham, London, Liverpool and Manchester from 1945 to 1948; a discussion of the conflicting attitudes which control the commitment to and the administration of these Homes; and an evaluation of the program in terms of the after conduct of discharged offenders. The Remand Homes appear to be operated by a relatively untrained staff and under a rather non-punitive atmosphere.

Over half of the subjects committed an indictable offense after release from the Remand Home within a three year period. Many were subsequently committed to Approved Schools. The authors conclude that the form of treatment in Remand Homes is not suitable for detention of this group of offenders. The book is designed as a basis for developing the Remand Centres and the Detention Centres which according to an act of 1948 will eventually replace the Remand Homes for those under 14.

The conclusions are based on data from official records. Neither information on the social or psychological types of delinquents nor on various responses to treatment programs within the Remand Homes is available. The type of treatment in Remand Homes is not questioned. The authors imply that a longer institutional sentence would provide greater success. It is possible to conclude from the data presented that success after release is a function of aging—an hypothesis posed by Sheldon Glueck. The quality of institutional treatment as well as its duration is a matter which requires further study.

University of Connecticut

ARTHUR LEWIS WOOD

TRIAL OF ERICH KILLINGER. By *Heinz Junge, Otto Boehringer, Heinrich Eberhardt, Gustav Bauer-Schlichtegroll* (The Dulag-Luft Trial). Edited by Eric Cuddon, M.A., BCL, with a foreword by the Right Hon. Sir Frank Soskice, Q.C., M.P., London: William Hodge and Company, Ltd., 1952. Pp. 255, \$4.25.

This is the ninth volume of the series of war crime trials published in England. Five officers of the "Dulag Luft" (Air Force Interrogation Center) were accused of torturing prisoners captured from the British Air Force to extract information, in violation of Articles two and five of the Geneva convention of 1929 which require humane treatment of prisoners of war, and forbid efforts to extract military information from them. The British military court found three of the defendants guilty and acquitted two.

The evidence indicated that the British prisoners had been subjected to excessive heat in their cells, and to threats of turning them over to the Gestapo in order to extract information. The evidence was less clear in regard to the culpability of the German officers of the camp on trial. The

principal officer, Killinger, had, on hearing of the methods used, at once ordered them stopped. The Editor of this volume suggests that in another case, that of Junge, a "miscarriage of justice may have occurred" because of the insufficiency of the evidence that the accused was involved (p. 16). The court found, as a matter of law, negligence alone would not bring the accused within the charge of being "concerned together as parties in the ill-treatment of prisoners of war" (pp. 8, 190, 207). It would appear, however, that conceptions of "command responsibility" for action of subordinates, even if committed without knowledge of the command, played a part in the court's conclusions, as they did in the trial of General Yamashita who was found responsible for atrocities committed by subordinates in the Philippines by an American military tribunal (In re Yamashita, 1946, 327 U.S. 1). In the present case the evidence of the good character of the accused and the slight evidence of direct participation makes it doubtful whether these defendants "deliberately refrained from stopping the practice" after learning about it.

The volume presents the record of the arguments by counsel and the evidence, a perusal of which leaves the reader in some doubt whether the sentences of three to five years of the three found guilty were justified.

Law School
Univ. of Chicago

QUINCY WRIGHT

THE COMMUNITY AND THE CORRECTIONAL PROCESS.—*Marjory Bell*, Editor.
1951 Yearbook National Probation and Parole Association, 1952. New York City.

"Progress in the Correctional Field" might well have been the theme or title of the yearbook. It is refreshing to read a collection of articles, the majority of which quite frankly question some of our past practices and place emphasis upon new approaches to old problems.

Statistics tell us that we have not been too successful in controlling and treating delinquency and it is heartening to realize that so many professional leaders are now willing to realistically face the facts and experiment with new ideas.

The opening paper entitled "Defense Department Policy toward Former Offenders" is the most complete statement dealing with this subject that has come to this writer's attention. All parole and probation officers should be familiar with the topic and this article not only provides much worthwhile information but presents the position of the armed forces as well—a viewpoint almost entirely disregarded by correctional personnel.

"Service for the Short-termer" is a thought provoking article. We often overlook the short term offender and the author reminds us of this. It does, however, in its enthusiasm for the possibilities of treating specific problems, lose sight of the deep seated conflicts which give rise to such problems, but cannot be treated in a short time.

"The Parolee as a Person" shows the application of case work principles in parole supervision. There is a generous amount of good advice to the parole officer. Like most discussions of its kind, however, it stresses the need for the supervisor to understand the dynamics of human behavior and the parolee, but disregards the need of the parolee to understand his own personal problems and conflicts. This necessary understanding by the parolee might be gained through group therapy or individual counselling while incarcerated or counselling in the field. It is a subject too often neglected by case workers.

The treatise on the "Functions of Police and Children's Courts" is an excellent discussion of the problems involved in this subject. There exists much confusion as to what are the proper functions of the various agencies dealing with children. The author here lays down a sensible pattern to end some of this confusion.

There are several good discussions on the Juvenile Court and case work in the Juvenile Court setting. The handling of "Counselor-Child Relationships" is excellent.

One topic that has been a "sore spot" in American jurisprudence—the divorce court—has been delightfully treated in "The Family Court of the Future". Here again we find criticism of our outmoded methods of handling domestic relations in several different courts, and sound suggestions for improved procedures. This treatise should be presented to the Courts by every probation department in America.

The schools have not been neglected in this compilation and we find forthright statements concerning old practices in the article "The Role of the Schools". An excerpt from this essay serves as an illustration of the flavor of the whole book:

"In our culture truancy has a connotation of badness. When a child is bad he should be given discipline, i.e., corporal punishment. If such measures are not effective, the child should then be taken into court and if he does not react with cooperation there, he should be sent away to a corrective institution where he can be disciplined and can learn habits of conformity.

These concepts are outmoded, a product of an age of the past. Now we know that all too frequently these badly scared children do not react positively to warnings, threats, corporal punishment or mere institutional commitment. Growth and change for these negative, hostile children comes only when the help they receive alters or modified the mainsprings of personality, and help, to be effective, must remove or alter basic causes. Routine treatment for truants is about as effective as it would be in a hospital. To complete this analogy, it is as if all the patients were housed in the same kind of ward, given the same medication, and told that if they didn't get well they would be punished. These patients would be made to feel guilty over their broken legs, sore heads or infections."

The National Probation and Parole Association is to be congratulated upon selecting forward looking articles dealing with almost all phases of delinquency control for its yearbook. Such reading material can be recommended to professional personnel, Judges, Police, and the public as well.

California Adult Authority

FRED FINSLEY

A PSYCHOANALYTIC LAWYER LOOKS AT DIVORCE. By *John H. Mariano*. Council on Marriage Relations, Inc. New York 17, New York. Pp. 276.

Most clients seeking a divorce are attempting to use it as a doorway through which to pass into future happiness. This thinking is only a delusion which frequently is shared by the lawyer engaged in the practice of divorce law. As experience matures him, the lawyer awakens to the fact that the quest for freedom from marital difficulties is symptomatic of personality disorders of both parties to the divorce. He then must decide whether to continue a puerile but financially lucrative practice or to seek for a deeper understanding of the human factors of marriage and divorces. This well written and sympathetic book will help those attorneys who chose the latter alternative.

American University

BERNARD T. WELSH

RELATION OF PSYCHOLOGICAL TESTS TO PSYCHIATRY. Edited by *Paul H. Hoch* and *Joseph Zubin*. New York: Grune & Stratton, Inc. 1952. 293 pp. \$5.50.

This carefully planned and, on the whole, well-written volume contains the Proceedings of the Fortieth Annual Meeting of the American Psychopathological Association, held in New York City in June of 1950. Some of the contributors are particularly noted in their fields; one has but to mention the names of men like Nolan D. C. Lewis, David Wechsler, Z. A. Piotrowski, and Bernard C. Glueck.

Certainly one of the salient features of this book lies in the effort which is made to define, with the nearest possible approach to accuracy, the role played by clinical psychologists in a psychiatric setting. Moreover, a number of qualifications are suggested as requisite for the legitimate practice of clinical psychology, and attention is given to the tested value of several well-established projective techniques. It is noticed that the contributors appear to be mostly in agreement with one another as regards matters which might be regarded as debatable or controversial. Because of the different points of view presented, however, the volume creates the impression that it is suitably balanced.

The portion dealing with questions of diagnosis and prognosis is sure to be read with special profit by those who are practicing clinical psychology, or who at least have a serious interest in the subject. Recognition is accorded to the value of psychological testing as an increasingly useful tool in matters of diagnosis and prognosis. The reviewer, moreover, does not recall a volume in which the close relation between psychiatry and clinical psychology has been more satisfactorily defined.

This book can be recommended not only to those engaged in clinical practice, but also to almost any reader who wishes to gain a better-crystallized concept of such procedures as are adjuvants in dynamic psychiatry.

New York City

NATHANIEL THORNTON

PRISONERS ARE PEOPLE. By *Kenyon J. Scudder*. Doubleday and Company, New York, 1952. 286 pp. \$3.00.

In 1935 the California legislature decided that prisoners should be treated as individuals and that "those prisoners capable of moral rehabilitation and restoration to good citizenship" should be segregated from hardened prisoners. To this end, a 2600 acre site near the town of Chino, forty miles from Los Angeles, was purchased and a farm-type, minimum security institution was proposed. But execution of the legislative decision was in the hands of a custody-minded prison board which threw out the plans for a minimum security institution and began construction of another old-type penitentiary. By 1939, when California stood next to the bottom on the national rating scale for prisons, construction of cell blocks, gun towers, and a twenty-foot cement wall was under way. In 1940 Mr. Scudder was appointed warden of the Chino institution, later officially named The California Institution for Men. This book tells the story of the fight to change Chino back into a minimum security institution and of the philosophy motivating that fight.

Mr. Scudder also presents ample evidence that he and his warriors won the battle. The old gun towers are unused, one side of the wall that goes nowhere is used as a handball court and the other encloses an outdoor chapel, a pergola where inmates and their families may visit and share picnic lunches dominates the administration area. Well-equipped farm and shop structures

and a modern school building are present. However, the real evidence of a successful fight is to be seen not in the physical plant but in the character of the staff and the program. The first supervisors were appointed on a merit, not political, basis, and employees continue to be so appointed. An effective in-service training program, which emphasizes sociology, psychology, problems of discipline, and the general philosophy that prisoners can and should be treated as people, is in operation. For the inmates there are real, not "paper," vocational, camp, educational, inmate council, and group work programs. Each man does useful, not punitive, work. There is no racial discrimination. The men are encouraged to decorate their living quarters and they wear civilian clothing. Within the institutional area they are given almost complete freedom of movement. The "old-timers" who shuddered at the thought of maintaining prisoners without guns and bars, and who loudly protested against the proposal to attempt such a program, can even observe unsupervised off-duty inmates swimming in a pool, playing croquet, or sunning themselves on blankets spread on the grass surrounding the dormitories.

The book is written in an informal, anecdotal style. But one gets the comfortable feeling that if this author says an incident took place, it took place. Some of the anecdotes are far from laudatory of governors, prison board members, sheriffs, and others who tried to use the institution for personal or political purposes. The author does not hide the fact that about three percent of the men transferred to Chino have walked away. Instead, he argues that the fact that about ninety-seven percent have not escaped is a tribute to the prisoners and the staff.

It is unfortunate that the actual degree of success of the institution cannot be measured. While the author reports that six percent of the institution's parolees commit new felonies and another fifteen to twenty percent are returned to prison for technical violations of parole, these proportions alone cannot be said to be indicative of success. Since the men are *selected* for Chino, just as other men are selected for probation, we should expect them to have lower recidivist and parole violation rates than the general prison population. Perhaps the same factors which lead to being selected for Chino also lead to post-institutional success. But the author is convincing on another point: a large proportion of the men in maximum security prisons throughout the country can safely be given humane treatment or, in his words, "treated like people." When the Chino program was started, it was estimated that the institution could safely and advantageously handle about six percent of California's prisoners. It now receives twenty-two percent of the intake, and the indications are that the percentage will go even higher. Unless they lack men like Scudder, there is no good reason why other states could not provide equivalent programs for a large proportion of their prison populations.

University of California, Los Angeles

DONALD R. CRESSEY

THE SEX PARADOX. By *Isabel Drummond*. G. P. Putnam's Sons, New York, 1953. Pp. 369. \$5.00.

Sexual misbehavior both natural and abnormal is nothing new in our communities and our courts. And recently the American public has been roused to a frenzy again, as the crimes of sex maniacs have alarmingly increased. Yet, the literature dealing either with the psychiatric or the juridic problems of sexual transgressions is strangely sparse.

In this present book a Philadelphia lawyer, Isabel Drummond, fills a serious need. Her profession might, at first sight, qualify her only as a legal expert. But the reviewer as a psychologist is happy to report that she seems to be equally at home in the various schools of Freudian psychology, in social work, and in medical literature; at least, her extensive bibliography of periodicals and reports attests to that.

The author has divided her subject matter into seven chapters, each dealing with one area of sexual misbehavior; an eighth chapter is devoted to a historical and anthropological "survey," and a ninth to "Social Protection in Sexual Matters." In each of her first seven chapters, she begins with a brief history of the prevailing mores and taboos, then interprets the laws of the various states or of the federal government, and finally attempts to bring together the basic psychiatric concepts which are relevant. Thus the reader will get a rather intimate knowledge of the laws and the psychological insights relating to rape and incest, or he may for the first time obtain adequate knowledge about sodomy and exhibitionism. In order to achieve a well-rounded picture of each variant, the author had to assemble an amazing range of knowledge drawn from numerous disciplines, most of which would ordinarily be beyond a lawyer's competence.

It is conceivable that other authors will follow suit; that other books will be written with more and more accurate details, either legal or psychological. But rarely will there be so convenient a volume, bringing the essentials about each sex deviant so abundantly home to the reader. Rarely, also, will one encounter a book of this kind whose style is so happy a compromise for expert and layman alike; for Miss Drummond's style is professional enough to satisfy the experts in the respective fields and yet is not "deep" as to be beyond the grasp of the layman.

The Sex Paradox undoubtedly constitutes a real contribution to the fields of criminology and psychology.

Los Angeles

HANS A. ILLING

TRIAL OF DR. LAMSON (THE BLENHEIM SCHOOL MURDER). Edited by Hargrave L. Adam. Illustrations. 2nd ed.; London and Edinburgh, William Hodge and Company, Limited, 1951. Pp. 216. \$3.50.

In the *Trial of Dr. Lamson* the Crown contended that on December 3, 1881, Dr. George Henry Lamson poisoned his invalid brother-in-law, Percy Malcom John, a student at Blenheim House School, Wimbledon, England. The charge of wilful murder lodged against Dr. Lamson was a pure question of fact, devoid of legal matter or psychiatric issue.

The Lamson case rested almost entirely on a logically unfolding net of circumstantial evidence. The only point at issue was in connection with the poison aconitine, the agent of death. Because aconitine had been hitherto unused in England as a homicidal toxicant, much of the examination by counsel concerns the medical testimony presented by expert witnesses to show that the deceased had not died from pressure of a curvature of the spine upon the arteries, but from the effects of a vegetable poison upon the stomach. That the defendant was a medical man; that he had purchased aconitine previous to the alleged murder; that he had given the deceased a capsule shortly before death; that he had fled England after the murder; that he stood to gain financially by the death of his brother-in-law—all these damning circumstances demonstrated the guilt of the accused.

This reviewer has found in the *Trial of Dr. Lamson* little of the dramatic color which usually abounds in the pre-trial detections or courtroom proceedings of the average volume in the *Notable British Trials Series*.

The Ohio State University

HAROLD M. HELFMAN

**FOREIGN LANGUAGE PERIODICALS AND ARTICLES OF INTEREST
IN THE FIELD OF CRIMINAL LAW AND CRIMINOLOGY***

Compiled by
Kurt Schwerin**

Anuario de derecho penal y ciencias penales. Madrid. Vol. 5, no. 2, May/August, 1952.

Antonio Quintano Ripolles, *Modernos aspectos de las instituciones penitenciarias iberoamericanas* (Modern aspects of Ibero-American penitentiary institutions) (p. 306-333).—Antonio Piga, *Valor del diagnóstico psico-médico en lo criminal* (The significance of psycho-medical diagnostics of the criminal) (p. 334-387).

Kriminalistik. Heidelberg. Seventh year, no. 7/8, April, 1953.

H. Walder, *Psychologische experimente im dienste der kriminal-untersuchung* (Psychological experiments in the service of criminal investigation) (p. 73-78; to be continued).

Minerva medicolegale. Torino. Vol. 73, no. 1, Jan./Feb. 1953.

A. E. Vitolo and A. Fornari, *Sulla caratterizzazione degli inchiostri colorati a scopo criminalistico* (Characteristics of colored ink and their criminalistic significance) (p. 17-31).

Nordisk kriminalteknisk tidskrift. Stockholm. 22d year, no. 11, 1952; 23d year, No. 2, 1953.

U. Kiukas, *Om riktlinjerna för kriminalpolisens organisation* (Orientation in the organization of the criminal police) (no. 11, p. 121-124).—Hjalmar Sjövall, *Rättsmedicin och rätts-säkerhet* (Medico-forensic organization and medico-forensic proof in Sweden) (no. 2, p. 13-18).

Revue de science criminelle et de droit pénal comparé. Paris. n.s., no. 4, Oct./Dec. 1952, and no. 1, Jan./March, 1953.

Démètre Karanicas, *Les causes de la criminalité* (The causes of criminality) (no. 4, p. 549-565).—Joseph Chlala, *Un nouveau Code égyptien de procédure pénale* (A new Egyptian Code of criminal procedure) (p. 591-98).—J. B. Herzog, *Henri Donnedieu de Vabres et le droit penal international* (H. Donnedieu de Vabres and international criminal law) (no. 1, p. 1-19).—Alfred Potier, *Aspects de la liberté surveillée* (Aspects of probation) (p. 21-46).—*Le cycle européen d'études sur la probation* (The European study conference on probation): I: R. Vienne, *Les travaux du cycle d'études* (The work of the conference) (p. 63-78). II: M. Grünhut, *Conclusions synthétiques* (Summary of conclusions) (p. 79-83).

Revue internationale de criminologie et de police technique (Change of title from "Revue de criminologie et de police technique"). Geneva. Vol. VII, no. 1, Jan./March, 1953.

*All periodicals listed are available in the Elbert H. Gary Library, Northwestern University School of Law, 357 East Chicago Ave., Chicago.

**Head, Foreign and International Law Sections, Elbert H. Gary Library, Northwestern University School of Law.

F. Grispigni, *La crise de la justice pénale* (The crisis of criminal justice) (p. 4-12).—H. F. Pfenninger, *La collaboration du public à la lutte contre le crime* (Public cooperation in the fight against crime) (p. 15-22).—O. E. de Brito Alvarenga, *L'identification de la voix humaine* (The identification of the human voice) (p. 45-51).

Revue internationale de défense sociale. Genoa. Sixth year, no. 3/4, July/Dec. 1952.

This issue contains exclusively the proceedings of the Inter-American session (Caracas, Oct. 6-11, 1952) preparatory to the 3d International Congress of social defense to be held in Antwerp in 1954.

Rivista italiana di diritto penale. Milan. n.s. Fifth year, no. 6, Nov./Dec. 1952.

Karl Siegert, *Le dottrine attuali della scienza germanica del diritto penale e della criminologia* (The present German doctrine of criminal law and criminology) (p. 753-760).

Ed. R. Cass (et al), *Rapport sur la criminalité sexuelle après examens des cas de 102 détenus de la prison de Sing-Sing* (Summary of a report on sexual criminology, after a study in Sing-Sing prison; presented to Gov. Dewey of New York) (p. 108-144).

Schweizerische zeitschrift für strafrecht. Bern. 66th year, no. 2, 1951.

Hans von Hentig, *Neue typen des tatorts* (New types of the locus delicti) (p. 181-191).

Zeitschrift für die gesamte strafrechtswissenschaft. Berlin. vol. 63, heft 3, 1951.

Eberhard Schmidt, *Franz von Liszt zum Gedächtnis* (In memoriam Franz von Liszt, 1851-1919) (p. 269-273).—Gerhard Simson, *Franz von Liszt und die schwedische kriminalpolitik* (F. van Liszt and Swedish criminal policy) (p. 274-286). Reprint from "Festschrift tillägnad Karl Schlyter." Stockholm, 1949.—Auslandsrundschau (Surveys from abroad): W. P. J. Pompe, *Niederlande* (The Netherlands) (p. 350-353).—Christo Yotis, *Griechenland 1940-1947* (Greece, 1940-47) (p. 354-357).

Revue internationale de droit pénal. Paris. 22d year, no. 2/3, 1951. (Bulletin de l'Association internationale de droit pénal)

This is a special issue on the occasion of the centennial of the birth of *Franz von Liszt* (1851-1919) who, together with Adolphe Prins and G. A. van Hamel founded the *International Union of Criminal Law* (International Kriminalistische Vereinigung, 1889) of which the Association Internationale de Droit Pénal is the successor. Five articles (by Jean Graven, Stephan Hurwitz, Emil S. Rappaport, Karl Schlyter and Eberhardt Schmidt) deal with *Liszt*; Paul Cornil writes on *Adolphe Prins*, V. P. Vrij on *G. A. van Hamel*, and H. Donnedieu de Vabres on *Emile Garçon*. Other contributors (by V. V. Pella, Th. Givanovitch, L. Jimenes de Asua, Nurullah Kunter, C. Miglioli and J. B. Herzog) deal with special aspects of the work of the International Union and its international influence. An obituary for Dean Joseph Magnol, University of Toulouse, introduces the volume.

Revue pénitentiaire et de droit pénal. Paris. 76th year, nos. 1/3, Jan./March, 1952.

Jacques B. Herzog, *Nécrologie: Henri Donnedieu de Vabres* (Necrology for Prof. Henri Donnedieu de Vabres, 1880-1952), (p. 4-6).—Paul Savy-Ca-