

1954

## Police Science Book Reviews

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### Recommended Citation

Police Science Book Reviews, 45 J. Crim. L. Criminology & Police Sci. 244 (1954-1955)

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## POLICE SCIENCE BOOK REVIEWS

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Edited by

Richard L. Holcomb\*

MEDICAL JURISPRUDENCE. By *I. Gordon, R. Turner, and T. W. Price*. E. & S. Livingstone, Ltd., Edinburgh and London; The Williams & Wilkins Co., Baltimore, Third Edition, 1953. Pp. 944. \$13.50.

The recent past has witnessed a renewed flourish of interest in the fascinating area of interaction between Law and Medicine. As a result, the literature of Medical Jurisprudence (Forensic Medicine, Legal Medicine) has expanded rapidly. Although it is impossible to co-ordinate within the covers of a single volume the broad panorama with which we are dealing, the present work contains some intensely useful material.

Addition of an outstanding law professor and advocate, T. W. Price, as a co-author is highly salutary. Indeed, over a third of the text reflects his authorship. As might well be expected from acquaintance with the other authors, the remainder of the book is slanted heavily to Forensic Pathology. This accent is accomplished deliberately (as the authors are careful to point out) so that Forensic Toxicology and Forensic Psychiatry receive limited coverage, and the medicolegal phases of many of the clinical specialties receive very slight attention. It might be added, however, that Forensic Anesthesiology is given more treatment than other current authors have chosen to devote to this very important field.

A number of features make this text quite worthwhile for specialists in criminal law. This is true despite the value of the book for lawyers engaged in civil practice (medical malpractice and personal injury litigation in particular), criminologists, police scientists, and medical personnel. Several of these highlights deserve mention:

1. In South Africa, actions for "criminal

malpractice" are commonly found. This follows because negligence which would support recovery only in a civil action in the United States is sufficient under the Dutch-Roman law to entail criminal liability. The legal analysis of malpractice litigation is outstanding since it employs comparative law at its best to sort out many American, English, and Scottish cases.

2. Chapter VIII, "Crimes and the Practitioner," sets out in detail the various criminal entanglements in which the physician may find himself. A number of the statutory offenses are set forth in full. Sections on murder, culpable homicide, assault, procuring abortion, administering poison, accessories, and unlicensed practitioners are included. How the practitioner coming under criminal charges is dealt with by the Medical Councils is detailed in Chapter V, "Unprofessional Conduct." It appears that physicians in South Africa are under rather strict legal control through the Councils organized pursuant to the Medical Acts.

3. In regard to the use of scientific evidence in medicolegal cases, the authors are careful to point out that each case must be considered on its individual merits. This reviewer feels that it is not overly repetitious to emphasize this in almost every chapter from that on personal identity to that on workmen's compensation. Lawyers who have been prone to place blind reliance on supposed "rules of medicine" extracted from the literature will not find comfort in this volume.

4. A total of 24 tables are included in the chapters on identity and blood. Over all, these facilitate comprehension and usefulness of the book. There are, however, difficulties with Tables 10 and 12 which serve to confuse rather than illuminate some rather fundamental propositions in blood grouping. Illustrations total

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143, and again are of varying quality. Perhaps the best for the United States lawyer are the figures showing the mechanisms of head injuries in road accidents. A number of highly significant pathological specimens are found.

5. Distinctions among findings in suicidal, homicidal, accidental, and natural deaths logically command central attention throughout the chapters devoted to Forensic Pathology, including "The Diagnosis of Early Signs of Death"; "Necropsy Technique"; "Deaths from Rapid Anoxia"; "Deaths Usually Initiated by Anoxic Anoxia"; "Deaths Initiated by Anaemic and Histotoxic Anoxia"; "Deaths from Burns, Exposure to Low and High Environmental Temperatures, and Electrocutation"; "The Medical Investigation of the Cause of Death"; "Deaths from Acute Neurogenic Cardiovascular Failure"; "Wounds"; "Regional Injuries"; and "Firearm Wounds."

6. Chapter XXIX, "Medico-Legal Aspects of Acute Alcoholic Intoxication," should be worth the price of the entire volume to the criminal law practitioner. The differential diagnosis of intoxication, described in detail, is of intense practical interest in this country if miscarriages of justice are to be prevented. Necessity of a thorough integration of clinical and laboratory findings in these cases is strongly presented.

7. Chapter XXX, "Medico-Legal Aspects of Mental Defect or Disorder," is quite significant. Professor Price is joined by Dr. G. J. Key in this interesting, though somewhat limited, discussion. Limitations in this area, I imagine, are imposed by virtue of the situation obtaining in South Africa regarding Forensic Psychiatry which is quite different from that in the United States. Similarly, Chapter X, "Evidence and the Expert Witness," reflects more the South African practice which may not be of much practical interest in this country.

Despite the variations in quality, usefulness, and reader interest for American practitioners, *Medical Jurisprudence* represents an extremely valuable addition to medicolegal literature.

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LEHRBUCH FUER DEN PRAKTISCHEN KRIMINALDIENST. By *Friedrich Kleinschmidt*, Verlag fuer polizeiliches Fachschrifftum Georg Schmidt-Roemhild, Luebeck, 1953. Pp. 380, 148 illustrations. DM 18.00.

"The methods of the Gestapo never were the tools of the police detective." (p. 157). Aware that technical skill and professional integrity rather than ruthlessness make for an efficient detective force, the author, of long experience as a police detective, teacher and administrator, attempts to convey to the detective-student of the new German police force the essential knowledge and basic skills of the profession.

Criminal law and procedure are adequately dealt with. Many chapters dealing with tactics are overly plain, while technical subjects, e.g. fingerprint detection (ch. 6), are frequently kept too abstruse for the novice. But students expecting no more than a survey of the duties and skills of the detective will find the book helpful.

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ARSON, A HANDBOOK OF DETECTION AND INVESTIGATION. By *Brendon P. Battle and Paul B. Weston*. Greenberg, Publisher, 210 E. 57th St., New York 22, New York. 1954. Pp. 287. \$3.75.

The authors have served long and with distinction in the field of crime detection, and the volume they have produced constitutes a major contribution to the cause of law enforcement in the area of the crime of crimes, which is the easiest to commit and most difficult to detect.

It is pointed out that the arsonist is a potential murderer, striking much more frequently than is generally conceived by the public, municipal officials, or even the fire service; that the causes of fires are frequently classified as accidental or undetermined where they may be the result of intentional criminal acts.

Physical evidence is frequently, if not usually, destroyed, but there are tell-tale clues which diligent search will disclose, if not otherwise, at least by the exclusion of what is normally regarded as accidental causes. The problem is recognition.

The most conclusive evidence of incendiarism is the simultaneous outbreak of fire at two or more points. The authors describe where to find evidence and the importance of determining the point of origin.

They explain in clear readable language what may be expected—that an alibi will be offered as the primary defense. They caution against delayed ignition devices and the possible use of accomplices.

They point out clearly that intent is an essential element of the *corpus delicti*.

The numerous motives for setting a fire are suggested including direct insurance fraud, indirect financial benefit, revenge, spite, hatred, coverage of another crime committed or contemplated, purposeless fires of the pyromaniac, juvenile, moron, epileptic, or alcoholic, and also the opportunist who seeks to defraud insurers after a natural fire.

The suggestion is offered that if evidence sufficient to sustain a criminal indictment is not available, there is another means of discouraging arson, by resorting to the civil courts in resisting a claim for collection of insurance. Here, evidence need only be preponderant and not beyond a reasonable doubt.

Suggestions are offered as to the basic lines

of inquiry to determine origin, motive, criminal intent, and opportunity.

Advice is given for protection of the fire premises, the value of photographs and sketches.

There is detailed discussion on procedure of the interviewing and interrogation of witnesses, willing and unwilling, and suspects, the value of written statements, and necessary care in the recording of admissions or confessions, in relation to their admissibility.

Evidence, both direct and circumstantial, is analyzed, and it is cautioned that opinion testimony is acceptable only from duly qualified experts.

The proper continuity of case presentation is described; also the effective attitude of investigators as witnesses.

Formerly prominent arson rings are discussed, case histories are cited, successful team investigative operations are described, and public education is advocated.

This book is a primer for the novice and an effective reminder for the experienced investigator.

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