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## Current Notes

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## CURRENT NOTES

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V. A. Leonard, Editor

Professor M. P. Vrij: In Memoriam—Death has taken a tremendous toll among the European teachers of criminal law during the last years. Kohlrausch passed away in Berlin, Exner in Munich, Hafter in Zuerich, Delaquis in Berne. Now Professor Vrij has expired, the successor of the great Simon van der Aa, who shed lustre on the University of Groningen.

Born in Amsterdam on July 10, 1895 Maarten Pleun Vrij did not at first display much interest in the field in which he was to obtain prominence. His teacher in sociology was Professor S. R. Steinmetz; he wrote some remarkable papers on problems of civil and international law. In December 1927 the University of Groningen took an unusual step: A scholar tried only in the field of civil law was appointed incumbent of the chair of criminal law and procedure. The choice was a surprising success. Professor Vrij founded the Institute of criminal law and criminology. He became an uncontested authority, gathered a large group of faithful students and courageously stood up for academic freedom during the years of military occupation. Chosen as a hostage he had opportunity to familiarize himself with the psychology of detention.

In 1947 Professor Vrij was appointed member of the Supreme Court of the Kingdom. He made an important contribution to the theory of criminal law by emphasizing, in speeches and papers, a third factor among the aims of criminal law. His theory was that each crime unnerves the sense of stability and social security and that punishment or some other effective measure tends toward mending the breach in the mental ranks of angry society. Vrij gave this third element the name of a "subsocial" imperative.

Some people pass away; you deplore the sad occurrence, you feel the loss to scientific pursuit and to the old cohesion of a group.

Sometimes departure hits you as if you had been hurt physically and as if some void had been opened that cannot be leveled anymore. Professor Vrij will be remembered as one of the finest specimens of the genus man and professor.—From Hans von Hentig, University of Bonn.

Suicide and Life Insurance—As in criminal cases, so, too, in litigation about the insanity clause of life insurance policies, the legal tests are not in keeping with the teachings of modern psychiatry. The quibbling between lawyers and psychiatrists about the concepts Insanity and Psychosis has its reason in the incommensurability of the legal tests and the biological bases of psychiatry. A legal test used at present in higher courts<sup>1</sup> is aimed at finding whether "the insured at the time of his suicide was so far insane as to have been without appreciation of the physical consequences of his action or without power to resist the disordered impulse that impelled him to end his own life." Deliberateness and calculation, premeditation of the deed, preparing it in detail, with precautions against interferences, are taken to prove the presence of the above mentioned appreciation and by the same token, sanity and clearness of mind. However, many schizophrenic and particularly paranoiac murderers or mass murderers would pass this test. In a murder of this type a map had been drawn showing strategic points of the village, the inhabitants of which were killed.

Psychiatrists, familiar with the state of mind of persons who have been saved from attempted suicide will take the legal deductions with scepticism. A great number of acute and chronic physical diseases, infections, typhoid fever, arteriosclerosis, brain tumor, cancer,

<sup>1</sup> Franklin V. John Hancock Mutual Life Ins. Co., 298, N. Y. 81, 80, N.E. 2d 746.

malaria, syphilis, tuberculosis, reducing with or without pills, diabetes, Parkinsonism, pneumonia, grippe, alcoholism, poisons, can lead to acute suicidal tendencies or can increase such tendencies in cases where the jurists will assume psychologically understandable motives such as reverses in financial and social status.

The psychiatric criticism of the legal tests would be gratuitous if the court and the jury could not be offered positive signs on which to base the diagnosis of some specific psychosis or psychopathy. The signs in combination "help to thicken other proofs that do demonstrate thinly."

#### PSYCHIATRIC EVALUATION OF SUICIDE

1. The deceased has demonstrably suffered from a known psychosis.

2. Before or after death (autopsy) physical changes may be demonstrated which as experience shows lead to abnormal mental reactions: Arteriosclerosis, chronic intoxication, diabetes, hypoinsulinism, post-encephalitis, severe disease of the central nervous system, sudden events of traumatic nature. In such cases one may be in a position to demonstrate the cause for the alleged psychosis, which would bring about the alleged disease, frequently or always. In certain liability cases this cause must be a traumatic one, in other cases it need not.

3. While there is no manifest psychotic disorder, there is a dominant identical serious hereditary tainting with suicide. In certain cases the facts may be so striking as to vouch safe recognition, even if other causes or motives are absent. However, apparent dominant heredity may in fact be caused by persistence in milieu.

4. It can be proven that there has been an abnormal reaction type as e.g. one of the psychopathic types.

5. Suicide was perpetrated without any recognizable motive.

6. The motive which was given is not found among mentally healthy persons.

7. The chosen procedure points toward psychosis.

8. The attitudes before suicide point (a.)

strikingly towards suicide, or (b.) offer no such indications—From W. G. Eliasberg, M.D., Ph.D.

**Third International Congress on Criminology**—Preparations for the Third International Congress on Criminology are approaching completion. The sessions will be held from September 12 to 18 at Bedford College, Regents Park, London, N.W. 1. The official opening of the Congress will be made by Rt. Hon. The Secretary of State for the Home Department and the Presidential Address will be given by Dr. Denis Carroll, U.K.

Opportunities are provided, according to the Provisional Program, for Plenary sessions for general discussion and for important lectures. In addition there will be five Section Meetings, as follows:

1. Definition and Statistical Aspects of Recidivism. Chairman, Dr. Hermann Mannheim, (U.K.), Professors Roland Grassberger (Austria) and Norval Morris, (Australia) will participate.

2. Descriptive Study of Forms of Recidivism and their Evolution, Professor Georges Heuer (France), Chairman. Participants, Dr. C. H. Anderson (Belgium) and Professor Walter Reckless, (U.S.A.)

3. Causes of Recidivism, Professor Tahir Taner (Turkey) Chairman. Professor P. A. H. Baan (Netherlands) and J. J. Panakel (India) will participate.

4. Prognosis of Recidivism, Chairman, Professor Benigno Di Tullio (Italy). Participants, Dr. Israel Drapkin (Chile) and Professor Sheldon Glueck (U.S.A.)

5. Treatment of Recidivism, Professor Jose Belezas Santos (Portugal), Chairman. M. Charles Germain (France) and Dr. George K. Sturup (Denmark), participants.—From H. O. Cox, Organizing Secy., London, England.

**Western Probation and Parole Association**—The annual meetings of the Western Probation and Parole Association have been scheduled for Tuesday through Friday, August 16-19, 1955, at the Hotel Utah, Salt Lake City.

The chief areas for round-table discussions

include: Medical and Social services for offenders; In-service training of probation and parole officers; The relationship of child welfare services and juvenile courts; etc.

A number of distinguished authorities have been invited to participate. Dr. Robert H. Gault, Editor, *Journal of Criminal Law, Criminology and Police Science*; Mr. Phillip Green, formerly Referee and Chief Probation Officer of the San Francisco Juvenile Court, now of the U.S. Children's Bureau, *et al.*

The conference will be jointly sponsored by the Western Probation and Parole Association, Keith M. Wilson, Salt Lake City, President, and the Graduate School of Social Work, University of Utah, Arthur L. Beeley, Dean—From Dean Arthur L. Beeley.

**Interpretation of Changes in Crimes in Japan**—After this hurried presentation of the changes in crimes in Japan during the three periods of pre-war, war and post-war years some type of explanation is in order. Instead of attempting to interpret these changes from our own point of view we shall summarize the ideas advanced by the Japanese investigators themselves. We shall condense the material presented by Prof. Seiichiro Ono, Professor of Criminal Laws, Tokyo University and Professor Tadashi Uematsu, Professor of Criminal Laws at Hitotsubashi University in Japan. Both of these men rely heavily upon the theories of Franz Exner and Moritz Liepmann who published their works on Crime and War after the first World War.<sup>1</sup>

The variations in the amount of criminality in Japan from 1933 to 1952 have fluctuated according to the socioeconomic and spiritual conditions within the country. The general conditions within Japan were similar to conditions in Germany and Austria during and after World War I. The two authors maintain that increases and decreases of crime in a nation are an indication of the general social and ethical life of the people.

<sup>1</sup>FRANZ EXNER, *KRIEG UND KRIMINALITÄT IN OESTERREICH*, Vienna, 1927. MORITZ LIEPMANN, *KRIEG UND KRIMINALITÄT IN DEUTSCHLAND*, Stuttgart, 1930.

#### 1. GENERAL CHANGES IN CRIMINALITY IN JAPAN

The Japanese people have been subjected to serious tension from the outbreak of the Manchurian affair in 1931 and later from the Chinese campaigns, in 1937. Japan therefore, has been involved in a long warfare. The conditions of World War II while more far reaching were but a continuation of earlier conditions. While the number of crimes has always been greater than the number of arrests the differences between the two became more marked during and after the war because of the inability of the police to meet conditions.

The variations in crimes may be explained in terms of the economic, the cultural and spiritual conditions. After World War I the expanded economy of Japan met deflation in 1928 and 1929. The Great Depression of the 1930s influenced Japanese life but recovery became apparent with the outbreak of the Manchurian incident in 1931. The high point of crimes in 1934 corresponds to relatively good times in the Nation. This must be interpreted in terms of the relationships between the income and the cost of living of the poorer classes and not the total economy of the country. Commodity prices were lowest in 1931-32 and then gradually advanced reaching twice the amount in 1940. Wages, however, went down in 1931-32 with the lowest point in 1936. These were years of great unemployment. This explains the peak of crimes in 1933-35. With the beginning of the Chinese campaign in 1937 living conditions became more difficult. Wages increased but did not keep pace with the cost of living. This caused crime to rise in 1940 and 1941.

Apart from economic conditions any explanation of variations in crime must take into account the moral, political and general outlook on life for the people. After World War I liberalism, democracy and parliamentary government spread throughout Japan. During the years of the Great Depression Communism and Socialism made noticeable advances in the country. Communism was supported but because of corruption in the parties the parliamentary government lost confidence. Then after the Manchurian incident in 1931 the

Military group secured political power in the government. In spite of the increase of the national income in 1933-34 the people lost trust in the government. This loss of faith in the government and the newly gained prosperity drove the people into a shallow epicurean outlook on life. In addition there was a general confusion of ideologies among the people about life in general and a decline in morals. As an indication of the situation shrine desecrations increased sharply in 1933-34 to 2,108 and 1,261 respectively whereas the average number of such cases usually amounted to about 150 a year. Also acts of misfeasance amounted to 8,258 in 1933 and 9,748 in 1934 whereas the annual number usually had not been more than 1500 to 2,000 cases a year.

The decrease in crimes in 1937-38 is due to the general stabilization of economic conditions after the acquisition of Manchuria. In addition there is the fact that nationalistic feeling and cohesion increased within the country because of the tension between Japan and the United States and Great Britain. In general this tended to suppress the pursuit of pleasures and raised the morale of the people. Furthermore liberalism and general democratic ideologies also decreased. With the outbreak of World War II and the Japan-German-Italian Alliance in 1940 came strong governmental controls in the economic and social life of the people. There was less freedom of press and speech. This caused a certain amount of frustration, rebellion and increase in crimes in 1940-41.

#### CRIME DURING THE WAR YEARS

In explaining the amount of crime during the war years the Japanese scholars use the theories advanced by Franz Exner in his study of World War I. The treatment is divided into certain phases or stages of the war.

##### I. THE EMOTIONAL PERIOD, THE BEGINNING

From the beginning of the war to the end of 1942 many people condemned the careless warfare. In spite of the fact that they felt the futility of fighting against the United States and Great Britain they did say "the thing has come so let us make the best of it." Most people

were rather excited by the results of the early stages of the war. There was a general wide spread feeling that all must fight the war with a conviction of victory. In addition the military draft decreased the civilian population and war production increased employment. These conditions tended to increase the morale of the people and caused a decline in crime.

##### II. THE PERIOD OF LAXITY, 1943

The loss of the advantages of the war in the failures in Attu and the South Pacific seriously affected the people in Japan. In spite of the high degree of mobilization by 1943 crimes appeared to increase. This may be due to the severe economic conditions and the general moral laxity of the people. The optimism and elation which characterized the people at the beginning of the war disappeared and the realities of the war brought frustration to many. In the fall of 1943 students were drafted into service and suspicious persons and strangers suppressed. This corresponds to what Exner called the "carrying out of duty and domination" stage.

##### III. THE PERIOD OF DISTRESS, 1944

By the latter half of 1944 it became apparent that the Japanese had lost the war. Individuals became completely occupied with living their own lives in an effort to gain a livelihood. This was the time of exhaustion which brought a decrease in crimes because of psychological and spiritual depression of most people. This is what Exner called the "exhaustion-phase of war."

##### IV. THE PERIOD OF CONFUSION

From the winter of 1944 to August 1945 the air raids and war destruction caused people to seek their own and family safety where ever they could but conditions did not lead to collapse as in Germany in World War I at this stage. People heard by radio the broadcast of the Emperor's declaration of surrender in good order and in spite of the feeling of defeat and disappointment they felt that they were saved. In some cases certain crimes may have occurred but there are no statistics to show this because the police had failed to function. The

decrease in crime was very largely a matter of complete exhaustion on the part of the people and relief that the end had come.

#### V. THE PERIOD OF COLLAPSE AT THE END OF THE YEAR

With the end of the war the collapse of the nation began. Social and political life disintegrated and moral decay appeared. The people had no moral standards to guide them and there was no confidence in their own safety. Inner restraints had disappeared. Food shortages became serious in 1946 and 1947. The "vicious people" took advantage of conditions and crimes increased. In general there was moral confusion, insecurity, decline of the police power and political authority.

#### VI. THE PERIOD OF INFLATION

In 1948 crimes increased still more. The slight decrease in 1949 may be due to the new Criminal Code. The policy of the Occupation Forces in land reforms and taxation caused serious hardships among the propertied classes. At the same time increased poverty and the rise of a new labor movement created general unrest. Total production of goods decreased in 1946 and inflation became more serious in 1946-47. Attempts at a moratorium and the fixing of bank deposits did not halt the inflation. By late 1948 the price index was 20,000 in contrast to 100 before the war. This worked extreme hardship on the middle classes.

In this period of collapse there was a general shifting of population within the country as well as by many who returned from military services. In addition the air raids and the war had shattered many families leaving the young and old with no family or home ties. The general mobility caused the Japanese people to lose contact with former communities and other groups. Furthermore the labor market made employment uncertain and irregular. This collapse of the social structure of the country left the people with few if any social controls. All this had a direct effect on human behavior. In addition to these conditions there was the problem of the foreigners within the country. Between the Potsdam declaration and the

Peace Treaty there was not definite governmental policy relative to non-Japanese in the country. The Koreans and others who had been suppressed during and before the war revolted against authority. Under a general notion of extra-territoriality these non-Japanese assumed that they were not subject to the law. As a result there was a tremendous increase in smuggling and selling of stolen goods. This is the same problem which confronted the Allied Forces with regard to the displaced person in occupied Germany after World War II.

#### VII. THE PERIOD OF RECOVERY

By the end of 1950 the financial policy suggested by the United States brought an end to inflation and established the first stages of stability. This new political and economic order had a direct effect on the amount of crime because by 1951 the curve of criminality declined.—From Professor Walter A. Lunden, State College, Ames, Iowa. An extract from a paper presented by Professor Lunden at the meeting of the Midwest Sociological Society on April 22, 1955.

#### TOPICS AND AUTHORS IN SYMPOSIUM ON CRIMES IN JAPAN (In Japanese)

1. General view of the criminality during and after the War.  
Seiichiro Ono, Doctor of Laws, former Professor in Criminal Laws, Tokyo University.
2. Study of changes caused by the War in some major crimes.  
Tadashi Uematsu, Professor in Criminal Laws, Hitotsubashi University.
3. Crimes provided for in the special laws (esp. Economic Crimes).  
Masamitsu Takeyasu, Public Procurator, Attorney General's Office.
4. Geographical distribution of crimes after the War as compared with that of the prewar time.  
Masami Takahashi, Chief of the Third Section of the Criminal Affairs Bureau, Supreme Court.
5. Changes in criminality viewed from the psychiatric standpoint.

- Naokata Arai, Professor in Psychiatry, Toho Medical College.
6. Changes in the police force during and after the War.  
Takahiko Kiriya, former Chief of the Research and Statistics Section, Criminal Affairs Division, Headquarters of the National Rural Police.
  7. Changes in prison administration during and after the War.  
Taro Ogawa, Director of the Cultural Branch, Prison Association
  8. Juvenile delinquency and the War.  
Masahiko Sato, Judge attached to the Domestic Affairs Bureau, Supreme Court.
  9. Criminality of repatriated soldiers.  
Ryuichi Hirano, Assistant Professor in Criminal Laws, Tokyo University, and Shigeru Morioka, Master of Laws.
  10. Criminality of foreigners after the War.  
Masami Takahashi

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**Division of Juvenile Delinquency Service—**  
Ten long-range goals for the nation in improving its methods of dealing with juvenile delinquency, thus to strengthen its human resources, were outlined on April 8 by Philip Gordon Green on taking office as Director of a newly created Division of Juvenile Delinquency Service in the Children's Bureau at Washington.

Mr. Green reported that the new Division will seek to help states and communities to move ahead toward several goals, as follows:

1. At least one police officer with special training in work with juveniles in every community of 20,000 or more population. Larger cities will need a specialized juvenile division.
2. Good detention facilities and services, available to every juvenile court in the country, so that juvenile delinquents will not have to be detained with adult criminals.
3. Expert physical and psychological examination of each youngster who is in serious trouble, before the courts decide what kind of care and treatment is needed.
4. All courts staffed with probation workers trained in social services for children appointed from civil service registers.

5. Juvenile court laws and practices that measure up to the standards that are recommended jointly by the National Probation and Parole Association, the National Council of Juvenile Court Judges, and the Children's Bureau.

6. Training schools for juvenile delinquents with complete programs of education, health of body and mind, recreation and follow-up, and with one staff member for every fifteen youngsters.

7. Training schools focused upon the individual youngster to help him find a satisfying, responsible role in the community.

8. All states to have at least one special institution for emotionally disturbed youngsters, separate and apart from adults.

9. States and communities to have a well established mechanism through which public welfare, health, mental health, employment, courts, police, training schools, and educational agencies, can plan programs and pool experiences, with private agencies serving children and youth, in the prevention and treatment of juvenile delinquency.

10. Communities and States to make regular and comprehensive reports on what is happening to juvenile delinquents, so that they and the Nation can measure progress toward the goal of an irreducible number of youngsters who get into trouble with the law.

Universities and schools will also be encouraged, Mr. Green announced, to step up their short- and long-term courses and institutes for the training of personnel in the juvenile correctional field. Research centers will be requested to find answers to the difficult problems of social and personal adjustments encountered by juvenile delinquents themselves and by agencies trying to help them.

"Thanks to the dynamic work of the Senate's Subcommittee on Juvenile Delinquency over the past two years and the support that the Congress has given to the Children's Bureau, we are ready now to tackle this serious problem of adolescent youth," Mr. Green said.

"We start with a very modest staff. But every professional person on this team will be a trained and experienced person, ready to

provide technical advice and guidance to States and communities that want to improve their services and facilities.”

When completely staffed, it is anticipated that the new Division of Juvenile Delinquency Service will include specialists on police services, court and probation services, institutional services, training of personnel in the correc-

tional field, community services for juvenile delinquents, and group workers to spread knowledge of the new ways of working with street gangs.

These juvenile delinquency advisers will work closely with the Children's Bureau technical staff for child welfare and health services for all children.—Communication to the Editor.