

1957

Book Reviews

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Book Reviews, 47 J. Crim. L. Criminology & Police Sci. 705 (1956-1957)

This Book Review is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

BOOK REVIEWS

THE CHALLENGE OF LAW REFORM. By *Arthur T. Vanderbilt*. Princeton, New Jersey: Princeton University Press, 1955, Pp. vi + 194, \$3.50.

To the layman, to whom the book is primarily addressed, as well as to the judge and the lawyer, who are included likewise in the author's dedication, nothing probably, is new.

Chief Justice Vanderbilt (of the Supreme Court of New Jersey) thinks that more dangerous than the criminals, the gangsters, the corrupt local officials, the communistic subversives, and the apathetic citizens are "the judges, many of them amiable gentlemen, who oppose either openly or covertly every change in procedural law and administration. . . ." Justice Vanderbilt states that these judges are not a few: "Their number is legion." A part of the reason to be opposed to reforms is natural, in that most human beings resist any change, judges included; another reason is merely intimidated: special interests, politics, and ignorance.

After administering the powerful punches of a well-known indictment (but rarely ever worded as well as the author did) on less than ten pages, the rest of the book, consisting of four chapters, attempts to discuss the improvement of judicial personnel, including jurors as well as judges, the simplification of the judicial structure and of procedure and the elimination of the law's delays by modern management methods and effective leadership.

If the author states, e.g., that judges need not only to know the law in books, but should be "versed in the mysteries of human nature," should have "humility born of wisdom, patient and untiring in the search for truth," and are therefore "not easy to find," he echoes merely the sentiment of millions of American citizens, to whom the law and its administration all too often has become a travesty, and for which they lost respect. This reviewer, having observed many court-room scenes, often felt that it was not the defendant or his counsel who was to

be held "in contempt of Court," but the Court itself, as the judge merely projected his own guilt feelings and inadequacies on the defendant and, by punishing him, displayed his own sadistic impulses. This reviewer, also, knows personally of a judge sitting on the bench of a Superior Court in a Western State, meting out "justice" without justice (i.e. without due course of law) and, evenings, visiting a psychiatrist for therapy. Yet, he was, for many years, elected and re-elected, since most voters, as Judge Vanderbilt points out are "apathetic" or ignorant or both. It is, therefore, significant that the book quotes a nationwide Gallup poll in 1939, according to which the highest vote of confidence was given to judges in Federal courts (86 per cent), ten per cent less to judges in state courts, and 15 percent less to judges in the municipal or local courts.

The above points in cases are, of course, just samplers. Nor does the author stress merely the negative. Even the positive and constructive suggestions are presumably not new to the reader. It may, however, be a rare phenomenon that a chief justice of a populous state writes a book, declaring that much is rotten in the State of Denmark and, so to speak, acclaiming a state of emergency. The book in its concise and much condensed form, in its simple and lucid language (entirely void of judicial idiom), and its complete honesty should get the widest circulation, and should be a must for every citizen, who is interested in his country.

HANS A. ILLING

Los Angeles

THEY STAND APART: A CRITICAL SURVEY OF THE PROBLEMS OF HOMOSEXUALITY. *J. T. Rees and H. V. Usill* (Eds.). The Macmillan Company, New York, 1955, xii + 220.

This book is a compilation of material presented from a multidisciplinary approach, with contributions from the law, the ministry,

medicine, and sociology. Written in Great Britain, it is concerned exclusively with the problems of homosexuality as they affect the Empire; with the exception of a section relating to laws regarding this problem in other countries. Divided into four sections, *Part I* is further delineated thusly: Homosexuality and (1) The Law, (2) Society, and (3) Christian Morals; each by a different contributor. The entire section, although written by divers authorities, is both scholarly and learned—beginning with a chronological tracing of the development of legal measures designed to cope with problems of sexual maladjustment as it affects the community, proceeding to a discussion of the present day problem, and terminating the section with an excellent comparison and contrast among various religious sects regarding sexual maladjustment in terms of attitude development. This last contribution is perhaps the most well written in the book from the standpoint of skill in presenting the biblical and historical factors contributing to the way in which groups are presently prone to view homosexuality.

Part II concerns the medical aspect of homosexuality and appears to be rather archaic in its discussion. Rather too much emphasis is given to hormonal and other endocrine treatment as well as various physical treatment including something more than tacit approval of castration. Psychotherapy is dismissed in almost summary fashion and even then listed as a "Radical" treatment, as opposed to "Palliative Psychological Treatment [which] is by re-education and persuasion." In fairness to the author it should be mentioned that he appends a footnote stating that there may be studies he has not seen but that he has made enquiries from various authorities without success: this pertaining to his apparent lack of information regarding the efficacy of psychotherapy. There is the inevitable citing of case histories to demonstrate points. The section is not totally without merit in terms of the strong admonitions regarding prevention rather than cure, the plea for better mental hygiene programs, and the advocating the better educative

processes for both parent and child in the sexual sphere.

Part III is a detailed extirpation from the criminal codes of Western Europe, country by country, of the laws pertaining to (1) Abuse of the young, (2) Abuse of weak members of society by exploitation, (3) Public acts of indecency, and (4) Soliciting.

Part IV is a critical survey of statistics compiled by a member of the Howard League for Penal Reform. They are derived from the "Criminal Statistics for England and Wales, 1953" published by the government. The statement is made that little investigation has been made of this problem and "no" reliable information is available—hence the "critical survey" should be regarded somewhat circumspectly.

The flavor of the articles throughout the book, including the final abstracts from arguments in both the House of Lords and House of Commons, is distinctly favorable to the presumption that existing laws are totally inadequate to deal with the homosexual in order to protect society, nor are they by any means helpful to the homosexual himself. The legal, philosophical, and religious presentations are most humanistic and sprinkled liberally with common sense. It is, however, most regrettable that both Houses felt it necessary to adopt these same humanistic feelings for an entirely different reason. The Joint Committee on Psychiatry and the Law appointed by the British Medical Association and the Magistrates' Association concluded that the law should be revised because sexual offenders come under one of the following: (a) Mental Illness, (b) Character Deviation (Major or Minor Perversion) (c) Intelligence or moral defects, or (d) Physical Abnormality. In short, making it appear that the homosexual is either possessed of his singular behavior by reason of his physical condition or by reason of his being born in such fashion. It hardly seems reasonable to exclude factors of learning as well as other psychological factors, but it appears that this has been done!

A. STANLEY WEBSTER

University of Tennessee

MAN ABOVE HUMANITY: A HISTORY OF PSYCHOTHERAPY. By *Walter Bromberg*. J. B. Lippincott Co. 1954. XIII, Pp. 342.

The historian in any special field has to cope with two problems: a) Those of history, b) those of his special field. As historian he has to form an idea as to whether he wants to start with the present in order to explain it from the past, or whether he wants to know as the historian Ranke said, "What the past really was like."

The historian of psychotherapy will have to make a statement about the necessity to consult primary sources or rely on secondary sources. At the very start he either concentrates on personalities or by stressing socio-historical conditions, admits his belief that even the most creative individuals are only exponents of such conditions. In Bromberg's book we find chapters dealing with early eras and on the other hand chapters in which personalities like Mesmer and Freud play a leading role.

The general reader who wants a well-written orientation about facts in the history of psychotherapy may well turn to Bromberg's book. But the reader interested in the application of psychotherapy to criminology, will find Bromberg's notes somewhat skimpy.

W. G. ELIASBERG

New York City

INTEGRATING SOCIOLOGICAL AND PSYCHOANALYTIC CONCEPTS: AN EXPLORATION IN CHILD PSYCHOTHERAPY. By *Otto Pollak*. Russell Sage Foundation, New York, 1956. \$4.00

This book reports on a continuation of investigations which were begun in 1949 by

the Jewish Board of Guardians together with the Russell Sage Foundation in order to improve child guidance practice and child guidance research. The first publication was in 1952 under the title "Social Science and Psychotherapy for Children." The purpose of the previous study was to work out concepts so that psychiatrists, psychologists and social workers would be enabled to better perceive, order and conceptualize those social facts important in the life of the child. It is with some length and quoting from a good deal of the American literature that the author points out the necessity to clarify the role of the father (after a preceding generation had devoted much time to the role of the mother) for the child in need of help. Pollak also envisages the role of other family members and persons outside the frame of the biological family.

In parts I and II the preparation and handling of four cases is described in detail under these viewpoints.

The author is certainly in a position to judge how much hammering is and still will be necessary to get those involved to really carry out the program. It seems from the book that Pollak indeed thinks very much hammering is necessary. Some readers may feel that there are too many repetitions due to this didactic method. However, this is not said for the purpose of detraction. The book, as its predecessor, should be valuable not only to social workers and those interested in child guidance in the narrower sense, but also to criminologists having to deal with juvenile delinquency.

W. G. ELIASBERG

New York City