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## Book Reviews

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## BOOK REVIEWS

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BEKÄMPFUNG DER JUGENDKRIMINALITÄT (Combating Juvenile Delinquency). Issued by the *Bundeskriminalamt* (Bureau of the German Federal Criminal Police) Wiesbaden. Bundesdruckerei (German Federal Government Printing Office). 1955. Pp. 275.

Under its unusual and artistic front cover this German Government publication presents a collection of lectures by West Germany's foremost experts on crime and delinquency, delivered during the first German conference on juvenile delinquency at Wiesbaden, in November 1954. For Germany such a conference, called by the government itself (the Bureau of the German Federal Criminal Police), and the subsequent publication of the speeches delivered, is almost a novelty. It appears that the German experiment was successful and that similar conferences and publications are likely to follow. Perhaps we can expect that these publications will soon match the importance and usefulness of their English counterpart, the Royal Commission Reports, or their many American equivalents, published by our Government Printing Office.

Unfortunately, the usefulness of the instant publication is limited by the lack of supporting references in the text. The Germans would be well advised to insert supporting footnote references, necessarily omitted during oral presentation, before the speeches are printed. Most contributors limited their citations of authority to a few parenthetical references of general nature, or to very brief bibliographies at the end of the text. Orthodox footnote references in the body of each article would greatly help researchers all over the world.

From the many divergent views expressed in this publication it is somewhat difficult to conclude about the present dimensions of juvenile delinquency in Germany, and about the position of German criminology. Moreover, the various essays form an uncoordinated conglomerate of opinions, devoid of agreement on major premises, i.e., the contributors lack a common

platform. But precisely this state of German criminology must have given rise to the call for this common undertaking. An agreement on major premises, a mutual education on each other's specialties and the creation of a common platform had to be accomplished before active steps can be taken to solve the problem of juvenile delinquency. It is to be hoped that all this has resulted from the publication.

Despite many differing assertions, the more informed view seems to be that the abyss in juvenile delinquency had been reached between 1947 and 1949, and that since then an encouraging decline of delinquency is notable. (Villinger, 11, at 13) In this context it is interesting to compare the statistics on the nature of offenses committed by juveniles (Holle, 55) with some of the views held by German criminologists. There are remarkable discrepancies between the two, but also between the interpretations of these statistics by the statistician on the one hand, and competent criminologists on the other. Such instances indicate the need for a mutual education of the experts. Incidentally, the statistician might have done well to refrain entirely from evaluating his statistics.

On the topic of the present German position of criminology itself the impressions which we have long gained in this country about German criminology find further support. There is the dwindling though hard core of the various biological schools. Kretzschmer, well known in this country through his "Physique and Character", undoubtedly still heads the panel with his contribution on "*Constitutional Development-Physiology*." (19) Next we note an unusually heavy emphasis on the psychopathological approach (especially by the staff members of the institution Hephata-Treysa). These authors, it seems, are not always aware that they are concerned with probably only a minute portion of juvenile law breakers. But the value of these contributions, especially regarding puberty disturbances, is noteworthy and should interest American researchers who,

on the whole, have neglected the study of retarded psychosexual development.

The encouraging increase in the recognition of the sociological schools since WW II finds further evidence in this publication. Several of the contributors had visited Great Britain and this country on scholarship programs. There is no better testimonial to the wisdom of public expenditure for the purpose of inviting foreign scholars to our shores than the contributions which these scholars are thus enabled to make in their home countries. Middendorff (199, 239) and Gipkens (223), astute students of our techniques, have made significant contributions by their excellent discussions and interpretations of American theories and practices. Undoubtedly the conference was impressed with the value of our approaches.

But even those scholars who, to my knowledge, had no opportunity to study our methods first hand often show a keen awareness of the doings in this country. (E.g., Hallermann, 43).

Much of the material in this publication is free from affiliation with any particular school of thought, but presents sound common sense to which the school-bound criminologist frequently fails to penetrate because of his predilections. On the other hand, the danger of such a common sense approach, marked by a lack of doctrinal rigidity, is that the discussion might lose itself in generalities and tautologies. (E.g., Weber, 167).

A major portion of this publication is devoted to youth police and correctional work. On these topics we note the same struggle between the old and the new schools of thought to which we already referred on the theories of causation. For instance, in the area of police work, Becker (247) believes in salvation of the German youth through increasing the number and severity of prophylactic laws. He advocates their strictest enforcement (in a manner which would not at all always be consistent with constitutional mandates of due process to which we are accustomed in this country). Such a stand demonstrates an overestimation of the usefulness of law, an underestimation of less formal means of prophylaxis, an exaggerated fear of potential danger sources, an unwarranted

distrust of youth and a first step toward re-creation of the police state. Becker's approach comes about fifty years too late in history. Other contributors to this symposium do not share his opinion at all. (E.g., Villinger, 11, at 17; Middendorff and Gipkens, *supra*.)

Lastly, one recurring weakness in several of the contributions to this publication must be pointed out. Public opinion, particularly on such topics as juvenile delinquency and crime, is expressed in terms of slogans (not infrequently the result of newspaper publicity). These slogans are, unfortunately, repeated fringewise even in the discussions of scholars. But those who direct their pointed investigation to any one of those topics usually find that the slogans lack veracity. This book has a number of such instances, e.g., several contributors assume that motion pictures are one of the major immediate causes of criminality. Lavies, who investigated the topic specially, found that such general beliefs are not substantiated. (205) Many a contributor to this publication has helped to destroy one or more of such broad slogans while at the same time repeating others which are discredited elsewhere in this book. But more work of the same kind is needed to create enlightenment on all major points.

There is no doubt that this conference and its publication has helped materially in laying the foundation for a coordinated attack against juvenile delinquency in Germany by all concerned.

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COURTS OF INJUSTICE. By *I. P. Callison*. Twayne Publishers, New York, 1956. Pp. 775, \$6.00.

The weak position of the trial judge contributes materially to the failure of justice in our state courts. He is prohibited from commenting on the evidence or the credibility of witnesses. And the popular election of judges has done more than anything else to debase the judiciary. The author lays the blame squarely on the shoulders of the legal profession.

A major cause of America's high crime rate is to be found in the activities of the criminal

lawyer. Under his protection and guidance the professional criminal is able to operate with impunity. And in the criminal trial itself our contentious theory is completely foreign to a scientific search for facts. As former Chief Justice William Howard Taft observed, the trial of a criminal is "like a game of chance with all the chances in favor of the criminal".

The author has collected a vast amount of information including valuable data on the English, Canadian and French legal systems. The book contains much repetition, however, and is unnecessarily long. Apparently the author was engaged in writing the book over a long period of time. Among the numerous authorities quoted he refers to "recent" addresses of Judge Marcus A. Kavanaugh of Chicago, Dean Leon Green of Northwestern University Law School, and to a "recent" study made by Professor Newman F. Baker. Actually, Judge Kavanaugh died almost twenty years ago, Professor Baker has been deceased for over fifteen years, and Leon Green has not been Dean of Northwestern University Law School for over a decade.

The book discusses many flagrant defects in the administration of justice in this country. Several reforms suggested by the author are worthy of careful consideration. Unfortunately, the book is permeated with the author's bitter and hostile attitude toward the legal profession—an attitude which interferes with his objectivity in discussing some of the problems. Throughout the book the lawyer is repeatedly referred to in such uncomplimentary terms as vermin, arch villain, and as being a member of a debauched profession. On at least five occasions he repeats that "the profession of law, like the gates of hell, is open to all comers". It is unfortunate that the author, who expended so much time and effort in collecting his material, should have permitted his biased attitude and intemperate statements to impede the book's influence for good.

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EXPERIMENTAL HYPNOSIS, *Leslie M. LeCron, Editor*. A Symposium of Articles on Research by Many of the World's Leading Authorities. The Macmillan Company, New York 1952. Pp. XVI and 483.

The emphasis in this book is on what the editor and his contributors call, experimental method. In a field so much hedged and haunted by difficulties, they want to proceed according to the strictest laboratory methods. In doing so, the editor does not claim, however, to be able to present an ideally desirable list of topics of investigation. He, as any editor, has to reckon with the interests and desires of the individual contributors. Most of the articles were published here for the first time.

The study in which the principles are brought out most clearly is the one by James A. Christenson, Jr. on "Dynamics in Hypnotic Induction". Indeed, induction of hypnosis, according to a certain method (and preexisting convictions) decides what will take place. Christenson is critical here and, incidentally, also in a later review of the work of other authors, of the lack of primary experimental experience. The summary of the dynamics and the theoretical considerations do not swerve very far from what has been assumed so far by psychologists and psychoanalysts, anyway. Psychoanalysts particularly agree in their rejection of the older French dissociation theory of suggestion and hypnosis. The emphasis has been, increasingly since Freud himself, on the explanation by transference—a specific type of motivation—by which secondarily, possibly under the influence of further suggestions, the functions of perception and memory (amnesia) are changed. The reason why the concept and word "rapport" instead of transference should be preserved is given on p. 48. Rapport is present regardless of whether transference is positive or negative. This reviewer thinks that the concept of negative transference is widely enough spread, and on the other hand, the concept of transference opens up vistas into the inter-human relationships of hypnosis, a factor more and more stressed by modern observers.

The book is recommended especially because of more careful descriptions of the methods used than are found in most books. On the whole it can be said, experimentation in hypnosis has still to proceed before a substantial progress in theory can be achieved.

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CRIMINOLOGY. By *Robert G. Caldwell*. New York: The Ronald Press Company, 1956. Pp. x + 749. \$6.50.

This volume should take its place among the leading introductory texts for college courses in criminology. In addition it will be useful to workers in social welfare, law enforcement, and penal administration. The approach throughout is multi-oriented on such topics as causation and treatment, and the problem of crime is depicted in historical as well as contemporary perspective.

The work is organized around four themes, namely, the problem, causation, crime and justice, and correction. Part I, comprising eight chapters, presents crime as a problem in terms of its extent, as a problem from the legal viewpoint, and as a problem to society. The opening chapter discusses the methods of criminology, the obstacles to the scientific approach, the complexities of causation, and the merits and limitations of case studies and statistics. Other chapters deal with vice, professional and white-collar criminals, and organized crime.

Part II traces historical views of causation of criminal conduct, reviews modern theories, including the geographical, psychiatric, psychological, and sociological approaches, and favors an eclectic interpretation. This is followed by a brief but critical study of Sutherland's differential association theory and the psychoanalytic view of Freud. Personal factors (race, physical traits, personality conflicts, mental deviations, and the incidence of mental disease

in law-breakers) are considered, as are geography, ecology, home and family influences, neighborhood, playgroups and gangs, education and recreation, religion, and the business cycle. The summary treatment of these various factors is informative, balanced, and succinct.

Part III, "Crime and Justice," is concerned with the role of the police, also criminal investigation and prosecution, with two chapters devoted to the topics of military justice and the juvenile court. This section provides a useful review of the fundamental facts of criminal judicial procedures.

The last section opens with a study of the philosophy of punishment, methods used in the past, and the *pros* and *cons* of the death penalty, followed by an analysis of the role of the probation officer, advantages of and objections to the probation system, and its operation in practice. Prisons are discussed at length in terms of their historical evolution, present status and administration, classification, inmate labor, and programs of health, education, and recreation. A chapter entitled "Prison Shocks" makes the volume unique in that it is an account of the incarceration experience written by an actual convict serving a life-sentence. A striking example of participant observation, this story of prison life from personal experience is written with a graphic intensity seldom if ever found in textbooks.

After discussing release and parole, Caldwell points to the home, the school, the church, organized recreation, and community programs as agencies of crime prevention.

The volume is documented and illustrated, and contains a working bibliography. In the opinion of this reviewer, it is a decided contribution to the text literature of criminology, and merits wide adoption.

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