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Book Reviews

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The point might be expressed more generally by saying that the purpose and the adequateness of the age limits adopted by the legislatures should be examined. The question presents itself whether it is preferable to have a rigid system of classification by age groups or to establish a more flexible one.

The problem thus raised will need to be studied more particularly in the light of the following considerations. In earlier days the laws were prone to confine themselves to a distinction between responsibility and irresponsibility. Nowadays the laws show a tendency to distinguish several categories, e.g. children and adolescents, and the group of maladjusted young adults, who require special treatment. This trend calls for investigation and the justification for promoting it, or checking it, must be considered. It is possible, however, that the division into age groups ought to be regarded as belonging to an already passed period and it is proposed to inquire whether it would not be better to let the determining factor be the social maladjustment. The question then arises to what extent age should be maintained as a distinguishing factor and the possibility should be examined of framing a system of intervention sufficiently flexible and yet free from objections of arbitrariness.

In these introductory comments, an exact definition of the term 'minor' has been avoided. By 'minor' are understood all those who need special treatment because of their youth. To determine to what extent such discrimination is to be recommended will be one of the problems for the congress to examine.

2. THE COMPETENT AUTHORITIES

Under this heading a comparison should in the first place be made between juvenile courts and the system of child welfare boards existing in the Scandinavian countries. In practice the differences between the two need not be very great. In some countries juvenile courts are not composed of lawyers, in others it is compulsory for a professional judge to be a member of each child welfare board, at any rate when a decision of a more serious nature is to be made. As regards procedure, the two systems may also have features in common. The fact, however, that the juvenile courts are in principle judicial in character is reflected in their procedure, which mostly follows that of an ordinary court more closely than the procedure of the child welfare boards does. Perhaps the fact that the juvenile courts are part of the machinery of justice

has invested them with a judicial character in the sense that, as a general rule, an offence has to be committed before they can be set in motion, even though the act committed by the minor would not necessarily constitute an offence if committed by an adult. The activities of the child welfare boards, which are under government administration, are not restricted in this way. The boards can intervene without any misconduct on the part of the minor, provided that there is a need of such an intervention. This difference between the two systems, which in theory seems to be the fundamental one, is not necessarily in practice of great significance. Any kind of behaviour at all that might be an occasion for official intervention can justify the taking of such a step by a juvenile court; and, on the other hand, child welfare boards can only exercise their powers under conditions laid down by legislation, conditions often closely dependent upon the minor's behaviour.

A comparison between the two systems should take into account the differences in the methods of their working. None the less an exchange of views upon the advantages and disadvantages of the two systems can undoubtedly be of value. The possibility of combining the two systems should not be overlooked, for example the possibility of establishing juvenile courts to deal with cases in which a restraining measure in some form or other might be needed and correspondingly child welfare boards which would only step in to lend assistance where such help was desired.

While it appears to be an advantage to lead off, as suggested, with a discussion of the two systems, yet members of the congress should feel free to range beyond an analysis of the existing institutions. The subject should be examined *de lege ferenda*. The study should take account of the two aspects of the doctrine of social defence, namely, on one hand the need of effective prevention of antisocial conduct and on the other of guaranteeing the liberty of the individual.

3. AVAILABLE MEASURES

The discussions under the third heading should deal with the measures that should be made available to the competent authorities when handling socially maladjusted minors.

When the law regards minors as a distinct group, its aim is to accord them (or certain categories among them) a special treatment different from that given to adults. The modern trend is clear:

to replace the traditional punitive system with educational measures for young persons. Even when penalties are imposed on minors they are often administered so as to have a reforming influence, although their punitive character is in principle maintained. In various ways care is being taken to select a treatment adapted to the young person's individual need and the stage of his development. According to a widely held view which is steadily gaining ground, old fashioned methods of punishing are not suited to the maladjusted juvenile. Other methods are being developed which are more suited to the specific needs of these youths. This growing tendency should be borne in mind when improved means for reeducating maladjusted youth are being sought in the discussions. It should be of value to make an inventory of suitable measures (institutional or non-institu-

tional) and to discuss their general application and examine their respective merits and demerits.

It is also desirable to examine whether there ought not to be an easy way of substituting after the sentence one type of treatment for another. The establishing of the possibility of such an interchange seems to be justified by the discrepancy between age and psychological and social maturity, and by the very different ways in which individuals react to specific measures of treatment.

In order to restrict the discussions, it will no doubt be necessary that the attenders of the congress concentrate on the various types of measures and do not touch upon the details of their enforcement.

Information can be had by addressing Ivar Strahl, Professor at the University of Uppsala, Hjalmar Brantingsgaten 4A, Uppsala, Sweden.

BOOK REVIEWS

BATTLES OF THE BAR. By *K. L. Gauba*, N. M. Tripathi Ltd., publishers, Bombay, India. 1956. Pp. 288. Twelve rupees, 8 Annas (\$4.00).

This book is an interesting collection of autobiographical sketches dealing with legal battles in which the author was engaged, in some of which he was counsel for others, while in some he was himself the defendant.

The book should be of interest to most Americans who served in India during World War II, since Mr. Gauba is the author of "Uncle Sham", a book written by him, at a time when "Mother India", by Katherine Mayo, was being widely read in India as well as in the United States. The strictures in "Uncle Sham" on some phases of American life excited the amusement of the American soldier in contrast to the bitterness created by "Mother India" among educated Indians.

Mr. Gauba is one Indian who found some advantage in the continuation of British rule which lasted long enough to set aside his sentence to imprisonment for contempt of the High Court of Lahore, made up of both British and Indian Judges.

A judicial system is portrayed, made up of a Federal Court, High Courts and District Courts, corresponding in large measure to our own Federal Court system of Supreme Court, Courts of Appeal and District Courts, with some differences in apportionment of jurisdiction. The law administered is a mixture of British law reenacted with slight changes, relating in the main to pleading and practice, criminal law and pleading, corporations and insolvency and commercial law. Much of the law administered is Indian Customary Law differing according to the religion of the litigants, in civil cases involving Mohammedans depending on precedents based on the Koran, and based on the sacred writings of the Hindus and Sikhs in civil cases involving members of those religions.

As in the United States, the law in India may continue to be largely influenced by the British Common law and Statutes enacted during the Colonial period.

In the narration of the legal battles outlined in his book, Mr. Gauba appears in the role of an advocate of resourcefulness, ability and determination. His persistent and litigious determination

to secure final victory ruined the career of one British Judge of the High Court of Lahore. Despite the fact that during the last years of British rule in India, Mr. Gauba was an Indian Nationalist in politics, his narrative indicates a sense of admiration for the judicial ability, integrity and fairness of the British Judges who predominated in the Indian Courts prior to independence. Also of interest is the frequent citation of decisions of the United States Supreme Court in the briefs filed in some of Mr. Gauba's appeals.

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PHYSIQUE AND DELINQUENCY. By *Sheldon and Eleanor Glueck*. New York: Harper and Brothers, 1956. Pp. xviii and 339. \$6.00

"Physique and Delinquency" continues the presentation of the data collected when studying 500 adolescent male delinquents and 500 non-delinquents. The earlier report was published in 1950 with the title. "Unraveling Juvenile Delinquency." The purpose of the present book is to indicate the relationships that exist between the "four comprehensive physique types" and selected traits and factors originally described in "Unraveling," and listed on pp. 27-31 of the present book.

The statistical manipulations are presented in 109 tables. The tabulations were made in an attempt to discover which traits and factors exert a significant differential influence on the delinquency of the four bodily types, and which do not. The mesomorphic physique predominates among the Gluecks' delinquents, the endomorphic is less represented and the ectomorphic the least frequent. The Gluecks arrive at three major conclusions:

"(1) The basic morphologic differentiation of the physique types is accompanied by differences in the incidence among them of certain traits, some of which are actually associated with delinquency, others potentially so.

"(2) Differences in the physical and temperamental structure of body types bring about some variation in their response to environmental pressures.

"(3) Differences in the incidence of certain traits among the physique types, as well as divergences in their reactions to the environment, are reflected in certain differences in the etiology of delinquency among the body types." (p. 249)

None of the tables deals with the entire sample of delinquents and non-delinquents. There are at least 46 tables in which the number of delinquents, or the controls, or both, is less than 100. In Table 59, for example, the number of non-delinquents is 27, with the four types of physique having respectively 4, 15, 8, and 0. In Table 98 the figures are: total number of non-delinquents, 21, divided into 7, 2, 7, and 5. In Table 103, the total of delinquents is 315, of non-delinquents, 63.

The Gluecks' restate their proposal in "Unraveling," namely, that their technique can be used to screen the probable delinquent when he first enrolls in school, at about the age of six years. In Ch. XV "Physique and the Management of Delinquency," they discuss physique in relation to possible programs dealing with family life, school, leisure time, and clinical practices. This reviewer continues to be as skeptical of the Gluecks' proposal as criminologists generally were when it was made in 1950. There are several reasons for this one of which the Gluecks state themselves on p. 286, quoting from "Unraveling": proof is lacking of the permanency and immutability of the somatotype!

Then there is, to name only one more reason for skepticism, the fundamental social psychological problem: personality is as yet so undeveloped at the age of six years that it is not possible to predict better than chance, what later choice of models for behavior will be made by a boy.

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INDIVIDUALIZED JUSTICE. By *Samuel H. Popper*, Ph.D. Bruce Publishing Company, Saint Paul, Minn., December 1956. Pp. 70. \$2.00.

There has been a dearth of professional historical research in the area of social agency growth in the United States. This scholarly monograph by Dr. Popper will therefore be most welcome to the urban sociologist and to those persons, lay and professional, who are interested in the handling of delinquent juveniles and adults.

Dr. Popper, undertook this work to mark the fiftieth anniversary of the Ramsey County Juvenile

Court located in St. Paul, Minnesota. The Juvenile Court of Ramsey County was established in 1905 and its probation department in 1899 because, to quote Dr. Popper "Probation... was already at the time an established method 'in dealing with children before the courts.', whereas the juvenile court was just making its pioneer appearance." (p. 2)

Dr. Popper significantly weighs the importance of personality not only in the treatment of the delinquent but also in the juvenile court. He shows how each of the personalities who guided the court and the probation department made a particular contribution. His monograph gives due attention to the influence of these personalities.

Delinquency is largely a phenomenon of urban centers and a proper study of this subject requires an analysis of the media of communication, the mores of the community, the education of the children, the effectiveness of the police controls and the interest of the civic leaders. This book properly measures all of these factors. It gives careful consideration to studies made of this Department and to the trends in delinquency statistics and treatment. At the same time it treats with those social forces that brought probation and juvenile court services into existence in this community. The author points out that while certain types of delinquency cases may be noted today for their complexity, the over-all increase in number of cases has not been out of proportion to the increase in population.

It is the hope that this treatise will be followed by other similar studies of departments or agencies interested in this work. It is further hoped that through such studies the level of work with delinquent youths and adults may be raised, and that by pointing a searchlight upon this facet of an urban problem the public interest may result in improved conditions.

The history is written in a concise manner, yet its extensive documentation is heavily laden with references from primary sources.

Those agencies now concerned with self-appraisal processes will find this facet of Ramsey County history pertinent and especially useful.

A closing quotation from this work bears repeating, "Vital to the control of juvenile delinquency is effective and efficient law enforcement and treatment following . . . apprehension."

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