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Book Reviews

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and insights to existing legal knowledge, as well as useful proposals for reform, but it also gives law students the chance to study the law in action as well as the law in the books."

The seven students who participated in the project are: George J. Alexander, Philadelphia, Pa.; Melvin D. Glass of Brooklyn, N. Y.; Michael

P. King of Haddonfield, N. J.; James S. Palermo of Hazelton, Pa.; Frederic M. Reuss, Jr. of Hollis, N. Y.; John W. Roberts of Stamford, Conn.; and Allen G. Schwartz of Brooklyn, N. Y.

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BOOK REVIEWS

SIR JAMES FITZJAMES STEPHEN (1829-1894) AND HIS CONTRIBUTIONS TO THE DEVELOPMENT OF CRIMINAL LAW. By *Leon Radzinowicz, LL.D.* Director of the Department of Criminal Science and Fellow of Trinity College, Cambridge. London, Bernard Quaritch, 11 Grafton Street, W, 1957. Pp. 70, Price 6s. 6d.

Dr. Leon Radzinowicz, in this 1957 Selden Society Lecture on Sir James Fitzjames Stephen (1829-1894) pointed out that one of Stephen's earliest essays was on the "Characteristics of English Criminal Law." "He was the first to interpret the present state of the criminal law by an examination of its antecedents and to blend the historical and expository mode of analysis; the first to turn his back upon the amorphous and disjointed structure of all the current text-books in which case was heaped upon case and statute upon statute leaving the reader confused and bored."

He proposed many changes in the criminal law. Among others was the removal of the distinction between felonies and misdemeanors and a general re-grouping of crimes; a broadening of the concept of criminal insanity; to change the definition of an unlawful assembly; to broaden the definition of criminal contempts, and to restate the law of blasphemous libel in order to promote freedom of religious speech."

"To him the retention of capital punishment was the keystone of all moral and penological principles."

He helped bridge the gap between the criminal code of India and the criminal law of England.

Among the cases he heard as judge was the cause célèbre involving the American Mrs. Florence Maybrick. She was charged with murdering her

husband by poison. He sentenced her to death but the sentence was later commuted.

Stephen was a champion of criminal law codification upon which he worked assiduously after his return from India.

Besides several hundred essays he published a Digest of the Law of Evidence and a Digest of the Criminal Law. His *magnum opus* was the History of the Criminal Law of England, published in 1883. He also published the General View of the Criminal Law and a Digest of the Law of Criminal Procedure in Indictable Offences.

Lord Goddard referred to Stephen as, "That great master of criminal law."

Dr. Leon Radzinowicz said in summing up, "Thus in the brief space of fifty years, between 1830 and 1880, penal administration had undergone many changes and a different attitude towards crime and punishment had developed. During this period of flux, Stephen, the barrister, codifier, writer and judge, was exercising his inquiring mind in reflexions upon criminal matters of all kinds."

"Perhaps we do not realize as we should, wrote Professor (Dean) John H. Wigmore, 'that in Sir James Fitzjames Stephen's History of the English Criminal Law and Mr. L. Owen Pike's History of Crime in England, taken in combination, we possess an account such as no other single country possesses—except perhaps Italy!'"

There is a bibliography of Stephen's Publications and Selected Manuscripts, including Historical, Biographical and Critical Publications. Those interested in genealogy will find a Table of the Stephen Family.

JOHN W. CURRAN
De Paul University

POSITION AND SUBJECT-MATTER OF CRIMINOLOGY; INQUIRY CONCERNING THEORETICAL CRIMINOLOGY. By *H. Bianchi*. North-Holland Publishing Co., Amsterdam, Netherlands, 1956. pp. VIII + 216 (Paper bound). \$3.25.

This monograph, by Hermanus Bianchi, was originally published as a thesis in partial fulfillment of the requirements for a degree at the Vrije Universiteit, Amsterdam, where the author is now a member of the department of criminology. Its purpose, according to the author, is to promote criminology as a science in its own rights and independent of the control of other sciences, such as sociology, psychology, and psychiatry.

The volume is divided into an introduction and five parts in which Dr. Bianchi examines the scope, theory, and contents of criminology and makes recommendations for its reconstruction. It also contains a list of references and an index of authors' names, but it has no subject index. However, the table of contents does have explanatory notes regarding the subject matter of each chapter.

The task undertaken by Dr. Bianchi is a formidable one requiring not only a broad understanding of sociology, anthropology, psychology, and psychiatry, but also a firm grasp of the principles of criminal law. However, there has long been a need of a searching examination of the fundamental concepts of criminology, its position in the fraternity of sciences, and its relationship to the criminal law, and the author's inquiry is certainly a timely one.

Regardless of how Dr. Bianchi's recommendations for the improvement of the present situation may be received, he must be praised for his efforts to solve a most difficult problem and for the sound position he takes with regard to some fundamental issues in the field of criminology. Thus he believes that criminology must focus itself on *both* crime and man and must therefore take into account all the social sciences as well as the criminal law. In his opinion, the days of criminology conceived as merely a section of sociology are over for "a reduction of criminology to 'sociology of crime' deprives the subject-matter of criminology of very essential phases of the crime problem and the problems concerning the perpetrators of crime." However, Dr. Bianchi emphatically disagrees both with those who would label most criminals as victims of mental disease and with those who would explain crime largely in terms of the biological factor because, as he explains, "whenever we omit

the normative aspect of crime, we run the risk of mutilating reality beyond recognition." Thus he clearly goes on record in favor of a broad multidisciplinary approach to the problems of crime and the criminal.

It is when Dr. Bianchi turns to proposals for the reconstruction of criminology that he gets into serious trouble. Like some American sociologists, he believes that the term "crime" must be freed from its legal restrictions so that it may serve science in an objective analysis of the norms of society. After dragging the reader through a morass of verbosity, Dr. Bianchi defines crime as "a sinful, ethically blameworthy, defiant and erroneous act, eventually prohibited by penal law, at any rate deserving to be followed by conscious counteraction on the part of society, which in its behavior-aspects is the evidence of a failure of reciprocal socio-physical adjustment of society and the individual, being a 'deficient' mode of expression by which man runs counter to his own self." While the reader is still trying to recover from this flood of unbelievable verbiage, he is amazed to find the author saying: "It is, of course, not possible to record all the appendages of crime in one definition since such an attempt would indeed require the whole of a book. We are, therefore, not deluded by the belief that, not even approximately, all the incidentals of crime have been considered."

The author's unwieldy definition of crime not only flies in the face of customary usage, but also in effect removes the term "crime" entirely from the domain of science by tying it to the concept of sin, for, as Dr. Bianchi naively admits, "theology of all times has after all not been able to solve the problem of sin." How we are to advance the cause of science in a field already crowded with difficult problems by introducing an even greater unsolved problem the author does not make clear.

Dr. Bianchi's troubles stem from his avowed purpose to create an independent theoretical criminology. And yet to reduce the ills of criminology no such grandiose plan is necessary. What is needed is a clear recognition that our knowledge of human behavior is still decidedly limited, that all sciences must contribute to an understanding of the origin, nature, and development of the norms of human behavior and the causes of their violation, and that thus both the crime and the criminal must be taken into consideration in the study of criminology. In order to avoid confusion and misunderstanding, it is wiser to retain the term

"crime" for the violations of the norms that are embodied in the criminal law and to use some such term as deviant behavior for violations of all norms whether legal or not. Thus in the study of norms and their violation, the scientist would in no way be restricted by the concepts of criminal law nor would he seek to alter its terminology, although the results of his research could be utilized by the law in the modification of its concepts and principles. In its broadest sense criminology is the entire body of knowledge regarding crime and criminals. To the extent that this knowledge is scientific, criminology is an applied science, the theoretical basis of which is to be found in the social sciences and the law rather than in any independent science of theoretical criminology.

Much of what Dr. Bianchi has to say will not be acceptable to American criminologists. Certainly the awkwardness of his English and the obscurity of his style will not help his cause. Nevertheless, it is hoped that his efforts will stimulate others to undertake further examinations of the concepts and subject matter of criminology. Perhaps they will be more successful.

ROBERT G. CALDWELL

State University of Iowa

CRIMINOLOGY AND CRIME PREVENTION. By *Lois Lundell Higgins and Edward A. Fitzpatrick*. Milwaukee: The Bruce Publishing Company, 1958. xii + 471 pp. \$8.50.

This volume is written from a positive point of view toward criminology. The authors reject a deterministic frame of reference and emphasize the concepts of individual responsibility, the natural law, the philosophy underlying the criminal law, and the free will of the human being. The latter implies to the authors that the individual is responsible for his actions when he is free to act without force or coercion and when he is not mentally ill.

The authors do not minimize the range of the causes of crimes and delinquency via any pet theory. There is clear recognition of the dangers of oversimplification.

In addition to being a meaty book, the book includes three special appendixes of helpful sources of information. These are: the Code of Comics Magazine Association of America, Inc., the Television Code of the National Association of Radio and Television Broadcasters, and the Standards of Practice for Radio Broadcasters.

"Criminology and Crime Prevention" should be

especially helpful for students, police and public officials, parents and citizens who are truly interested in the welfare of their communities.

ARTHUR LERNER

Los Angeles

THE MEASUREMENT AND APPRAISAL OF ADULT INTELLIGENCE. By *David Wechsler*, (4th ed), The Williams & Wilkins Company, Baltimore, 1958, ix + 297. \$5.00.

This fourth revision is an extensive and well-written replacement for a work which has been a classic since shortly after its presentation in 1939. As in previous editions, particularly the third, Wechsler presents and expostulates on his theory of intelligence as being the end-product of a multitude of "interacting abilities". Findings of and applications with the adult intelligence scales are dealt with prolifically in this volume. Numerous comparisons and contrasts are drawn between the Wechsler-Bellevue Intelligence Scale and the Wechsler Adult Intelligence Scale and their respective standardization populations.

There is extensive re-writing and revision as well as the addition of chapters on age and sex differences as related to intelligence, changes in the intellect following brain damage, and the use of the *waits* in guidance.

The book, on the whole, is written in the same style as the previous edition. One still questions how much intelligence is involved in *waits* subtests, *information* and *vocabulary*, rather than exposure to material which would permit the memorization of these facts. Wechsler even comments that "... in a number of studies the test [*information*] also shows considerable loadings on the memory factor", but does not mention it in connection with the *vocabulary* subtest.

Statistical faults in the *W-BI* have largely been eliminated in the present work. It should be noted for those who might plan to purchase this book for the sake of having a manual of Wechsler's tests, that the section on "Manual of Bellevue Intelligence Tests" (which was Part III of the 3rd edition) has been completely eliminated.

It seems a pity that this has been done, since, especially for the student, it provided a ready reference to the subject material of the chapters, as well as an easy method of looking up and comparing weighted scores in the tables, which have also been eliminated.

A. STANLEY WEBSTER

Knoxville, Tenn.

A SEARCH FOR MAN'S SANITY (The Selected Letters of Trigant Burrow with Biographical Notes). *William E. Galt*. (Ed.). Oxford University Press, New York, 1958. x + 615. \$8.75.

Pioneer and advocate in the study of human behavior in a group setting, Trigant Burrow was a forthright proponent of the study of communication. He was his own best example in the prolific letters which he turned out—professional, personal, and one almost suspects at times, for literary purposes.

The letters are divided into sections encompassing largely Dr. Burrow's concepts of the psychological world, but are also filled with a great many homilies. The breadth of individuals with whom he corresponded is shattering; encompassing the great and near-great of the psychological world for the past thirty years. Yet, profound as some of the epistles are, the book would be of interest only to one who was familiar with the writings and philosophy of Burrow in the broadest sense. Many of his letters are to personal friends, and although it is pleasant to the present writer to read of his own personal friends in White Sulphur Springs, West Virginia, dancing the Virginia reel; obviously this would be of little interest to the average reader—even the average scholarly reader; for certainly the book is scholarly. One must note, with the utmost emphasis, however, that it is a book either for one so familiar with Burrow that he may glean many nuances from the letters which would be unavailable to the sensibilities of the ordinary reader, or he must seek people or places he knows from the letters—and certainly Burrow corresponded with individuals in the most unlikely places.

In short, this is not a book to be read without frequent reference to other works unless the reader is very highly specialized in the work of the author of the letters.

A. STANLEY WEBSTER

Knoxville, Tennessee

LEHRBUCH DER PSYCHIATRIE. VERHÜETUNG, PROGNOSTIK UND BEHANDLUNG DER GEISTIGEN UND SEELISCHEN ERKRANKUNGEN. (Prophylaxis, Prognosis, and Treatment of Mental and Emotional Illnesses) by *Hans Hoff*, M.D., with the collaboration of Drs. Gaetano Benedetti, Rudolf Brun, Martin Gschwind, Hugo Krayenbuehl, Heinrich Meng, and Werner A. Stoll. Basle, Switzerland: Benno Schwabe & Co., 1956, 922 pp. (2 vols.), Sfr. 56.

As the editor of the series "Psychiologie, Science,

and Practice" of which the present work is a part points out in his Preface to this gigantic enterprise, the idea was to present a text on psychiatry in the form of lectures in order to "enliven" it, since the collaborators could see no reason why a text on psychiatry had to be "dull!" The two volumes are divided as follows: the first volume, comprising over 500 pages, is written entirely by Prof. Hans Hoff, and contains nineteen lectures. The second volume which begins with page 537 contains a symposium of lectures, Hoff delivering only five out of the seventeen. These lectures are on child psychiatry. Each lecture in the first volume is devoted to an aspect of psychiatry or neurology. The treatment is not always comprehensive. There are few aspects, however, not represented; and altogether the volume (allowing for the author's preferences, such as two lectures on epilepsy) appears to me a beautiful summary of basic psychiatry. While the author does not claim profundity or originality, he does manage to present the subject in a concise and readable manner without falling prey to oversimplification or superficiality. For instance, in his chapter on *Tiefenpsychologi* (Depth Psychology), Hoff expounds the "basic" Freud to beginners in less than ten pages; yet this reviewer found, to his amazement, that all was covered in the most simple and lucid idiom and polished German, very much as in Freud's writings in the latter's heyday! The same chapter also presents the essence of Jungian, Adlerian, and other schools of thought with equal felicity. The chapter on *Oligophrenie* (Mental Defectiveness) appears to me a classic and generally superior to American writings on this subject. A Chapter on *Exogener Reaktionstyp* will come as news to most American professional readers. Coined by the Swiss psychiatrist Bonhoefer, the term connotes those psychotic etiologies, which are caused by external factors, such as intoxication and somatic illness, and which exclude the *endogene* schizophrenias, such as the manic-depressive. Finally, there are chapters on testing (not too common in the psychiatric literature), on various therapies (one chapter is devoted to shock therapy alone), the history of psychiatry (the author considers himself a student of the great American psychiatrist, Adolf Meyer, whose merit, he thinks, was to bring psychiatry back into the fold of medicine), and alcoholism.

The second volume (also containing chapters on the neuroses, psychohygiene, the psychotherapies, and psychosurgery) concludes with two chapters by Martin Gschind (who holds doctoral

degrees in medicine as well as in law), which should be of special interest to readers of this JOURNAL, on *Die zivil- und strafrechtliche Stellung der Geisteskranken* (the civil and penal position of the mentally ill.) Dr. Gschind provides ample bibliographical material and case studies, including American sources.

Criminologists should be able to use this work as a choice reference work. Better than most books this reviewer has seen, domestic or foreign, it will tell them "all" about the questions pertaining to psychiatry and psychology, and their relating to the law.

HANS A. ILLING

Los Angeles

MASTERS OF DECEIT. By J. Edgar Hoover. Henry Holt & Co., Inc., 1958. Pp. 374, \$5.00.

The details which crowd this book would make difficult reading but for the fact that the author is skilled in the art of using them in written discourse: a rare accomplishment.

The author makes it as clear as day that we non-communists have much to learn from the procedures of the communists. They are showing us what we lack and must acquire if we are to be most effective in preventing youths from becoming communists and in defending ourselves against their machinations.

We must put some zeal into our political and religious faiths; it will then overflow upon our political and religious behavior. We take for granted the very battlements which our enemies, the communists, are undermining with their consummate patience, skill and determination. We are in a state of apathy while the enemy is alert. And this even where our own youth are concerned at home and at school. They have no tolerance for our apathy. And we often seem to have forgotten that they are idealists, and that, given half a chance, they are not content with being arm chair idealists. "Up 'n at 'em" is their natural motto.

Are we mature adults as ready as the communists are to disrupt our home and neighborhood and club life "for a cause?" A communist who is assigned to a job in the underground will take it on, though he must cut himself off even from opportunity to keep in touch with his family. "Hank didn't know that Hazel almost died from third degree burns; that I was adrift and had to go to mother in order that daughter and I might live."

Mr. Hoover no doubt correctly regards the

ability of communists to propagate their false doctrines as a challenge to our educational processes. He has probably heard this answer to the challenge: "But the teacher's business is with the curriculum." Such a remark, as this writer understands it, betrays ignorance of an essential in all education at home and at school: knowledge of subject matter and zeal for it. Where these are lacking the chance that a youngster will be challenged by lessons and chores to "put on a fight for it" approaches zero. And where no challenge is felt frustration is not far away. And frustration spells truancy and recklessness—plunging this way and that to find relief. One can find communism by that route.

If teachers and parents are equipped with knowledge of what they are expected to teach, and with zeal for it, they will find the necessary techniques for "getting it over" to our idealistic youth that this or that particular value of our "way of life" is for strong and skillful men and women who are able "to do things." "Puny, weak, yellow ones can't take it." To be effective in our struggle to establish our "way of life" and to block out whatever would steal its life, every day—especially where youth are concerned—must be crowded with challenges to show "what you're made of." This is one thing that Mr. Hoover's book will call to mind.

The text is divided into seven parts, entitled, "Who is your enemy?"; "How Communism begins;" "The Communist Appeal in the United States;" "Life in the Party;" "The Communist Trojan Horse in Action;" "The Communist Underground;" "Conclusion." There are twenty-four chapters and four appendices, a glossary, a Bibliography of Major Communist "Classics," and an Index.

Read Part V, ("The Trojan Horse in Action.") Here are six chapters with which every one of us should be thoroughly familiar: "Communist Strategy and Tactics;" "Mass Agitation;" "Infiltration;" "The Communist Front;" "Communism and Minorities;" "The Communist Attack on Judaism." This, and Chapter 22 ("What Can You Do?") are "musts." In the last named chapter Mr. Hoover has taken a page out of the Communist book "Do something concrete—everybody." "The FBI can't do everything. It has jurisdiction over violations of 140 Federal laws in a country with 170,000,000 population, and it has fewer than 6,200 agents. It needs help."

ROBERT H. GAULT

Evanston, Illinois