

1959

Book Reviews

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Mr. Campion concludes:

"In summary, therefore, of this section of the study, we conclude that the data available to us after a survey of half the state police forces of the United States do not lend empirical support to the claim that the existence of the death penalty in the statutes of a state provides a greater protection of the police than exists in states where that penalty has been abolished." (Page 735)

Mr. Campion also made a study as to police opinion on this subject and found that it varied widely:

"From our survey of opinions it would seem that the record of killings of police in a particular police force does not of itself determine police opinion for or against the death penalty as a protection. Though most support for the death penalty came from rather populous, urbanized states, having the death penalty on their statutes, and all reporting some killings of officers in their state police forces, we find dissenting opinions held by police officials from states possessed of these same characteristics. Whether grouped with respect to geographical proximity, similarity of crime rates, population distribution, or compared on the basis of numbers of police officers killed, the different states manifested no fixed pattern of opinion among police officials on the value of the death penalty as a protection to the police." (Page 738)

In referring to the fears of police officers as to the effects of abolishing capital punishment expressed before the Royal Commission On Capital Punishment in England 1949-1953, the Commission in its Report said:

"Moreover we received no evidence that the abolition of capital punishment in other countries had in fact lead to the consequences apprehended by our witnesses in this country."

The Governor of Maine in March of this year stated:

"We do not find that capital crime is more prevalent as a result of the abolition of capital punishment, *nor do we find the state police or prison guards in any great danger.*"

The Chief of Police of Providence, Rhode Island, an abolition state, in March of this year said: "I do not recommend capital punishment. . . ."

The opinion of police authorities varies widely on the supposed deterrent effect of capital punishment. All the evidence is with those who say that abolition of capital punishment does not create any greater hazard to the police, and in fact may afford more protection.—Herbert Cobin, Prisoners' Aid Society of Delaware.

BOOK REVIEWS

THE SOCIETY OF CAPTIVES, A STUDY OF A MAXIMUM SECURITY PRISON. By *Gresham M. Sykes*. Princeton University Press, 1958, Pp 144, \$3.75.

Once every so often a person appears whose calm reasoning faculty and superior ability of organization can create a new perspective and sense of integration. Mr. Gresham M. Sykes is such an individual, and his book, "The Society of Captives," is unique in that it reveals a microscopic familiarity with the details of prison living while at the same time it supplies the reader with a telescopic grasp of these details in easily digestible groups.

Most of us, even those of us who are intimately involved with prison affairs daily, would find it almost impossible to describe intelligently the total picture of a maximum security prison, incorporat-

ing the custodial staff's qualifications and goals, the inmates' personalities and needs, society's expectations, the physical buildings, and the results of the interactions of all of these factors. Possibly part of our frustration in attempting such a description would lie in the fact that many of us would recognize within ourselves emotional kinship not only to society's expectations and to the prison staff's goals, but also to the needs of the prisoners and to their reactions; we might become involved in defensive statements and arguments entirely separate from the objective description of the prison society.

In "The Society of Captives" Mr. Sykes creates an atmosphere of a travel-log, and with unemotional perception he records the facts about life in a maximum security institution. Sometimes his descriptions are so clear and reasonable that

for a reader who has been inside such a prison it is difficult to realize so much orderly thinking could possibly emerge from the intricate maze of activities and feelings there.

The obvious beginning for the description of any culture, or sub-culture, is a description of its physical setting, and this is where Mr. Sykes begins in his book. The effects of the stone walls on the prisoners, on the prison staff, and on society are analyzed. The author makes some philosophical assumptions not based entirely on observation; "If the inmate population is shut in, the free community is shut out, and the vision of men held in custody is, in part, prevented from arising to prick the conscience of those who abide by the social rules." The demands of society upon the custodial staff are contrasted by the realistic accomplishments possible and by the methods open to the staff of securing the cooperation of the inmate body. The qualifications and broad personality types of those men who make up the custodial staff are described. The prisoners' social mores are discussed, including their language, their self-concepts, different personality roles played by them, and the interaction of all of these factors with the authoritative regime. A very plausible explanation of the real causes underlying prisoner uprisings and riots is set forth.

While Mr. Sykes has not uncovered any new data regarding men in prison, or their captors, he has achieved a remarkably concise way of viewing the multiple aspects of prison life. "The Society of Captives" constitutes worthwhile reading for anyone dealing with those members of our society who run afoul of the law—lawyer, judge, chaplain, social worker, doctor, or prison administrator. As a sociological study, the book is a brilliant piece of work.

JOHNSON LEVERING

John Howard Association
Chicago

CRIME AND INSANITY. Edited by *Richard W. Nice*. Philosophical Library, New York, 1958, 280 pages. \$6.00.

In this 280 page book Richard Nice has assembled 11 papers written by lawyers, sociologists, psychologists, and psychiatrists. The purpose is to provide the student and layman with information about those problems in management of offending persons which confront physicians and lawyers in this country. The editor introduces the subject by declaring that the usual approach to

abnormal and anti-social behavior is punishment. He states that persons who are put in jail or mental hospitals are in effect rejected by society. Ralph B. Winn, Chairman of the Department of Philosophy and Psychology, Monmouth College, N. J., reviews the principles of punishment in relation to different historical epochs. He emphasizes that traditionally the rules for punishment of offenders are difficult to apply when he is immature or diseased, and when the act is the result of an accident or a mass crisis like panic or poverty. Dr. Henry Davidson discusses "Irresistible Impulse and Criminal Responsibility." He describes impulsive behavior in normal, neurotic, and psychotic people. His thesis is that impulsive behavior occurs at all levels so that the legalized punishment of criminals may be seen as an expression of the "irresistible impulse" to punish people at large. Donald R. Cressey, Assistant Professor of Sociology at the University of California at Los Angeles examines some of the psychological and sociological theories which underlie the assumptions motivating psychiatrists and lawyers in their work with offenders. He states that "casting of blame upon others is evidence of our own inability to correct a difficult situation, and a projection of our sense of inadequacy." Dr. William B. Haines and John Zidler of Chicago, in a chapter titled "Not Guilty By Reason of Insanity" summarize the differences between the legal processes that determine management of criminals in each state. They conclude "the word insane is a legal term and has no medical meaning" and strongly urge a uniform definition of insanity and a uniform criminal code and commitment law. William Burke, Jr. writes about some of the conflicts between law and psychiatry in judicial aspects of practice. Simon Sobeloff in "From McNaghten to Durham and Beyond" encourages continuing research to enlarge our understanding of behavior and provide the knowledge on which changes in law and procedure may be based. Henry Weihofen, Professor of Law at the University of New Mexico, writes about the Durham Decision, concluding that this is the only legal ruling so far which bridges the gap between legal and psychiatric thinking. Two chapters are concerned with the functions of psychiatrists and psychologists with regard to criminal cases. It is said that the psychiatrist should emphasize treatment of the criminal while the psychologist should train himself to be an expert witness. Herbert Wechsler, Professor at Columbia Law School reports on the "American Law Institute: Some Ob-

servations on Its Model Penal Code." He recommends indeterminate sentences in all felony cases, and release of prisoners governed by parole boards. The editor concludes the book, stating "The law was made by humans for humans to follow, therefore account should be made for human failings both in content and in degree."

This book provides a number of well-documented, closely reasoned, and impassioned arguments in favor of legal and institutional reforms. While there is some inevitable overlap, the subjects are well-chosen and give an excellent survey of the problem. It fails however to give an equally clear picture of what is known about the effects of treatment and punishment on individual offenders. Nor does it give fair emphasis to the problem of the offender who is not caught, or who is able to avoid punishment through manipulation and bribery. The broader social problems, such as war, overpopulation in certain areas, racial prejudice, and illiteracy are soft-pedaled.

For a lay audience the editor might have enhanced the value of this book by including some data about how criminals actually feel about punishment. For example, individual study of criminals has shown that some persons commit crimes repeatedly and welcome punishment because it is often linked with the protective and nurturing environment of an institution. Also, most studies show that treatment of criminals is at best a difficult and expensive undertaking, and that even with optimum control, recidivism rates are high. Treatment involves close personal contact over many years between patient and physician. Few criminals are willing to enter treatment voluntarily, and most psychotherapeutic relationships are brief unless the behavior of the patient can be controlled in an institution.

For professionals who need ready access to facts and arguments in favor of legal reforms, "Crime and Insanity" is a valuable reference book.

PETER F. OSTWALD, M.D.

University of California School of Medicine

FAMILY RELATIONSHIPS AND DELINQUENT BEHAVIOR. By *F. Ivan Nye*. John Wiley and Sons, Inc., New York, 1958, 168 pp., \$4.95.

This research monograph is a statistical study of 780 High School boys and girls in three Western towns to discover the association between their delinquent behavior and their family structure and relationships. Its pioneering approach and method are more provocative than its results.

The author rejects the usual procedure of contrasting delinquents as adolescents in training schools with a control group of nondelinquents as adolescents outside of training schools. Instead, he draws both his delinquents and nondelinquents from adolescents outside of training schools and compares the most delinquent group with the least delinquent group. In this manner he avoids a bias which criminologists have long recognized but have usually failed to counteract in their research.

Another unusual aspect of this study is Dr. Nye's approach to delinquency. Delinquency is usually considered as a product, or as an illegal act caused by such a factor as differential association (Sutherland), or emotional disturbances (Healy), or a combination of factors. Nye approaches delinquency from another point of view, as an act which is *not prevented because of insufficient social control*. Both approaches have merit.

The results of the study are disappointing. Such a detailed statistical study on the relation of delinquency to eleven selected areas of family structure and relationships is necessarily incomplete and inconclusive. It is not new to maintain that delinquency is complex, and Nye admits this. But his difficulty is more than this. By compressing family relationships and delinquency into statistical form only, he places himself in the Formal School of Sociology and advocates its belief that sociology is a science only in so far as it is measurable. The reviewer cannot accept this point of view. Case studies, psychological tests, and even psychiatric interviews could have accompanied the scales of delinquency, family structure and relationships and might have added more depth and understanding to this study. Establishing such an attitude as acceptance-rejection between the adolescent and parents, for example, could be much better evaluated as a factor in delinquency if both qualitative and quantitative measures were used.

The most definitive and challenging conclusion of this study is the lack of relationship between delinquency and the social-economic level of the family which Nye found. This is in opposition to the results of many other similar studies and can be partially attributed to Nye's definition of delinquency. More research is needed. If this conclusion is sustained, delinquency research will have to be reoriented in focus to social relationships and personality of the delinquent.

MARGARET WILSON VINE

Keuka College, New York

THE NEW CHEMOTHERAPY IN MENTAL ILLNESS.

H. L. Gordon, M.D., Philosophical Library, New York, 1958, pp. xvii + 762, \$12.00.

A volume of reprints—and here the present review might well end. The editor has not been gracious enough to indicate by one single word what the purpose of his book is, what connection there is between articles, or why these particular articles have been chosen. The three and a half page introduction is given entirely to remarks concerning tranquilizers and makes statements flatly in all encompassing fashion which can be mitigated as to their veracity in no fashion which the present reviewer can stipulate: *viz.*, “In sexual pathology it [*Rauwolfia serpentina*] reduces craving and frigidity”, and goes on from here to run the gamut of physical and psychical ailments, claiming improvement or cure for everything but leprosy.

Moving on to the articles themselves—there is a four-fold division: General Surveys, Clinical Experience, in Psychiatry Disease [sic], in “Related Conditions”, and Side Effects. The reason for the selection of the particular papers presented again must be noted as being absent. Why these papers of all those available were chosen is never mentioned, nor does the editor ever again utter one word of his own throughout the book. Why, for example, under “General Surveys”, the Philadelphia Symposium of 1955 is not given can only be a matter of amazement to anyone familiar with the field of tranquilizers. The same general comment, with specific instances, can be given for each of the other sections.

“Why” must be asked all the way through the book. These simply appear to be random selections from journals. “Why” they were taken from journal status and presented in book form is mysterious. They are all available elsewhere, and certainly no one could find them readily in the present book in view of the awkwardness of the table of contents.

The present reviewer does not like to write “bad” reviews, but this book belies the adage that hindsight is always 20/20. There is no excuse for this book.

A. STANLEY WEBSTER

Knoxville, Tenn.

BEHIND SHOCKING CRIME HEADLINES. By *Sidney Kobre*. Florida State University, 1957, pp. 274, no price indicated.

Despite its flamboyant title, Kobre's book is nothing more than a plodding rewrite job of stand-

ard criminology textbooks and treatises, interspersed with a number of news stories concerning crime. The information contained in the book is accurate enough, and the writer's bias in favor of enlightened treatment of criminals is sincere and heartwarming. But goodwill alone is hardly an adequate reason for a book—a conclusion presumably shared by publishers, since the material is issued in erratically mimeographed form under the imprint of Florida State University.

It is probably ungracious to be critical and inhospitable to a modern and progressive view of criminology, especially when that view emerges from so vital, and often unenlightened, an area as journalism. But the book can hardly be dignified as more than a pedestrian, catch-as-catch-can overview of a smattering of basic data in criminology. Its purpose apparently is to explain to neophyte newspapermen taking college work that crime contains roots and ramifications which rarely are reported in the American daily press. The idea is a noble one, but the author makes no attempt to explain why the educational job he undertakes could and should not rather be done for the collegiate journalists in standard criminology courses. This reviewer is strongly opposed to watered-down social science courses being taught in professional schools under the cloak of being genuinely and genially tailored to the particular professional needs of the students. The schools of education provide enough ghastly examples of this trend to put us on guard against aberrations such as “Criminology for Journalists,” “English for Engineers,” and “Abnormal Psychology for Dieticians,” (i.e., The Deviant Eating Habits of Psychotics) courses taught, in turn, by crime reporters, reasonably literate engineers, and dieticians who have worked in mental hospitals.

Kobre alludes early in his book, but only fleetingly, to the problem that I had hoped he would probe more deeply: that of the institutional antipathy between the American newspaper ethos and a mature public understanding of subtle trends and causal relationships. Newspapers, as he notes, are event-oriented. Crime news is almost invariably “a short story which fades out quickly.” The papers see and report only the symptomatic, superficial aspects of criminal behavior, ignoring underlying, slow-moving, and complicated matters. There is admittedly a trend to more interpretative reporting in the United States, but it has hardly progressed beyond political matters, and there it is often merely anecdotal. Interpretative reporting is duller than event reporting, and dullness is the sin,

next to factual inaccuracy with names, least tolerated in most American newspapers.

That some keen difficulties between the press and progressive criminology do exist cannot be doubted. Roscoe Pound, for instance, recently commented that "the whole question of the relation of the administration of justice and the press is becoming increasingly important . . . and is involving new difficulties with the advances made in photography, television, tape recording, and matters of that sort." Unfortunately, this is a problem Mr. Kobre, in his survey course for budding journalists, chose to avoid.

If, because he has read Kobre's book, one newspaperman emerges with a more sophisticated understanding of crime and criminals, prisons and prisoners, then I guess there is much for which to be thankful. It is perhaps unfair to ask for more from a book, but it would have been very pleasant to have had more.

GILBERT GEIS

Los Angeles State College

THE LAW OF AWOL. By *Alfred Avins*, Occana Publications, New York: 1957, pp. 288, \$4.95.*

This rather extensive book on the offense commonly known as "AWOL" is designed, according to the author, to furnish guidance, instruction, and authority for the use of the law student, the practicing attorney, the military service school presenting a law course, the military attorney, and the ROTC student. The author intends that the book will be "most useful to the non-lawyer, the officer administering non-judicial punishment or the summary court officer, the officer and enlisted man, who has not used, or knows not how to use, the facilities of a large law library to look up points of law." The valuable and extensive research, together with the author's keen comments, criticism, and careful analysis, have produced an authoritative, useful and interesting work in this field.

To present the cases and authorities collected and to state the "Law of AWOL" the material is organized in three main parts: The first part reviews the history and shows the importance of the offense in the armed forces. Closely related

* The views expressed in this review are those of the writer and do not necessarily represent the opinion or doctrine of the Department of the Army or other governmental agency.

offenses such as desertion and disobedience of orders are briefly considered. The second part is devoted to a consideration of the elements and many facets of the prosecution's case. The discussion under the first chapters of this part contains an analytical examination of the rules of law and cases on inception, duration, and termination of the unauthorized absence. Other chapters deal with the effect of leave, problems of communication, absence from or failure to go to a specific place of duty, the concept of fault, attempted AWOL and matters in aggravation. The third and final part presents the case for the defense. Here the reader may find a logical and detailed classification of the many possible defenses of AWOL. These chapters discuss the defenses of impossibility, through both natural forces and acts of others, mistake of fact, by the accused or military authority, illegality, ambiguity of duty, *de minimis*, condonation, and mitigation. On the subject of *de minimis*, specific references to decided cases show that certain trifling derelictions are too insignificant to merit punishment, and seeking to punish trifling offenses, even in the military system, is "a costly, time consuming process, so the dereliction ought to be worth the effort."

Mr. Avins' thesis is that "the law of AWOL and its related offenses form a harmonious and consistent pattern well adapted to the ends for which they were designed and formulated through centuries of military experience and through a process of gradual common law development." The author has ably developed this thesis and it is one with which this reviewer wholeheartedly agrees.

The reader must remember that in a book such as this dealing with rules of law which are subject to continuous and frequent interpretation and adaptation to individual factual situations by the courts, the obvious limitation is that rules should not be accepted as the law unless more recent court decisions show no modification or change. It is to be expected that there will be differences of view both as to manner of presentation and substantive conclusions. It would indeed be unusual if there was universal agreement with all the conclusions and comments of the author with regard to the hundreds of specific cases discussed since many of the points commented on have been argued and fought over for decades.

The style of presentation employed throughout the book is somewhat unusual. The author has not