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Book Reviews

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the holder to full tuition (\$200) for eight weeks instruction (8 University credits) at the Institute of Correctional Administration to be held at the University from May 1 through June 23, 1961. The program consists of six basic courses of instruction, supplemented by inspection of correctional establishments and weekly meetings with correctional leaders.

The scholarships offered by The American University are designed to provide training for personnel competent to act as instructors in Field Study Courses under the supervision of, and with instructional material provided by the Institute. In awarding scholarships, preference will be given to those agencies which have a genuine interest in in-service training and to applicants who are likely to promote such training. For example, agencies which have provisions for an in-service training program or are making such provisions for the future, and will grant an employee leave with pay for the eight weeks course, and/or which will help defray the expenses of books, travel, and maintenance while the employee is in attendance at the Institute, will be deemed to demonstrate such interest.

For further details, address the Director, Institute of Correctional Administration, School of Government and Public Administration, The American University, 1901 F Street, N.W., Washington 6, D.C.

Illinois Academy of Criminology Elects Officers, Plans Program—At its 10th Annual Meeting, held at Northwestern University School of Law on May 6 and 7, 1960, the Illinois Academy of Criminology devoted its program to the discussion of emerging medico-legal issues; community organization and street gang work in the preven-

tion of juvenile delinquency; crime control in metropolitan areas; and current research in corrections. Hon. Walter V. Schaefer, Justice of the Illinois Supreme Court, was the speaker at the Annual Dinner.

Officers elected for the 1960-61 term include Solomon Kobrin, Illinois Institute for Juvenile Research, President; Francis A. Allen, University of Chicago Law School, Bernard F. Robinson, Illinois Reformatory for Women, and S. Kirson Weinberg, Roosevelt University, Vice Presidents; Harvey Treger, United States Probation Service, Secretary; Harold Finestone, Illinois Institute for Juvenile Research, Treasurer; and G. Lewis Penner, Juvenile Protective Association, Archivist.

Charles H. Shireman, School of Social Service Administration, University of Chicago, will head the Program Committee. The five meetings of the coming year will be devoted to an assessment of the prospects for constructive change during the decade of the Sixties in the areas of prevention, correction, and criminal law. Inquiries respecting the times and places of these meetings are welcome and should be addressed to Harvey Treger, United States Probation Service, 219 South Clark Street, Chicago 4.

Membership in the Academy is open to all persons with a professional interest in the field of criminology.

Bibliography of Writings of Gluecks Available—A complete bibliography of the writings of Professor Sheldon Glueck and/or Dr. Eleanor T. Glueck has been compiled by the Harvard Law School Library and is available on request to Mrs. Sheila Murphrey, Westengard House, 3 Garden Street, Cambridge 38, Massachusetts.

BOOK REVIEWS

Edited by

David Matza*

REPORT OF THE COMMISSION OF INQUIRY ON CAPITAL PUNISHMENT (CEYLON). Sess. Paper XIV, 1959. Government Pub. Bur., Colombo. Rs. 3.00 (Postage: 35 cents).

The movement to abolish capital punishment has produced few documents so arresting as this

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Report of the Ceylon Commission. The Report, inevitably, debates the familiar issues—Does the death penalty have unique deterrent efficacy? Are there substantial perils of executing the innocent? Does adequate protection of the police require a system of capital punishment? Are there acceptable alternatives to the death penalty? What renders the Report of such unusual interest,

however, is the social context in which these and other issues are considered.

The context is characteristic of the awakening Southeast Asian countries. Its elements include poverty, instability, a population divided on religious and communal lines. The murder rate is comparatively high. In 1956, the House of Representatives voted to suspend the death penalty for murder and abetment of suicide. Although the bill was rejected by the Senate, capital punishment was suspended by administrative discretion; and in 1958 a law suspending the death penalty for three years was enacted by Parliament. In the latter year the country was torn by communal riots of exceptional virulence. At least 159 persons lost their lives in the violence attending the riots. Naturally enough, the insecurity thereby produced led to an outcry by the press and other articulate groups for the restoration of the death penalty.

In these circumstances the Commission of Inquiry sat to consider the issue of restoration and related matters. Its chairman was the brilliant young Australian criminologist and Dean of the Faculty of Law, University of Adelaide, Norval Morris. A majority, including the chairman, concluded against restoration of the death penalty in the three-year period stipulated by the Act of 1958. Although the majority suggests that the whole question might be reexamined at the end of the period, its report is substantially an abolitionist document.

Whether the death penalty possesses unique deterrent capacity is ordinarily the question most extensively canvassed in public controversies over capital punishment. The circumstances surrounding the Ceylon Report sharply accentuated the deterrence issue. The majority turns to statistics collected in other countries and concludes that nowhere is there evidence of peculiar deterrent efficacy in the death penalty. Indeed, it is asserted, these studies "go further than merely to leave the question open; they tend to prove the case against" the deterrence argument. (p. 45) The same conclusions are supported, says the majority, by a scrutiny of crime rates in Ceylon before and after suspension of capital punishment. Both the incidence of murder and of violent crimes involving the *risk* of death were studied. The conclusion drawn is that, if the killings associated with the communal riots be excepted, there is no evidence of a higher rate of homicides after than before the death penalty was suspended. But this, of course,

is the crucial point. Can the violence associated with the rioting of 1958 be attributed to the absence of capital punishment? The majority firmly rejects this implication. The communal riots can clearly be attributed to other social factors having nothing to do with the system of criminal penalties. Indeed, the remote threat of death is less likely to prove an effective deterrent in these cases than in many others. "The communal riot itself constitutes a breakdown of the ordinary law-enforcement processes of the State; it is quasi-revolutionary and it is not then that the details of those very processes which are in effect being challenged are likely to be operative." (p. 71) A more fruitful approach to the control of rioting, says the majority, is to increase the power of the police on the scene and to support their use of force, even deadly force, when necessary.

Another interesting feature of the majority argument relates to the problem of execution of the innocent. There are circumstances in Ceylon, it is candidly asserted, that enhance these perils. These include the prevalence of perjury in judicial proceedings, the fact that an accused may be convicted by a majority verdict in a capital case, problems in court proceedings produced by language differences, and the absence of an adequate system of legal aid in behalf of indigent defendants.

The dissenting member, Sir Edwin Wijeyeratne, would restore the death penalty in certain cases of murder, including premeditated killings and murder of police officers. Although the case made out demonstrates a greater show of reason than has often been displayed in arguments favorable to the death penalty, the dissenting opinion ultimately fails to persuade. In the final analysis, the position is that taken by most advocates of capital punishment for the past two centuries: The time is not ripe for abolition. Perhaps someday; not now.

The Report is unanimous on a large number of recommendations peripheral, but relevant, to the principal issue before the Commission. Thus certain problems relating to imprisonment, release procedures, and mental disorder are considered. Perhaps the most interesting of these recommendations relates to the problem of compensation of those dependent on victims of criminal homicide.

From any point of view the Report of the Ceylon Commission constitutes a major addition to the

literature on capital punishment. It deserves a wide American audience.

FRANCIS A. ALLEN

University of Chicago

JUVENILE DELINQUENCY: ITS NATURE AND CONTROL. By *Sophia M. Robison*. New York: Henry Holt & Co., 1960. 546 pp.

Let it be said at the outset that this is a very good book and, in some respects, an excellent book. Since textbooks are published primarily for classroom use, particular attention needs to be called immediately to the fact that the Robison text is altogether worthy of the most serious consideration by any teacher of a course in juvenile delinquency. It is systematic, well-written, and generally sound in scholarship. Whether readers agree or disagree with Robison's views, none will be able to accuse her of dodging or glossing over many important theoretical issues.

In parts, the text is extremely provocative. Here the evidence is highly subjective: my copy is now replete with expletives and exclamation points. I found the chapter, "Causal Theory: Its Problems and Future," a 15-page contribution, especially interesting, worthy of attention by anyone concerned with the integrity of delinquency research. I would also add, for those considering adoption, that the book should not be judged on the basis of the first part alone, which is the least satisfactory segment, particularly the rambling chapter on delinquency in the Soviet Union.

How does the book unravel? After the introductory material, Robison takes a seven chapter tour through "theories of cause." Rather than concentrate on dreary hordes of conflicting data, with an anti-climactic summary that points up their diametrical nature and inadequacy, the author chooses to discuss in some detail a handful of the better studies in each category, accompanying the reports with careful, rather lengthy critiques of the particular studies and of the class of study under consideration. There are chapters on the relationship between delinquency and such standard phenomena as the school, family, biological attributes, and the like.

In the chapter on causal theories, Robison stakes out her personal position. Without going much further, she uncritically embraces as the "appropriate goal for research in delinquency and

crime" Sellin's dictum that "ultimately, science must be able to state that if a person with certain personality elements in a certain configuration happens to be placed in a certain typical life situation, he will probably react in a certain manner, whether the law punishes this response as a crime or tolerates it as unimportant."

Sellin's position is reasonable, but it hardly seems to provide a useful framework for present-day criminological research. If anything, the study of juvenile delinquency, a relative latecomer to academic investigation (and something of an academic bastard, to use Robison's appropriate designation), has been an educational response to a public clamor. No one questions the excruciating need for behavioral definitions of greater precision, but I think it important to note that if juvenile delinquency is anything, it is not the acknowledged misbehavior, however meretricious, of Texas college students; nor do I see much value in Robison's definition of delinquency as "any behavior which a given community at a given time considers in conflict with its best interest, whether or not the offender has been brought to court." While institutionalized legal definitions and processes and the individual's response to these may play only a minor role in the broader study of human behavior, they do seem to occupy, almost by definition, a key position in the examination of delinquent and criminal behavior.

The largest portion of the Robison text deals with the handling and treatment of delinquents. The author's orientation is primarily what might be called social work-psychiatric, and her enthusiasms occasionally lead her into a sudden lack of the critical talent displayed in the earlier sections of the book. Thus, for instance, a rather sloppy typology of juvenile court judges combines with other vague material to "provide evidence of the crucial role of informal processes within the formally prescribed framework of the juvenile court, as a determining factor in the effective functioning of a social institution." This and similarly resonant and glib generalizations sometimes mar the comprehensive and knowledgeable discussion of agencies dealing with delinquents.

It is certainly both refreshing and challenging that the publishers have gone outside the academic community (despite their dust jacket efforts to bolster Robison's not inconsiderable academic bona fides) for this text. And they certainly are to be congratulated for having found an author

who combines her wide field experience with theoretical acumen.

GILBERT GEIS

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THE LAW OF MEDICAL PRACTICE. By *Burke Shartel* and *Marcus L. Plant*. Springfield, Illinois: Charles C Thomas, 1959, 445 pp., \$12.50.

This treatise presents a fairly thorough analytical discussion of many of the legal phases of medicine. It represents a welcome addition to the rapidly expanding modern literature in legal medicine.

Curiously, however, the authors attempt to divorce themselves from legal medicine by an overly-restricted definition of *forensic medicine* in the opening paragraphs. Repeated disclaimers are given, yet numerous authorities in all aspects of the wide panorama that is legal medicine are drawn upon. True, Shartel and Plant admittedly have been concentrating on only a limited area in their years of preparation of the text. This may excuse them from reliance on and reference to some of the weaker literature extant. A prime example is found on page 357 wherein the reader is asked to refer for details of sex offense cases to a chapter which is well below average in quality. This in the face of numerous excellent discussions easily accessible.

A more serious matter is the apology for not including the topics of estate planning, wills, and income tax (though tax evasion is included). It is stated that such matters require legal counsel, and the physician-reader is properly cautioned to seek expert guidance. It seems to me, however, that the physician should secure legal counsel whenever he is confronted with *any* of the problems mentioned in this large volume. This should not preclude him from reading the text, nor should it discourage him from attending post-graduate short courses in legal medicine in an effort to better understand the legal principles that govern his professional conduct. The oblique attack on the Law-Science Short Course Program, alluded to in conjunction with this analysis on page 251, is regrettable.

The authors pooh-pooh the warning that non-therapeutic sterilization is the basis for criminal and civil liability (p. 47). Actually, cases are being disposed of (usually by out-of-court settlements) on the ground that sterilization without justification is contrary to public policy.

Technical deficiencies that should be rectified for future editions include lack of a table of cases,

lack of citation to medicolegal literature in the medical journals (except for the *Journal of the American Medical Association*), and the inclusion of orthopedists in the listing on page 340 as not being within the protection of statutory physician-patient privilege provisions. One would also hope that the technical doctrines of impeachment (p. 331), causation (p. 349), insanity (pp. 360, 361), and proof (p. 397) would be more adequately treated.

Perhaps the strongest sections of the book deal with criminal law problems. A refreshingly frank approach is adopted toward criminal indictments of physicians. The rather complex and controversial subject of narcotic drugs is ably handled. In fact, we have here probably the best review of this medicolegal puzzle to be found in print today.

Because of the merit of the criminal law features, this treatise can be recommended as authoritative. Although designed for physician readership primarily, it can be quite helpful to lawyers, judges, and even to other law professors.

ELWYN L. CADY, JR.

Kansas City, Missouri

THEORETICAL STUDIES IN SOCIAL ORGANIZATION OF THE PRISON. Pamphlet No. 15, Social Science Research Council, 230 Park Ave., New York 17, N.Y., 1960. 146 pp. \$1.50.

During 1956 and 1957 the Social Science Research Council sponsored a series of bimonthly meetings under the chairmanship of Frank E. Hartung of Wayne State University to consider problems of correctional organization. The deliberations of the participants were subsequently edited in the form of a series of papers making up this volume. Its joint authorship includes Richard A. Cloward ("Social Control in the Prison"); Donald R. Cressey ("Limitations on Organization of Treatment in the Modern Prison"); George H. Grosser ("External Setting and Internal Relations of the Prison"); Richard McCleery ("Communication Patterns as Bases of Systems of Authority and Power"); Lloyd E. Ohlin ("Conflicting Interests in Correctional Objectives"); and Gresham M. Sykes and Sheldon L. Messinger ("The Inmate Social System").

As these titles suggest, the symposium was concerned with four types of problems: the nature and significance of the inmate culture and social system; social control in the prison community; the difficulties of introducing psychological treat-

ment procedures in the custodially oriented prison; and outside sources of control over the internal policy of the prison.

Much of what is presented will be familiar to those conversant with the current ideas of sociologists; however, some is new. Different audiences might find quite diverse items to hold particular interest for them. Correctional workers, curious regarding the applications of modern sociological theory to the study of prison organization, will find illumination in the concise expositions on the inmate culture and social system and on the control process in prisons. Those who feel that it is mainly the unregenerate and primitive cruelty of public and jailers alike which stands in the way of the conversion of prisons to treatment institutions will be interested in the appraisals of this problem by Cressey and McCleery. Prison administrators will find Ohlin's charting of their problems of strategy in dealing with "outside" pressures gratifying in its realism and its conceptual clarity. Sociologists generally may find in this volume empirical and conceptual materials useful in the development of theories of social system characteristics and functions.

However, the audience for which this volume has particular pertinence is made up of those who are specialized in the sociology of crime and corrections. Some of the principal recent contributions to theory in this field have come from several of the authors of these papers. In the main, the contributions have been concerned with the structural components of the penitentiary as a social institution and with the role of inmate social organization in maintaining the basic custodial function of the institution. Theory respecting both of these matters may be seen as a somewhat belated borrowing from a well established line of sociological study of industrial and hospital organization. Tardiness in the development of similar research in the area of imprisonment is probably due to a socially induced need to keep prisons out of sight as an object of public interest and concern.

Certain points of general agreement among contributors to this symposium are worth noting. The central social function of the penitentiary is the punishment of the convicted offender through deprivation of liberty and other perquisites of civilian life, and through degradation in status. The performance of this function sets the basic terms of keeper-inmate interaction: hostility and conflict. The monopoly of coercive power enjoyed

by the keepers as well as specific features of deprivations inflicted renders the inmate peculiarly vulnerable to destruction as a person. The threat is defensively countered by the collective elaboration among prisoners of an inmate culture through which prospect of the survival of the self is enhanced. The capacity of the codes, values, roles, and networks of co-operation generated by the inmate culture to control prisoner conduct then operates to redress in some measure the extreme power imbalance and to restore to the inmate a limited but significant capacity to determine some of the conditions of his existence. Inmate control over inmate behavior is put to the service of custodial objectives of maintaining the order and stability of the prison in exchange for custodian acceptance of the legitimacy of and support for the inmate social system.

It goes without saying that this view of the basic social structure of the prison has great explanatory power in relation to much of the phenomena of prison life. There is, however, need for the elaboration of theory respecting the consequences for the prisoner of his participation in the inmate social life. Although it is commonly made, the assumption that it is the prison experience itself which fosters criminality in the person is not necessarily valid. The problem of theory is the familiar one of the conditions under which the value orientations of the person's cultural milieu become the effective organizing principles of his conduct. It is quite probable that the controlling effect of the norms of a culture upon the conduct of the person varies in relation to the types of roles he occupies in a given social system and in relation to the differentiated perceptions of these norms based on past role experience. In his study of the nursing profession, Habenstein, for example, defined the empirical dimensions of the externality of the participant to a cultural and social system in which he had membership by differentiating the utilizers from the old guard and the value bearers. Studies of small groups have likewise called attention to the consequences of systematic role differences of participants for their differential perception of group norms. It would thus seem useful to organize research on inmate cultures and social systems around efforts to appraise their differentiated effect upon various categories of prisoners.

SOLOMON KOBRIN

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SOCIAL WORK YEARBOOK 1960. (Fourteenth Issue). Edited by *Russell H. Kurtz*. New York: National Association of Social Workers, 1960, 767 pp., \$8.50.

Since I have had the privilege of reviewing the last three Yearbooks in this JOURNAL, I would like to begin by reaffirming what I stated about the former ones—namely, the outstanding performance of the editor and his 76 contributors in newly writing, phrasing, and interpreting the two major parts of the Yearbook. All of the Yearbooks have similar topics, but each topic in each issue is assigned to a different writer. Thus, while this issue is independent of the others and may be consulted independently, it would nevertheless be of great interest to compare the treatments of any one topic written by different authors during, say, the last decade.

The first, and shorter, part of the Yearbook contains discussions of the same topics as the last issue, namely "The Development of Social Welfare Programs in the United States," "The First Twenty-Five Years of the Social Security Act, 1935-1960," and "Social Work Status and Trends."

The second, and major, part of the Yearbook contains 68 topics, most of them the standard topics with which every social worker is familiar. Here members of the allied professions can obtain up-to-date information about them. Among the topics of special importance to criminologists are the following: Alcoholism, Corrections, Courts and Social Work, Intergroup Relations, Juvenile Delinquency, Legal Aid, Mental Health and Mental Illness, Mental Retardation, Psychiatric Social Work, and Vocational Rehabilitation. One new topic of special interest to criminologists has been introduced: Narcotic Addiction.

In addition, there are other sections which will be of indirect interest to the criminologist. These include the sections on Adoption, Family Life Education, Guidance and Counseling, Public Health, and Social Insurance.

Each writer has, as in the past, appended to his topic a selected bibliography; however, I find it difficult to agree with the editor when he states that these bibliographies "constitute what is believed to be one of the most up-to-date and extensive bibliographies on social work currently published." Far from it. However, it would seem that exhaustive bibliographies do not normally come within the scope of a Yearbook.

In his contribution on "Social Work as a Profession," John C. Kidneigh (who is currently also the President of NASW, the publisher of the Yearbook) attempts to make a distinction between the sciences of social work, psychology, and sociology, which may be argued by the practitioners of all these disciplines. He states that "while psychology was preoccupied with human *behavior*, . . . social work was concerned primarily with the *behaber* and with methods that would be effective in helping the *behaber*." It would seem to me that such a distinction is an artificial one. Are not most social workers "concerned primarily" with human behavior? And, conversely, are not most clinical psychologists concerned with the individual or the so-called "behaber"?

This reviewer misses the topic of Group Psychotherapy. Although it has come more and more to the fore during the last decade, particularly through social workers, and is practiced now in many mental and correctional institutions, it was written up once, in 1954, and then dropped. Likewise, social work in private practice is given just one paragraph when the author states that a "few social workers, primarily in large urban centers, are engaging in private practice." (p. 568)

However, bearing in mind that no Yearbook can suit everybody, the 1960 issue will probably once again serve a large and diverse audience—an audience including, but not limited to, criminologists.

HANS A. ILLING

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