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that defendant neither ate nor drank within a minimum of fifteen minutes prior to taking the test.

Self-Incrimination—*State v. McCarthy*, 104 N.W.2d 673 (Minn. 1960). Defendant was convicted of drunken driving. On appeal, he contended that the trial court erred in denying his motion for mistrial which was based on the fact that the arresting officer had testified that defendant had been requested to submit to a urinalysis and that no such test had been made. The Supreme Court reversed and granted a new trial, holding that the motion for mistrial should have been granted since MINN. STAT. §611.11, providing that in criminal cases defendant's failure to testify shall not create any presumption against him and shall not be alluded to by a prosecuting attorney, meant that no liability would attach for the failure or refusal of defendant to submit to a urinalysis and that comment on defendant's refusal to submit violated

his privilege against self-incrimination. One judge dissented.

Speedy Trial—*Rost v. Municipal Court of Southern Judicial District*, 7 Cal.Rptr. 869 (Dist. Ct. of App. 1960). After the filing of a complaint charging him with the misdemeanor of drunken driving, defendant moved for dismissal, but it was denied. In petitioning for a writ of prohibition commanding the municipal court to desist from further criminal proceedings, the defendant contended that an unexplained delay of 140 days between the filing of the complaint and his arrest deprived him of his right to a speedy trial under both the federal and state constitutions. The California District Court of Appeals granted the writ and ordered defendant's dismissal, holding that the unexplained lapse of 140 days in a misdemeanor proceeding, where the defendant was available for arrest, was an unreasonable delay which violated defendant's constitutional rights.

BOOK REVIEWS

Edited by
David Matza*

A COMPARATIVE STUDY OF DELINQUENTS AND NON-DELINQUENTS. By *Clara Chassell Cooper*. Portsmouth, Ohio: The Psychological Service Center Press, 1960. 240 pp.

In this study, Clara Chassell Cooper, Chairman of Psychology at Berea College, does not, as the title suggests, undertake a comprehensive analysis of delinquency. Rather, she has constructed an "historical atlas" of research relating delinquency and mental inferiority. As part of a larger study of "morality and intellect," Dr. Cooper compiled and evaluated the results of early projects concerned with the relation between delinquency and such other factors as "feeble-mindedness," educational achievement, and performance on I.Q. tests.

She limits her discussion solely to reports made prior to January 1, 1928, on the grounds that other sources, such as *Psychological Abstracts*, contain readily available information on the work done more recently. In examining these studies, she

attempts to "pair" research done on a delinquent group with studies concerned with somewhat similar non-delinquent samples. Usually, she selects the "control group" in such a fashion that nationality, age, sex and, at times, other traits, resemble the characteristics of the delinquent sample.

From this evidence, Dr. Cooper broadly concludes that "delinquency tends on the whole to be much more common among the feeble-minded than among people in general" and that general mental deficiency appears more characteristic of delinquents than of nondelinquents. In addition, Dr. Cooper finds that the educational achievement of delinquents is inferior to that of non-delinquents and that offenders are more illiterate, have less schooling, and progress more slowly in school. Her review of comparative performance on I.Q. tests indicates that delinquents score poorly on tests of verbal abstract intelligence and "non-verbal concrete intelligence" but equal non-delinquents in mechanical performance. Dr. Cooper, to

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her credit, qualifies these generalizations by pointing out the many factors which can bias the findings.

In the final section of her book, Dr. Cooper suggests that "An important element in the increasing maladjustment of these children is undoubtedly the fact that the traditional type of school curriculum engenders in many the habit of failure rather than the habit of success. . . ." As a means to prevent delinquency, she recommends that schools should "provide opportunity for the exercise of a large number of manual and motor skills" and should utilize mechanical interests in the teaching of more formal subjects.

The book suffers from several major handicaps. Perhaps the most critical fault is Dr. Cooper's failure to include any of the studies of the last thirty-two years. The trend of contemporary evidence, based on more sophisticated methods, more rigorously defined standards, and better controlled research appears to contradict some of the broader conclusions drawn by Dr. Cooper from the relatively primitive studies of the 1920's. The earlier studies—which Dr. Cooper apparently considers as exactly equivalent in value and rigor to one another—failed to control a variety of factors (social class, familial environment, peer-group relationships) which demonstrably affect school performance and I.Q. scores. Modern social scientists must be cautious, too, concerning the implications which Dr. Cooper draws from her data. Her recommendations concerning school policy are presented in a vacuum, ignoring all cultural, social, and psychological variables affecting the incidence of delinquency. It would seem that her suggestions, if implemented, could not fundamentally alter the rate of crime.

Dr. Cooper's book can be considered a complete recitation of studies on delinquency and mental inferiority prior to 1928. Although its 240 pages of closely printed type are replete with quotations, statistics, and tables, the book cannot be regarded as a definitive evaluation of the topic. Indeed, since the book focuses attention on the questionable relation of intelligence and crime and advocates curricular changes which ignore the motivation of delinquency, it may serve only to shift public concern from major to minor—if not totally irrelevant—issues.

WILLIAM M. McCORD

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THE SUTHERLAND PAPERS. Edited by *Albert Cohen, Alfred Lindesmith, and Karl Schuessler*. Bloomington, Indiana: Indiana Univ. Press, 1956 (2d printing, 1960). 330 pp. \$5.00.

As any student of criminology well knows, the American history of the discipline has been punctuated by incisive insights from the writings of the late Edwin Sutherland. His textbook (recently once more revised by Cressey) has been an international standard since its first edition during the twenties. The field is indeed enriched by the compilation of several previously published and some unpublished material from one who has witnessed and participated in much of the growth and development of modern criminology. THE SUTHERLAND PAPERS deserves the encomia it has already received and should appear on the reading lists of all criminology course materials.

The book covers such diverse topics as his theory of differential association; white-collar crime; crime and social organization; juvenile delinquency; control of crime; methods and techniques; and evaluations of criminological research. The interesting and previously unpublished paper written in response to the Michael and Adler Report should be a stimulant to re-examine the original Report, the reaction of criminologists at the time, and the developments toward increasing empiricism and theory that have occurred since then. Particularly useful in training graduate students and in providing models for critical evaluations are the criminological research monographs that Sutherland wrote on Hooton's CRIME AND THE MAN and THE AMERICAN CRIMINAL, Sheldon's VARIETIES OF DELINQUENT YOUTH, and the Gluecks' LATER CRIMINAL CAREERS. It is rewarding to have these reviews in one place, to re-examine these critiques together, and to observe the careful way in which Sutherland both analyzed the studies and at the same time made methodological contributions of his own.

The revisions in Sutherland's thinking of differential association appear in four articles; and especially interesting is the inclusion of his own critique of the theory previously unpublished and originally intended only for circulation among his associates. These papers help clarify his theory in some respects, while revealing that he considered it only a broad, tentative statement that should make no demands for rigidity or dogmatism. Students who have followed him may have become more doctrinaire about "differential association" than was

he. At any rate, it is obvious from reading his own critique that he was aware of the limitations of the theory, that he sought to keep a scientific attitude, and that he was consistent in maintaining a sociological interpretation of crime. His respect for empirical data grounded on scientific principles pervades these papers, and many of his cogent remarks from an earlier period sound almost prophetic. The development of a solid thinker and of careful thought as well as of criminology may be found in these essays.

The editors have performed an admirable service by providing a meaningful outline of the materials and indicating the source and direction of the author's thinking in the various areas covered by this collection. A bibliography of his books and major articles arranged chronologically is a useful addendum. Despite the diversity of topics this reviewer found a strong sense of continuity in the book, due probably both to judicious editing and to Sutherland's consistent direction of thought throughout an eminent career. For the well-read scholar in criminology this work provides additional insights and the benefit of important criminological writings brought together; for the new student, it offers an excellent introduction to the field and its problems as well as to the thoughts of one who has loomed large in criminology for over a quarter century and whose influence continues unabated.

MARVIN E. WOLFGANG

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outlined for the beginner or even for the more experienced lawyer.

The second part of this volume "gets down to cases" in the substantive law. If there exists conflicting theories, both or all are explained and the prevailing rules set forth. In this portion of the book, any lawyer, whether prosecutor or defense counsel, can readily find the law on any crime charged.

In view of the trend toward more protection for the rights of the individual, especially in recent federal decisions, the last section of this book, which deals with "Criminal Law Administration," is invaluable to all attorneys who have to advise clients, whether individuals or corporations, as the more recent decisions of the United States Supreme Court, as well as of the various state courts, are set out in their proper perspectives. Much of the law learned some years ago by many of us older practitioners has been revamped and reversed. These decisions, while decided under criminal law, are a potent guide to the "things to come" in the civil law.

It is my sincere recommendation that each law school and every lawyer have this up-to-date, well-indexed book in the library. It not only will pay dividends in fees but also, more importantly, in true rights enforced and protected.

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CASES AND COMMENTS ON CRIMINAL JUSTICE. By *Fred E. Inbau* and *Claude R. Sowle*. Brooklyn, New York: The Foundation Press, Inc., 1960. Pp. xxiii, 827. \$11.00.

This is an unusual piece of work in that the resulting book meets the demands not only of students but also of all lawyers, whether directly or indirectly interested in the criminal law.

CRIMINAL JUSTICE first covers the needs of the beginner. The first division concerns "Basic Procedures and Concepts" of criminal law. The foundation is so well defined that one must step off on the right foot. Too many young lawyers cherish the false premise that the practice of criminal law is "shady" and "unclean." One needs only to read this section of the book to determine that the state has certain obligations to its citizens and that the role of an attorney is to protect the rights of his client. The procedures are vividly

NEW PERSPECTIVES FOR RESEARCH ON JUVENILE DELINQUENCY. Edited by *Helen L. Witmer* and *Ruth Kotinsky*. Washington, D. C.: Children's Bureau, 1956. Pp. vii, 92.

This publication of less than one hundred pages is a record of a two-day conference of social scientists which was called by the Children's Bureau to discuss new orientations for juvenile delinquency research. Two sets of ideas were presented to focus the discussion—Erik H. Erikson's concept of ego identity and Robert K. Merton's social structure and *anomie*—and the participants were asked to explore the interrelations between them. Although as Witmer and Kotinsky state in their introduction, "the group did not have time to propose and formulate specific projects based on the theories presented" and "in fact, they did not even have time to come to definite conclusions about the bearing of

Merton's and Erikson's theories on delinquency causation," the transcript of the conference indicates that their ideas stimulated lively discussions over a wide range of theoretical and empirical questions.

The discussion of the theoretical articulation between the concepts of ego identity and *anomie* suggests several strategic problems for the development of theory and research in juvenile delinquency. Ego identity is defined with reference to a theory of personality development and, as was noted by several participants at the conference, implicit in the concept is a notion of a "healthy" ego identity, "ego-diffusion" being its pathological counterpart. Although Erikson's statements in this regard are ambiguous (e.g., "... it is quite possible that, among the marginal and endangered, it is the more vigorous, the less inhibited, the stronger children who are apt to get into trouble; they prefer delinquency to neurotic regression." p. 14), he apparently views delinquency as a "negative identity" and an "abortive" solution to the problem of identity diffusion. Merton, on the other hand, views the various forms of deviant behavior which are the empirical manifestations of *anomie* as normal responses to the social situations in which persons find themselves. Further, in contrast to Erikson's notion of adolescent ego diffusion as a psychosocial crisis of the "continuity of experience" and "inner identity," the "pressures" toward deviant conduct in Merton's formulation are "external" to the individual—i.e., the pressures are generated by the social and cultural structures. Thus, with reference to the psychodynamics of delinquency, Merton's theory would explicitly reject the interpretation of delinquency as "pathological."

In considering the theoretical conjunction of the two formulations of delinquency, it may be more strategic to examine Erikson's concept of the "psychosocial moratorium." He states that a moratorium is "a period of delay, granted to somebody who is not ready to meet an obligation or forced on somebody who should give himself time to do so." (p. 5) Merton's general proposition which relates means-ends dissociations to deviant behavior may be translated and applied to the psychosocial moratorium during adolescence as follows: Adolescence is an age-defined status of transition between childhood and adulthood. The "culture enjoins" all adolescents to "become adults" but the means by which adolescents are

to assume the status of adults lack adequate institutional patterning and support. The means-ends dissociation in the adolescent status transition may be conceived to produce a social-cultural condition of diffuse *anomie*.

Erikson's analysis of the psychosocial dynamics of ego identity may be introduced here to provide the "problems" posed by *anomie* for individuals in their transition to adulthood. The so-called "peer cultures" may be viewed as a *general* psychosocial moratorium institutionalized by the activities of the adolescents themselves. The moratorium institutionalized by organized juvenile delinquency, which is suggested by Erikson, may be considered one of several adolescent "solutions" to the means-ends dissociation of the adolescent status transition.

The conception of peer cultures as socially organized forms of psychosocial moratoria suggests several lines of research: (1) A systematic description and classification of peer cultures, non-delinquent as well as delinquent, and their social and ecological distribution among the adolescent population. (2) An investigation of varying degrees of *anomie* characterizing the adolescent transition in the larger social structures in which the various peer cultures are found. (3) An investigation of the form and content of ego identity "problems" experienced by participants in the various peer cultures. (4) The forms and rates of delinquent and non-delinquent behavior among adolescents who participate in various peer cultures.

Research along these and/or similar lines may perhaps provide a preliminary empirical base for assessing the utility of Erikson's and Merton's concepts for research on juvenile delinquency. Surely, research in this area which is generally lacking in theoretical orientation can ill afford to leave unexplored the many leads opened by the conference.

JOHN I. KITSUSE

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THE THIEF IN THE WHITE COLLAR. By *Norman Jaspán* with *Hillel Black*. New York: J. B. Lippincott Co., 1960. 254 pp. \$4.95.

This book is about workers (with collars of any color) who steal from their bosses and executives who milk their firms or their stockholders. Its vintage is B. C. ("Before Chrysler"). The senior author is the head of a management consultation

firm. His collaborator, a free-lance writer, formerly worked for PARADE magazine.

This last may be more than coincidental, for this book is largely an expansion, by means of an anecdotal treatment of couple dozen cases, of a two-page article by a "David Lester" which appeared in the July 29, 1956, issue of *Parade*. Each publication asks essentially the same questions and provides the same answers. To the question, "Who is the embezzler type?" the answer is, "Everyman." To the question, "What can we do about embezzlement?" the answer is, "Introduce programs of 'preventive management,'" including herein the exercise of maximum care in the selection of employees (excluding rather automatically all homosexuals, alcoholics, kleptomaniacs, persons with serious illness in their families, persons who live beyond their means, and other deviants) and the establishment of sound employer-employee relations. While the evidence is far from conclusive, the presentation is persuasive, and the advice is probably as sound as any available to managements seeking an expedient solution to this problem.

It is when the book attempts to take on the garb of a serious scholarly work that its deficiencies are most apparent. This attempt is most specifically found in Chapter 3, in which what is to follow is presented as an attempt "Using Dr. Cressey's theory [in *OTHER PEOPLE'S MONEY*] as a guide . . . to probe further into what makes a man or woman whose entire upbringing emphasized respect for the law violate that law and risk the shame that would occur if the violation were exposed." (p. 40) The authors note that Cressey contended that all three of his factors (a non-sharable financial problem, awareness that the problem can be resolved secretly by violating a financial trust, and the ability to rationalize this misconduct) must be present for a violation to occur, but this point is completely ignored in their "analysis" of cases. Rather, they tend to take each factor and to "demonstrate" that any person may have a non-sharable financial problem and probably does ["There are . . . subtler causes for pressing financial need, the kind the sociologist and criminologist do not investigate. They are, indeed, the subject of novels and short stories." (p. 40)], that "probably all employees no matter what their position can find the opportunity to steal" (p. 51), and that if these conditions are fulfilled "almost all of us would be able to

rationalize the dishonest act." (p. 45) So it all reduces to the pressing non-sharable financial problem, which in turn reduces to "the personality needs of each and the individual motivations." (p. 50) What is most grievous is that the authors do not even attempt to demonstrate that each of their cases of violation met the condition *they* imposed (persons whose "entire upbringing emphasized respect for the law"), although they *do* show that some (for instance, Serge Rubinstein) did not, and they make no attempt to improve upon what they term the "strict methodology" employed by Cressey.

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DIE PROSTITUTION ALS PSYCHOLOGISCHES PROBLEM. By *Siegfried Borelli* and *Willy Starck*. Berlin, Germany: Springer-Verlag, 1959. Pp. viii, 271. DM 48. DER SEXUALVERBRECHER UND SEINE PERSOENLICHKEIT. By *Paul Plaut*. Stuttgart, Germany: Ferdinand Enke Verlag, 1960. Pp. xii, 360. DM 29.

Whether prostitution is a sex crime, or just a sex perversion, is still a debatable question. At least, Dr. Benjamin Karpman asks this question in his book *THE SEXUAL OFFENDER AND HIS OFFENSES*. (p. 641) So far as this reviewer is able to ascertain, the American literature on prostitution is scant. Both Karpman and the authors of the above-mentioned first book under review seem to agree that most social scientists as well as medical authorities in this country either are not interested in the "world's oldest profession" or deem the subject matter taboo. A partial explanation is that prostitution is illegal in most of the states and, hence, the legal authorities don't seem to have a problem in cases of prostitution, or prostitution constitutes a minor problem not worth mentioning. Therefore, no matter how little the merit of the book written by Borelli and Starck might be, it would be highly welcome to students here and abroad. However, in this reviewer's opinion, since the book represents years of research and affords valuable and probably valid data, it should become a source of interest, reference and research for many years to come.

The book is divided into two equally long parts: a study of the cause and importance of prostitution and the personality of the prostitutes, and a comparative study of prostitutes and women

"given to promiscuous sex relations." The first part of the book includes a history of prostitution from ancient to modern times, and a review of the literature, mostly German. The first part concludes with an attempt to construct a theory of the personality of the prostitute. The entire second part of the book presents the results of the writers' research during a period of two years, when seventy persons were examined. All of them were patients of the dermatological department of the University Clinic of Munich. All of them were either in *stationaerer Behandlung* (continued treatment) because of venereal disease or were required by law to submit to regular examinations (*Kontrolluntersuchung*). Thirty-five of these patients were classified as "PP" (*puellae publicae*) and thirty-five as "HwG" (*Frauen mit haeufig wechselndem Geschlechtsverkehr*—women given to promiscuous sex relations). The authors state explicitly that the present sample of seventy patients was not chosen by them from any particular point of view, but that the choice was left "to the spur of the moment." The authors applied the following methods for their study: exploration (consisting of a questionnaire, the obtaining of a *vita sexualis*, and an informal initial interview); tests (Wartegg-Drawing Test, Vetter-Comprehension Test, Wartegg-Narration Test, Rorschach, and the Wechsler-Bellevue Intelligence Test "in the German version"); and empirical observation (among items observed were the mimic, speech, and attitude).

All told, the authors come to the conclusion that (a) psychotherapy, (b) vocational rehabilitation, (c) re-education, and (d) a maximum of social "control" of the patients' lives are in order, the last of the four being called "most delicate problem." The comparison between the "PP" and the "HwG" shows that the former usually have character disorders combined with immaturity bordering on infantilism. The "HwG" also show immaturity, but their character disorders are less marked. They are, therefore, not as *lebensuntaechtig* (unable to cope with life) as are the "PP."

Although the bibliography appears to be impressively large, nowhere in the text or the bibliography is there a mention of Freud's works and, hence, the absence of any such dynamic interpretations as the American reader can find in the aforementioned book by Karpman. Note the moralistic phrase of the authors' "to change to a socially more acceptable way of life," which is

apparently used in lieu of treatment or treatment methods. Nevertheless, lacking in dynamic interpretation as this book is, the material presented here constitutes a contribution to the "problem" of prostitution, for the case material is fairly complete in its tests and unique in the approach chosen by the writers.

Dr. Plaut, on the other hand, treats prostitution almost casually as just another sex "crime," which he calls *die sexuelle Verwahrlosung* (sexual waywardness). And as such, prostitution is treated within one of six chapters devoted to the "female 'sex criminal.'" The other chapters deal with exhibitionism, sexual aggressiveness, perversions (sadism, masochism, fetichism, transvesticism, and sodomy), the homosexual, and a final chapter on the various theories of sex offenses (socio-psychological, characterological, psychopathological, and legal aspects). Dr. Plaut, too, shares with the authors of the first book under review the adynamic way of presentation, as can be seen from his way of subdividing the perversions: the school of depth—or psychoanalytical psychology—does not consider sadism and masochism a "perversion," rather than traits essentially inherent in every human being to a major or a minor degree. The purpose of his book is, however, quite different from that on prostitution: he attempts to distinguish between the concepts of "law" and of "ethics," and thus attempts to interpret the law as applicable to numerous cases on sex offenses. This is probably the main reason why the book often makes for dry reading. Since he also differentiates between the offender and the offense (*Tat*), he feels that "every psychological contemplation of sex offenses must necessarily deviate from the legal." Hence his case presentation always includes a psychological and a legal summary, showing where, when, and to what degree the professions of law (the German Penal Code) and of medicine (psychiatry) correspond or, more often, do not correspond with each other. This may be "old hat" to most American criminologists, but it is interesting to follow the author step by step in every case and to find that the German Penal Code is lagging behind "modern times" in a degree similar to our own penal codes. The book is amply indexed and contains adequate references, including many American books and journals.

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