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BOOK REVIEWS

Edited by

David Matza*

THE UNTRIED CASE—THE SACCO-VANZETTI CASE AND THE MORELLI GANG. By *Herbert B. Ehrmann*. The Vanguard Press, Inc., 268 pp. \$3.95.

In 1921, Nicola Sacco and Bartolomeo Vanzetti, Italian immigrants, draft dodgers, and anarchists, were convicted in a Massachusetts court of a payroll robbery-murder; the crime occurred at the Slater and Morrill shoe factory in the city of South Braintree. Before the two were executed (some six years later) the attempts to secure their release became one of the most intensive post-trial campaigns in history; the variegated efforts to obtain a new trial fill volumes and probably surpass even the Chessman case. The contention then, as it is today (the battle concerning Sacco-Vanzetti has never ended), is that two persons such as the defendants could not and did not receive a fair trial in Massachusetts in the early 1920's.

As so often happens with a celebrated crime, a third party confessed to the murder and robbery after the conviction; in the Sacco-Vanzetti case this person was a condemned felon named Madeiros. Madeiros coincidentally was executed (pursuant to his own conviction) at the very same time Sacco and Vanzetti received their sentence. About the time of Madeiros' confession (in 1926, a year prior to the execution of all three men), Herbert Ehrmann became associated with the Sacco-Vanzetti defense, laboring tirelessly for their cause until their execution. This book is Ehrmann's account of the defense's investigation and attempted establishment of the Madeiros confession. The work first appeared in the early 1930's and is now again being offered because of the current revived interest in the whole case.

The book must be read in light of Ehrmann's declared intense personal conviction about the case and the defendants. His feelings are succinctly disclosed in one of the chapters: "Madeiros marched to the chair unshaken and unshaven,

followed immediately by Sacco and Vanzetti. History had written that the execution of a thief was necessary to a perfect Calvary."

Madeiras confessed to the crime shortly after he was found guilty of murdering a cashier during a bank robbery in Wrentham, Massachusetts. His confession was first made to his jailer and then disclosed to a newspaper and both times ignored; Madeiros then made the confession (in writing) to fellow incarcerated Sacco who immediately advised his counsel, and the defense's activities promptly began. Madeiros was a psychopathic personality with a long criminal record and was also an epileptic; his story was thus completely suspect from the beginning. The trial judge, when the matter was finally brought before him as a basis for a new trial, ruled that Madeiros' confession was inspired in large measure by an interest in the money then being collected for the Sacco-Vanzetti cause.

Madeiras claimed that his associates were members of a gang of Italian descent whose primary pursuit was robbing freight cars in Providence; the defense accordingly went to Providence and learned that a gang of such a description, known as the Morelli gang, did exist. According to Ehrmann, this gang was at one point even suspected by the Providence authorities of having been parties to the Sacco-Vanzetti crime.

Further investigation also revealed that one of the members of the gang, Joseph Morelli (the alleged leader), had been indicted and convicted for stealing shoes from a boxcar, some of which were made in the very factory in South Braintree where the Sacco-Vanzetti crime occurred. Thereafter, as a result of a series of investigations and deductions, the Sacco-Vanzetti defendants urged that the actual perpetrators of the crime were several Morellis, Madeiros, a brutal killer named Mancini, and one Benkosky who was allegedly the driver. At the time of the Slater and Morrill robbery, the Morelli gang was at liberty and then facing prosecution in the federal court; it was the defense's theory that the gang committed the

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crime to raise needed money to defend their criminal proceedings. Slater and Morrill was allegedly chosen as a victim because of the Morellis' past familiarity with the company gleaned while stealing from its boxcars.

Ehrmann also narrates other facts which he believes support the defense's Madeiros-Morelli claim: Madeiros had unexplained wealth (somewhat after the crime) in an amount (Ehrmann believes) equal to Madeiros' share if he was a participant in the robbery; Sacco looked like Morelli and several of the eye witnesses allegedly confused pictures of the two; there is evidence that the Morellis were in possession of a car of the make and model used in the Sacco-Vanzetti crime and then abandoned; Mancini owned a gun of the same calibre as the murder gun; the members of the Morelli gang allegedly lied blatantly as to their whereabouts during the crime; the nature of the crime and the "modus operandi" bore earmarks of the Morelli gang; and finally, Madeiros' version of the crime was more in accord with the known facts than was the prosecution's Sacco-Vanzetti theory. Significantly, however, none of the other members of the alleged Morelli cabal in any way sustained or substantiated the Madeiros confession and Ehrmann's attempt to spin tacit admissions from the interviews had with these men is, indeed, the weakest part of his book and his argument.

Ehrmann also makes an effort to explain away the circumstances surrounding the crime that show the Madeiros confession is a canard. Ehrmann charges that the prosecution's accusing eye-witnesses were both confused and deliberately coached so that their testimony was false; that the physical and expert evidence was tampered with and rigged by the prosecution; and that the earlier conviction of Vanzetti (who had previously been found guilty of a similar crime in Bridgeport) was also a miscarriage. Ehrmann also argues that because of the psychological nature and character of Madeiros he should not be disbelieved even though he was unable to describe certain details of the crime, gave an incorrect version of particular facets of the robbery, and was reluctant to confirm or deny the involvement of the Morelli gang.

The closing portions of the book describe how the Madeiros confession was received by the authorities. The trial judge, after extensive hearing, refused to grant a new trial and the Massa-

chusetts Supreme Court affirmed his ruling. A commission appointed by the Governor of Massachusetts and the Governor himself also reviewed the matter. Both of these inquiries also rejected the Madeiros confession, holding it completely false.

Ehrmann's bitterness over the rejection of the Madeiros confession is manifest and leaps at the reader from virtually every page. He attacks the prosecution for showing no interest whatsoever in the matter and refusing to join in the defense's investigation; he scores the trial judge for being biased, bigoted and unfair; he accuses the Massachusetts Supreme Court of using an unrealistic test in reviewing the trial court's denial of a new trial; he labels the Governor's commission as prejudiced and even stacked; and he describes the Governor as "a financially successful man who apparently held in contempt lawyers and all their works."

As a part of the lengthy appendix, appearing at the end of the book, there is a short reply to Robert H. Montgomery's book (pro-prosecution), *Sacco-Vanzetti, The Murder and The Myth*. Both Montgomery's work and Ehrmann's fragmentary reply (added by him at the time of reprinting) show that after thirty years the controversy is very much alive and still acrimonious.

Today, no one can possibly evaluate the accuracy of Mr. Ehrmann's conclusions or the efficacy of his evidence. To do so would not only require a thorough reading of the entire record but also would require the closest personal observation of Madeiros and his alleged cohorts while they were being cross-examined about the matter. There is obviously much that can be said for both sides of this now pedantic controversy and, indeed, whatever anybody maintains, someone else apparently always has an answer; the truth is hopelessly obscured in this incredible morass of charge and countercharge. Perhaps if the trial occurred today, when the science of ballistics has come into its own, there would be no doubt as to the guilt or innocence of Sacco and Vanzetti; much of the controverted evidence involved the matching of bullets and guns.

The Ehrmann book, however, commends itself to reading whether one is or is not interested in the lore of Sacco-Vanzetti. In the last analysis, Ehrmann's book is the defense's factual brief to the world concerning their Morelli gang theory; and as such it is indeed a workmanlike job.

Whether after reading the book one would grant Mr. Ehrmann's motion for a new trial or not (and the undersigned would not), he must necessarily admire Ehrmann's skillful and forceful presentation of his case. He makes the most of his facts and is indeed a master at the arts of inference and juxtaposition. One thing is sure: Sacco and Vanzetti had able, resourceful, and competent counsel while Mr. Ehrmann was on the job.

DON H. REUBEN

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THE SOCIAL WELFARE FORUM, 1960. (Official Proceedings, 87th Annual Forum National Conference of Social Welfare, Atlantic City, New Jersey, June 5-10, 1960.) New York: Columbia University Press, 1960. Pp. xiv, 271. \$5.00.

The intention of the 87th Annual Forum was "to explore some of the challenges that society faces in this beginning year of the sixties." Therefore, the editors assume that any review of the papers in this volume will deal with the question of how fruitfully these challenges are explored.

Some one hundred fifty "stimulating papers" were submitted, and the Columbia University Press will, as in the past, publish four companion volumes on administration, group work, case-work, and community organization. In addition, the Press, assisted by a special grant from the National Institute for Mental Health, will publish a volume of selected papers on mental health. Inevitably, the editors had to be selective, particularly since the present volume is usually the "main" volume which is presented to the public, and since the "Proceedings" become slimmer every year. Of the sixteen papers in the present volume, only half deal with *specific* aspects of social welfare problems; the others could have been presented with profit to any forum (medical, legal, engineering). Most people will enjoy reading the speech of our new Under Secretary of State, Chester Bowles, on "Our Small World," and the discussion of the former Director General of the World Health Organization, Brock Chisholm, on "World Mental Health," to name but two out the eight "general" papers. These papers can add a great deal to the understanding of every citizen of the world, irrespective of whether he specializes in social welfare.

Of the papers more specifically concerned with

social welfare, three may be singled out for discussion here. Bertram M. Beck, in discussing "Can Social Work Prevent Social Problems?", speaks of various concepts of juvenile delinquency and finds that "experience suggests that some social workers share with members of the public at large an antipathy toward the delinquent which is mutual." He adds that it is "easier for many social workers to deal with the submerged aggression of the articulate middle-class adult than it is to deal with the open acting out of the working class adolescent rebel." Beck has a good point so far as the "traditional" social worker is concerned. But is this true of the newer crop of social work graduates? Beck believes that social work has a contribution to make to the resolution of juvenile delinquency, but believes that "the problem of delinquency is accessible to social work in the sense that the problem of delinquency is accessible." He mentions a number of "successful" projects in New York, Chicago, Boston, Los Angeles, "and elsewhere," without, however, evaluating the "successes" and estimating their general applicability.

Kermit T. Wiltse discusses "Aid to Dependent Children: The Nation's Basic Family and Child Welfare Program," a topic with which many probation and parole officers are only too familiar because of the increased pressure which falls on families when the breadwinner has been incarcerated and, following incarceration, is looking for a job and has to depend on public assistance for himself and his family. Wiltse says, "The general public often seems to become entranced or alarmed by broad statistics, particularly those related to illegitimacy, and begins quoting them as if they hold great meaning in and of themselves. I suggest that this type of data holds little meaning unless it is buttressed with understanding of precisely what kind of problems both personal and social illegitimacy symptomizes."

L. L. Geismar, in discussing "The Multiproblem Family: Significance of Research Findings," feels that family malfunctioning "differs from general family functioning chiefly in the *degree* to which the physical, mental, and social health of members is neglected and community laws are being violated." The author does not share the view of those who hold that the "present definition of multiproblem functioning is heavily attuned to American middle-class values"; thus, he arrives at a similar view as Bertram Beck, whose paper is

discussed earlier in this review. The author distinguishes between "adequate functioning" (defined as "in line with community expectations"), "marginal functioning" (defined as behavior "holding a potential threat to family welfare but not sufficiently harmful to justify intervention"), and "inadequate functioning" (which covers the behavior "by which laws and/or mores are clearly violated, and the behavior of the family members is a threat to the community"). In conclusion, the author thinks that the improvement of methods "remains the most central task of social work" and that this calls "for more knowledge about the families, further experimentation with techniques of treatment, and intensive research on process and evaluation."

In summary, the 1960 Proceedings offer stimulating reading, even though they often left this reviewer with a feeling that he had just gotten a nibble, rather than a real bite, into a rich cake, prepared for a party to which more guests came than were expected.

HANS A. ILLING

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ELSEVIER'S DICTIONARY OF CRIMINAL SCIENCE.

By *J. A. Adler*. Amsterdam, London, New York, Princeton: Elsevier Publishing Co. (U.S.A. distributor: D. van Nostrand Co., Inc., New York and Princeton), 1960. Pp. xiv, 1460. \$60.00.

Here is a title of unique significance for the criminal scientist as well as the librarian, the cataloguer, and the classifier. In every respect, this is a significant publication which must be marked by more than a mere polite mention. No comparable work exists for any other sphere of law, though the same publisher has previously marketed a variety of comparable multi-lingual dictionaries in other fields of human knowledge and endeavor, e.g., electrical engineering, nuclear science and technology, textile, and eighteen other fields (Elsevier's Dictionaries).

It is a formidable undertaking to compile an eight language dictionary for any area of knowledge, but particularly so for criminal science—a term well chosen by the author, to circumscribe the vast spheres of criminal law, criminology and criminalistics, as well as their auxiliary sciences in the "widest sense." (p. vii) No matter what the result of the undertaking, a scholar who tackles this task deserves the credit of all other scholars.

It is a task as boring as it is thankless. Therefore, before going into the merits of the work, I wish it to be understood that the author has my greatest admiration and respect.

Mr. Adler was uniquely equipped for the task. He spent the greater part of his life in police work and as a scholar of police science in Austria, Italy, France, Brazil, and the Netherlands. He is at home in the languages of these nations as probably in English, Spanish, and Swedish. His is one of the most distinguished careers in police service, including the ICPO-Interpol organization. There can be no doubt that he is a scholar as much as a police technician.

These are the statistics of the work: On 1000 pages (500 doubles) the author presents 10,930 selected English/American terms from the field designated as criminal science. For each such term there appears the French, Italian, Spanish, Portuguese, Dutch, Swedish and German equivalent (translation). As in Egbert's four-language law dictionary, each English/American term is given a number, and the seven separate non-English vocabularies in the second part of the book (pp. 1007-1460) list all previously given foreign terms in alphabetical order with reference to the number at which in the main part the equivalents for English and all other languages may be found. This system has long proved its value. The languages are well selected. They are, indeed, the principal languages of western culture. Russian might have been added for the benefit of the researcher, although, concededly, the lack of communication with the Soviet Union on the level of international police administration would have rendered the inclusion of Russian rather useless.

The terms were selected from seventy-one spheres of human endeavor and knowledge, including *law* (law, crime, police and justice), *bank* (banking), *biochem* (biochemistry), *biol* (biology), *psych* (psychiatry), *sl* (slang), *sp* (sports), *tox* (toxicology), *raff* [sic] (traffic). (Pp. 12-15) This makes it at once evident that the author aimed at the inclusion of everything with which a police organization, or a criminologist or criminalist, may come in contact. Indeed, according to the dust jacket, the book is designed for "specialists in criminal law and procedure, penology, anthropology, psychiatry, psychology, psychoanalysis, sociology, education, etc., as well as specialists in police investigation, forensic medi-

cine, forensic chemistry and forensic natural science," and "all those engaged in the prevention, detection and suppression of crime and for all those interested in these matters." How well has the author accomplished the Herculean task he set for himself?

The word *prediction* (of delinquency) is one of the most widely used terms of American criminology. Oodles of books have been produced on the topic, and perhaps millions of dollars spent on prediction research. This goes for the Germans, with their equivalent *Prognose*. I suppose it was bad luck that I would pick those terms as the first words to look for in this dictionary of criminal science. Neither is included. Since it clearly would not be very good policy to stop at this disappointment and write my review accordingly, I then proceeded more systematically, with the following results:

The English vocabulary begins with *abactor*, which is designated as a legal term. Since I could find the word in neither my Webster's *Collegiate Dictionary* nor in any law dictionary, I relied on the foreign translations, according to which an abactor is a cattle thief, or in other words, a rustler. The vocabulary ends with *zygomias pl.*, opened p.p. [portrait parlé, spoken picture—a designation hitherto unknown to me], i.e., protruding cheek bones. Since it is plainly impossible in a review of a dictionary to discuss every term listed between cattle thief and cheek bones, I selected a "typical" page for an analysis of the English vocabulary. The typical page has about twenty-two words of which seven are designated as *law*. (Occasionally there are twenty-four or more words per page, sometimes none pertain to law, sometimes seventeen or more). One such nearly typical page is page 202, with twenty-one terms, of which seven belong to law. These seven are the following:

comity of nations, a very appropriate entry, of significance for international police dealings;
commission of inquiry, likewise appropriate;
commissioner of police, quite appropriate;
commitment, quite appropriate, though the German term *Einlieferung* would have been a more important translation than *Verhaftung* or *Einlieferungsbefehl*. For most other languages, however, this principal meaning of the term commitment has been given, e.g., *traduzione in carcere*;
committer. This comes as a surprise. According to the translations *auteur, autore, autor, autor,*

dader, gärningsman, and Täter, the author means a perpetrator (see entry 7606). Although one can *commit* a crime, one does not thereby become a committer. This oddity should not have been included. It does not correspond to either English or American usage;

common informer, quite appropriate;

common serjeant. This comes as a surprise again. How does this weird City of London character get into an international dictionary of criminal science? Were there not more significant and important legal terms between *color-blindness* (the first word of page 202) and *communication cord* (on the top of page 203) which should have been included on page 202?

One might have included the *color of authority*, so important an element in blackmail, the *color of law* (*Schein des Rechts*), the *color of authority*, which we meet in arrest cases, the *colorable cause*, the *combat*, of manslaughter fame, the *combination of men*, which makes for the conspiracy, the *combination in restraint of trade*, punishable for centuries and especially under American federal law, the *combustio*, as the form of capital punishment for witchcraft at common law, and the *combustio domorum*, as arson is called by ancient authority (4 *Blackstone, Commentaries* 272). And if the author included the *commission* in one sense (of inquiry), why not include it in the much more important sense, namely that around which all criminal science centers: the *commission of crime*? And where is the *committing magistrate* who issues the mittitur or *committitur* (which likewise is absent)? And if the *common informer* is included, where are the *common barrator*, the *common bawdy house*, the *common drunkard*, the *common nuisance* and the *common scold*? All those are criminal at *common law*. But the *common law* and the *common law courts* with their *common law jurisdiction* over *common law crimes*, likewise are missing. Perhaps the absence of the *common law marriage* and the *common law wife* are excusable (though the *Green marriage* is subsequently included!) but there is no *common sense* before the *common serjeant* who concludes the page, although *common sense* definitions are so important in American criminal law.

Let us turn to the non-legal terms of our typical page 202:

There are *colorblindness* (*colour-blindness*), of *ophth[olmology]* and the *colorimeter* and *colorimetry* of *meas[ure]*, which are important to the crime

laboratory technician. There are also *coloring*, *colouring*, of *col[or]er* and the *column width* and *combination plate* of the *graph[ic arts]*, the *combustibility* of (what else?) *fire*, and the *commerce* from (where else?) *comm[er]ce*, whence also comes the *commercial directory* and the *commission agent*, while—it was probably a toss-up—the *commercial aircraft* and the *commercial flying boat*, came from *aviat[ion]*. I forgot the *combination-lock* which comes from the sphere of (you guessed it) *lock(s)*.

We can hardly quarrel with the inclusion of these non-legal terms of potential significance to the criminalist, though hardly to the criminologist. But in view of the inclusion of the *commission agent* and the *column width*, what other terms of no-law between colorblindness and common serjeant are there to vie for inclusion?

Conceivably the forensic chemist is interested in *colostrum* traces to prove termination of a recent pregnancy. The excluded *colporteur* (and *colportage*) are perhaps as significant as the later included hawker. The mounted police officer's *colt* should be as significant as any police officer's *Colt*. Where are they? And where is the *coma* which prevents interrogation? Even *comatose* people are rather unfit to proceed. How often do police officers *comb* a neighborhood to find a suspect? During time of war, border police forces arrest *combatants* or entire *combat teams*, in *combat cars*, usually with *combustion engines*, with or without *combat gear* who may have strayed across the neutral borders. And the *comma bacillus*, which causes Asiatic cholera, may baffle the *commandant* or *commisar* of the health police authorities, whether he be a *commissioned officer* or not. *Command cars* (usually with four wheel drives) are used not only by military *commanders* but also by riot police *commandos*, who, in case of success are *commended*, and, in case of failure, *commiserated*, by the *common council* or a *committee* of the *commonality*. If a foot patrol officer has to pursue a *commie* who has committed sabotage, he may wish to *comandeer* a private car in pursuit. There are innumerable *commentaries* on penal codes, in which *commentators* have *commented* on such problems as the *commencement* of execution as an attempt of crime. Murderers may *commingle* or *commix* various poisons, and unless the substance is *comminuted* already, they may have to reduce it to a *commensurate* degree of *comminution*. *Common carriers* are regulated by

the penal laws. They may be engaged in *commerce* [included], *interstate* or *international*, though *commerce* occasionally means also sexual intercourse! Every prison has a *commissary*, and virtually every prison cell in America a *commode*.

I leave it to the reader to render his own judgment on the ingenuity with which the author has included or excluded *termini technici* or *common* terminology of significance to the criminal lawyer, the criminologist, and the criminalist.

For several of the languages I checked Mr. Adler's selection against sample pages from the indices of a number of foreign penal codes and books on criminal law, criminal procedure, criminology and criminalistics, e.g., Dalcke, *Strafrecht und Strafverfahren* (36th ed. 1955); Schönke-Schröder, *Strafgesetzbuch-Kommentar* (9th ed. 1959); Zbinden, *Kriminalistik* (1954); Jour. Off., *Code Pénal* (1959); Huguency, de Vabres, Ancel, *Études de Science Criminelle et de Droit Pénal Comparé* (1945); Rev. de los Trib., *Código Penal* (3d ed., n.d.); Franchi, Feroci, Ferrari, *Codice Penale e Codice Di Procedura Penale* (1958); Di Tullio, *Principi di Criminologia Clinica e Psichiatria Forense* (1960). Measured by these standards the author has done quite well in the selection of terminology for German criminal law, procedure, and criminalistics, for which he has few and only minor omissions in the spot-checked areas, e.g., *Fluchtverdacht* (danger of flight, § 112, German Code of Criminal Procedure); *Fundort* (place at which traces of the crime are discovered); or *Werbung für ausländischen Kriegsdienst* (recruiting for foreign military service, § 109 (h), German Penal Code; compare 18 U.S.C. § 961).

The systematic spot check also showed the French vocabulary to be quite well selected, showing only very minor omissions, and this goes for Spanish law. However, a greater number of omissions was discovered for Italian law and criminology, e.g., *misure de sicurrezza*, *misure e pesi*, *molestia alle persone*, *costituzione umana*, *criminalità collettiva*, *criminalità latente*, *criminalità organizzata* (but there is an entry under *delitto organizzata*), *criminodinamica*, etc. The strength and weakness of the selection can perhaps best be demonstrated by the Italian entries under *classificazione*. The entries are all from the sphere of criminalistics, i.e., fingerprinting, viz.: *classificazione digitale*, *classificazione monodattilica*, *classificazione primaria* (and later *secondaria* and *subsecondaria*) *delle impronte digitali*. The author

seems unaware of systems for the classification of crimes (criminal law), or of criminals (criminology).

In short, in my considered opinion, this dictionary has its greatest weakness in the Anglo-American terminology of criminal law, procedure, criminology and criminalistics. This might be attributable to the fact that, according to the acknowledgments, no English or American criminal lawyer has been consulted, though for both countries a reputable expert on forensic medicine has advised the author (L. R. M. Cuthbert, Esq., for the United Kingdom, and Professor Oliver Schroeder, Jr., for the United States). It is thus no accident that this reviewer could find little fault with the English terminology of forensic medicine, especially anatomy.

For the non-English speaking countries the selection of terminology from the fields of criminal law, procedure, criminology and criminalistics, Italy to the contrary notwithstanding, seems universally better. (Dutch, Portuguese and Swedish were not here examined). As to the terminology from the penumbral spheres of human knowledge, I could not help demonstrating here that the selection was rather arbitrary. Obviously, this means that the book will not be of unailing help to the comparatist in the criminal sciences and to the cataloguer and library classifier, though its general usefulness must be acknowledged. It is bound to be of considerable help to the police official and criminalist working on the supra-national level. Of course, if the searcher fails to find a given term of art from, say, chemical engineering or metallurgy, he can always consult one or the other of the special Elsevier dictionaries, or indeed, any ordinary bilingual dictionary.

In short, due to the various shortcomings here mentioned, this is *not yet* the ideal dictionary which the criminal scientist can use with confidence. As the world-wide desire for greater benefits from exchange of knowledge and experience increases, a more ideal tool is indeed desirable. How can such an ideal tool be composed? In the first place, I am not at all sure that it is desirable to lump criminal law, criminology, medicine, and the vast scope of "criminalistics" in one volume. Forensic medicine is much more a branch of medicine than it is of law and thus should be covered by the medical dictionaries which, quite simply, the medico-legal expert must have on his desk right next to a criminological dictionary. But a criminological dictionary cannot possibly attempt to cover "criminalistics" with

all its penumbral spheres of knowledge, for "criminalistics" is as big as the universe and as multifarious as life itself. Criminalistics may potentially extend to every electron of every matter. Should "everything" therefore be included in a "criminalistics" dictionary? Certainly not, and the shortcomings of a process of selection are nowhere better demonstrated than here. Only a battery of the best general dictionaries of every language combination is adequate for the criminalist who works on the supra-national level, and every attempt to create a dictionary of criminalistics is bound to fail.

This leaves us with criminal law, criminal procedure and criminology. To combine these three fields in one multilingual dictionary is a task formidable enough, yet, in my opinion, possible and desirable. The instant dictionary falls short of the mark, although its technique is unquestionably correct and sound.

At the Comparative Criminal Law Project of New York University we have during the past three years experimented with all types of translations, and our experience with the translation of foreign penal codes, doctrinal essays, textual matter, etc., makes me more confident than ever of the propriety of our approach. To make my point I shall here quote from a Project document which is now almost two years old:

"Staying away from literal translations—which leave the translated code meaningless for Anglo-American lawyers—we have created functional translations and propose to continue this method. Under a functional translation the foreign word or phrase is viewed as the institution of law which it designates and the English word or phrase represents the most closely analogous Anglo-American institution of law. Literal translation was resorted to only in cases where the analogous Anglo-American institution is incomparable. (E.g., the French "wounding and striking" was literally translated because Anglo-American "assault and battery" is too markedly different from the French.)

"Our code translations carry no explanatory footnotes, as any policy of annotation would have rendered the task too formidable for accomplishment and might have resulted in entire treatises on foreign law. Instead, it was contemplated from the outset to publish ultimately an Encyclopeida of Comparative Criminal Law and Procedure, in the English language.

There is no precedent for such a work in world literature. The encyclopedia must include all *termini technici* of the field for the principal Western languages, i.e., English, French, Spanish, Italian, Portuguese, German and a representative of the Scandinavian languages. This encyclopedia, as a compendium publication to the code series, as well as for independent use, will fill a need which is greater in criminal law than in any other branch of the law, since here the principle of strict interpretation (construction) prevails.

"The encyclopedia must extend over every term of art used in the penal codes, codes of criminal procedure and the leading texts of criminal law, procedure and criminology.

"The Encyclopedia would follow the basic pattern of the *Rechtsvergleichendes Handwörterbuch für das Zivil- und Handelsrecht* (which excludes criminal law). The arrangement should roughly correspond to that of the *Rechtsvergl. Handwörterbuch*, by listing all *termini technici* of Anglo-American criminal law and procedure in alphabetical order, giving a description with reference to the literature, legislation and adjudication for each term. It would list the equivalent institutions of law, with their technical designations (in the original language) for the legal systems of one country each of all major western culture language areas, in alphabetical order, likewise describing the institution (in English) with references:

- 1) French—France
- 2) German—German Federal Republic
- 3) Italian—Italy
- 4) Norwegian
- 5) Portuguese—Portugal and Brazil
- 6) Spanish—Spain and Argentina

I propose, however, that we should not cover our items with the detail of the *Rechtsw. Handwörterbuch*, but should be more concise, like, e.g., Berger's *Encyclopedic Dictionary of Roman Law* (1953) or the *Enzyklopädie der Rechtswissenschaften*, but certainly not more concise than *Black's Law Dictionary!*"

Mr. Adler is far from having produced a work of such Himalayan standards. So are we, and we could hope for nothing better than that somebody else would do the work for us, for it is indeed a gruelling undertaking—yet a very much needed one.

Mr. Adler, however, has labored already, without much fanfare and parade, as a scholar must.

As I said at the outset, his task is an ungrateful one, but at least from these quarters, he should be assured of gratitude. His work will help us to some extent, and his stamina in completing his task will be a great encouragement for all of us working in Comparative Criminal Law.

Until something better is produced, Mr. Adler's Dictionary unquestionably belongs in every reputable law library. The price is high, but the sales are bound to be limited and the production costs were probably also high, for the Dutch printers and binders have done a superb job.

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GROWING UP IN THE CITY: A STUDY OF JUVENILE DELINQUENCY IN AN URBAN NEIGHBORHOOD. By *John Barron Mays*. Liverpool: Liverpool University Press, 1960. Pp. 225.

Mr. Mays has a knack for describing his material in broad strokes enhanced by sensitive descriptions of living persons. He presents a portrait of the social environment and life pattern of what Dr. Hermann Mannheim has called "the delinquent who doesn't get to court." Mr. Mays reports being strongly motivated by Dr. Mannheim's writings which stimulated this investigation into the life scheme of the "occasional offender." This term refers to the youth who does not necessarily get sent to an approved school or appear in court, yet commits (during his adolescence) acts which could land him in court or an institution.

Mays sums up the focus of his study as follows:

"... in certain urban areas with a tradition for antisocial behaviour, children tend to react to personal difficulties or to strained relationships in the home by delinquent activity. But where the relationships within the home are not exceptionally bad or of long duration the amount of delinquent activity necessary for adjustment is limited and temporary. After a while the delinquent phase passes away without society having need to resort to stern punishment or extensive treatment."

He goes on to arbitrarily distinguish the "delinquent" as a less serious offender than what he calls a "criminal." He illustrates this by describing how "sporting offenses" (e.g., shoplifting and petty thefts) differ from such crimes as premeditated "breaking and entering." The milder type of offense is characterized as being part of

the normal youth behavior pattern in the neighborhood sub-culture. Mr. Mays cogently describes the core of the "difficult" neighborhood problem:

"The pattern of delinquency repeats itself generation after generation and produces a cumulative effect which quickly hardens into an unshakeable tradition".

The investigation and analysis is primarily based upon depth interviews with eighty boys, members of a "club," "growing up in an impoverished and sordid area of central Liverpool." Although it is implicit, the fact that Mr. Mays lived and worked in the neighborhood for eight years contributes heavily to the data presented. According to Mays, the majority of these boys (78 per cent) had committed definite acts of delinquency in the normal course of their lives in the neighborhood. Mr. Mays' viewpoint tends to be social-psychological:

"To understand the delinquent behaviour of occasional offenders it is necessary to invoke factors other than the purely psychological. It is necessary to have a thorough knowledge of the social setting in which the delinquency occurs and of the way in which environmental and personal factors interact."

The volume is beautifully written and presents the total condition of the delinquent. After an excellent introduction, which solidly reviews pertinent studies on the "community and delinquency," Mr. Mays launches into the center of his analysis in chapters three and four on "The Neighborhood" and "The Patterns of Social Life and Delinquency."

With some exception, from a social structural point of view, Mr. Mays could be describing the occasional delinquent and his environment in corresponding areas of Los Angeles, Chicago, Boston, or New York. His descriptions of "sporting delinquency," gang formation, juvenile sexual activity, spontaneous group violent outbursts, and, in particular, the neighborhood's threshold and acceptance of certain delinquent patterns parallels many American urban areas. There are also many cross-cultural similarities in community programs devised to combat delinquency. The Liverpool Juvenile Liaison Officer (youth police), clubs (community centers), and school welfare officers (guidance counselors) are all counterparts of our American armamentaria of delinquency prevention tools. The reviewer, based

on his community crime prevention work in an area of New York City, shares many of Mr. Mays' viewpoints on the problem.

For example, Mr. Mays' comment on treatment is, for the reviewer, cross-culturally valid:

"The failure of many earlier counter-delinquency programmes has been due to inability to relate them to the socially constructive forces already in existence in local life. Treatment has been approached too often from the standpoint of the individual delinquent instead of the delinquency-producing society. The focus for the future should be the community itself, upon group rather than individual therapy."

Another area of agreement would be with Mr. Mays' plea for more research exploring the total community of the delinquent from the standpoint of the boys themselves. He recognizes the importance of statistical research yet here attempts to depict the "total boy":

"Tom Jones, the delinquent, who lives at a real house in a real street, who attended a particular school, whose father is away at sea and whose mother is a part-time cleaner, whose sister works at a famous football pools firm and whose two younger brothers play in the grimy streets leading off the dock road; Tom Jones who is "mate of" a coloured boy and goes always with his own little set, who, one night raided a sweet factory and were caught "making a getaway"; Tom who bets with a street bookie in W— Street; who doesn't go to church any more because he gave that up when he became grown up and was breeched and smoked his first cigarette; Tom, the butcher's shopboy who is mad keen about football and reads *Beano* and *The Dandy*, *The Wizard* and *The Adventure* although he is over sixteen; who has an educational age of 12 and an I.Q. of 90; Tom with his "bryl-creamed" hair, his "spiv" shoes, his gaudy American tie."

Mr. Mays, in the tradition of Whyte's *Street Corner Society*, Sutherland's *Professional Thief*, and Shaw's *Jack-Roller* contributes a valuable addition to the literature on delinquency and the community.

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