

Winter 1961

Book Reviews

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Recommended Citation

Book Reviews, 52 J. Crim. L. Criminology & Police Sci. 433 (1961)

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BOOK REVIEWS

Edited by

David Matza*

THE STRUGGLE FOR PENAL REFORM. By *Gordon Rose*. London: Stevens and Sons, Ltd., 1961. Pp. 328. \$8.75.

The main purposes of this book are "to trace the changing patterns of thought and action in penal affairs (in England) over the last hundred years, to show what part was played in the developments by the main penal reform societies, and to demonstrate how reform has come about." Emphasis is placed on the Howard Association (1866), the Penal Reform League (1907), and their amalgamation into the Howard League for Penal Reform (1921). The author is a member of the Executive Committee of the Howard League; its Secretary, Hugh Klare, has written the Foreword. The close association which the author has had with the development of penal reform enables him to speak authoritatively about the topic, but there is no perceptible bias in his reporting of the facts or in his analysis.

The book is important social history and begins by tracing the development of the prison system through the early nineteenth century. Occasional references are made to the eighteenth century, the convict system as manifested in transportation to Australia beginning in 1787, the opening of prisons for juvenile convicts at Parkhurst, Pentonville, and other places, as well as to Crofton's system in Ireland and the various acts in England that led to the development of prison reform. Early in the book, the reader is alerted to the important personalities who were responsible for the development of the Howard Association and the Penal Reform League. The clash and similarities of personalities like those of William Tullack, founder of the Howard Association, and Sir Edmund du Cane. Chairman of the Directors of Convict Prisons, became focal points around which the author traces the development of reform ideas and the relationship between reform organizations and the governmental administration of prisons.

* Assistant Professor of Sociology, University of California, Department of Sociology and Social Institutions, 206 South Hall, Berkeley 4, California.

The Penal Reform League, perhaps best associated with the names of Arthur St. John and George Ives, emphasized matters relating to juveniles and is traced from inception to amalgamation with the Howard Association into the Howard League for Penal Reform.

With candid appraisal Rose contends that only in a few fields did these two former organizations produce useful suggestions, notably in the development of the probation service and the operation of juvenile courts. Apart from these, their thinking "tended either to follow and support the trend of thought in progressive government circles . . . or to carry principles to extremes which much reduced their impact." Both of these organizations appeared as weak bodies with very small incomes, with much overlapping both between them and with other organizations. Apparently not until the formation of the Howard League under the initiative of Margery Fry, who succeeded St. John as Secretary of the Penal Reform League, did sophistication develop in the interrelationship between private reform organizations and government bodies. The Howard Association and the Penal Reform League, we are told, were peripheral to most of the changes that took place before the First World War. On the other hand, the Howard League became almost immediately important in its consultative role; consequently, it was better able to influence legislation and the personalities on important committees, partly because of its ability to anticipate movements and progress in policy and partly because of the status of its leading members.

The author provides with painstaking yet fascinating detail the relationship between the reform organizations and the police and prostitute; the development of legal aid in criminal cases; the progress of probation and certified schools; the prison reform of 1930-39; changes in magistrates' courts; the rise and demise of organizations devoted to abolition of capital and corporal punishment (noting that there has never been a Society for the Preservation of Capital Punishment); the

Criminal Justice Bill and Act, 1938-48; and developments during the war and post-war periods.

His most insightful analyses, evaluations, and interpretations may be found in the last chapter entitled, "Pressures and Policies," which is an excellent sociological essay on bureaucratic problems in the power structure of and between officialdom and private organizations. The details that precede this last chapter are important but not always essential for understanding and appreciation of the analysis which the author provides in this chapter. Sociologists interested in social organization and bureaucracy should find this section extremely valuable, for Rose is a keen observer. The Executive Secretary and committees of any social agency, particularly of prisoner aid societies, should not fail to read carefully these observations.

The value of organizations such as the Howard League comes from their ability to produce "logical arguments based on solid facts," "information and arguments on short notice," workable proposals, and to anticipate intelligently the trends in penal reform. Whereas the power of the League or similar organizations rests upon its public reputation and "the way in which the British democratic system is organized to allow the harrying of officialdom," the author makes it abundantly clear that continual violent attacks upon government organizations merely result in being cut off from them without the advantages of their support. Persuasion, rather than frontal attacks, in order to obtain sympathetic hearings, and influence, without harassment, become the key tactics of the private organization in its relationship with government. We are presented with a good analogy between the penal reformer and the governor of a prison. If the latter rules with an iron rod of severity, he places emphasis on deterrence and may thereby cut himself off from his charges. If he wishes to reform rather than to deter, he must get close enough to the offender to discover the best means of proceeding toward rehabilitation. This process implies a need for mutual respect. In the same way, Rose suggests, the penal reformer must seek change through persuasion rather than through vitriolic direct attacks. In discussing the police and judiciary as the main centers of opposition to penal reform, he makes interesting suggestions as to how these two groups may become more intimately involved in the rehabilitation of the offender. The more important that treatment and rehabilitation become, the greater need there is for

the judiciary and the police to understand what happens to a man after being taken into custody and sentenced.

Persons acquainted with the work and functioning of the Howard League will agree with the credit which the author gives to the present Secretary and the latter's emphasis on the importance of current research as a strength of the private agency.

Because this book is a social history and contemporary analysis of prison reform in England, it is probably unfair to refer to the author's lack of reference to penal reform movements and organizations in other countries. Because the Pennsylvania Prison Society is the oldest private secular organization concerned with prisoners and released offenders, I had hoped to see some occasional attention given to the simultaneous developments of the "struggle for penal reform" in America. In no way, however, should this lack be considered a criticism of a book which is to be highly recommended.

Finally, it should be noted that there is an excellent bibliography, careful documentation of penal reform developments, and a succinct table with statistical summaries of the major reform events shown in relationship to a long series of criminal statistics beginning in 1857 and ending in 1959. The editors of this third issue from the Library of Criminology are to be commended for another wise selection.

MARVIN E. WOLFGANG

University of Pennsylvania

LIZZIE BORDEN: THE UNTOLD STORY. By *Edward D. Radin*. New York: Simon and Schuster, 1961. Pp. 269. \$4.50.

On August 4, 1892, in Fall River, Massachusetts, Mr. and Mrs. Andrew Borden were killed in their home. The murderer first killed Mrs. Borden by striking her repeatedly with an ax. About an hour and a half later, Mr. Borden was killed in a similar manner. This has long been one of the famous unsolved murder cases of American history. The investigation which followed ultimately led to the indictment and trial of Lizzie Borden, one of Andrew Borden's daughters. The jury, however, found her not guilty. Was this a good verdict?

Edward Radin has studied the trial record and the record of the inquest in detail. He has also read a great number of newspaper reports which covered the period of time from the two murders until the conclusion of Lizzie Borden's trial. From these

contemporary records, he has put together an accurate and very readable account of the crime, the investigation, and the trial, together with a background sketch of the Borden family and of the central figure, Lizzie Borden.

From the record as reproduced by Mr. Radin, there is little doubt that the state had a very weak case and that Lizzie Borden's acquittal was the logical outcome. Since the trial, however, much has been written about this famous case. The most extensive writings have been by Edmund Pearson. Students of famous murder trials are undoubtedly familiar with his *Trial of Lizzie Borden*. Radin reveals the distortion of the facts which Pearson committed, so that with this present book we have for the first time an objective report on the Borden murders and Lizzie Borden's trial.

Those who would like to speculate on who committed the murder of Andrew Borden and his wife will find Radin's analysis of the actions and testimony of the various members of the Borden household a stimulating basis for such speculation. On the morning of the murders, there were present in the Borden home Lizzie Borden, Bridget Sullivan, the Borden maid, and John V. Morse, a brother of Mr. Borden's first wife. The other Borden daughter, Emma, was away visiting in a neighboring town. Radin's analysis of the evidence makes a sound circumstantial case against one of these four.

Lizzie Borden, The Untold Story is an objective report based upon sound research. The reader will find it an extremely well written, fascinating story. It summarizes the significant parts of the investigation, the inquest, and the trial. Nor does it end with the trial, for Radin has followed his characters after the trial and especially has investigated the growing legend of Lizzie Borden which through the years has continued to blacken her reputation. Until this book appeared, there had been virtually nothing written about the case which tended to accept and substantiate the jury's verdict of not guilty. It is certainly time for a sound analysis of this famous case.

ORDWAY HILTON

New York City

COMMUNITY AS DOCTOR: NEW PERSPECTIVES ON A THERAPEUTIC COMMUNITY. By *Rober' N. Rapoport*, with the collaboration of *Rhona Rapoport* and *Irving Rosow*. London: Tavistock Publications; Springfield, Ill.: Charles C. Thomas, 1960. Pp. x, 325. \$9.75.

The concept of the therapeutic community is rapidly becoming a dominant part of the thinking of professional and lay people. There is an ever increasing realization that the prognosis for psychiatric patients must include an awareness of environmental factors.

In this informed and sophisticated contribution, action research is clearly located, identified, and defined. Dr. Rapoport never lets readers forget the importance of distinguishing between such phenomena as treatment and rehabilitation. This is a most vital aspect of the book, since, when the two are confused, many theoretical and practical difficulties evolve. By analyzing issues formulated and problems encountered in a therapeutic community, the author concerns himself with such topics as permissiveness, democracy, and the rehabilitation process on the firing line. He concludes by offering thirty postulates which might be thought of as guides to practitioners involved in developing therapeutic communities.

Dr. Rapoport's focus is on the individual in the social milieu. Readers will find themselves rethinking the nature of therapeutic forces and how these can best be creative of a healthy emotional climate under all of the environment pressures in which individuals function as homeostatic organisms.

ARTHUR LERNER

Los Angeles City College

SOCIOLOGY OF CRIME. Edited by *Joseph S. Roucek*.

New York: Philosophical Library Inc., 1961. Pp. 551. \$10.00.

The title of this book would lead the reader to assume that it examines the empirical and theoretical contributions of sociology to the understanding of crime. It does this in a very superficial and inadequate way. The book is divided into six major sections. The chapters of the first five sections are contributed by separate authors and the final section by the editor.

The first section, "The Framework," is introduced by the chapter "Sociology and Crime" (Gilbert Geis), which consists of a traditional statement on the history of criminology and brief discussions of differential association theory, criminology, and criminal law. Little is said about the sociology of crime. There is no indication of the manner in which the study of crime fits within the sociological perspective, the kinds of questions which interest a sociologist, or what the principal contributions of sociology have been to date. This is followed by a naive discussion of "Juvenile De-

linquency" (W. G. Daniel), which consists of an uncritical listing of some published works and an inadequate discussion of socialization and delinquency causation. In the body of chapter, there is no mention of the work of A. Cohen, Short, Miller, Cloward, Ohlin, Reckless, Sykes, Matza, Kobrin, Shaw, and a host of others of equal sociological import in the study of delinquency. The final chapter in this section, "Legal Norms and Criminological Definition" (Donald J. Newman), is a good discussion of the problems of definition. The legal and sociological interests are described and evaluated along with alternative suggestions for handling the complicated problems of definition.

The second section, "Socio-Psychological Aspects," begins with a psychiatric chapter on the "Psychopathology of the Social Deviate" (Nathan Masor). It consists of rambling, untested, unverified statements about everything from sex perversion to the hobo, crank, and scientific dissident. The chapters on "The Immigrant and Crime" (Samuel Koenig) and "The Geography of Crime" (Sidney J. Kaplan) are good presentations of evidence and discussions of variations of crime rates. "Ideological Aspects of Crime" (Robert M. Frumkin) is an interesting speculative essay which attempts to link crime to the schism between the "real ideology" and "ideal ideology" of American society. The author contrasts the real and ideal ideologies of Christianity-Mammonism, Asceticism-Hedonism, Individualism-Mollycoddism, etc., and attempts to find supporting evidence of the consequences in common-sense examples. Treated as a speculative essay, it is interesting, but treated as a set of truth claims, it is inadequate. "Juvenile Delinquency and the School" (I. Roger Yoshino) is a chapter which consists of the usual set of common-sense statements regarding the importance of the school and teacher in detecting and preventing delinquency. The final chapter of the section, "Mass Communication and Crime" (David Z. Orlow and Albert Francis), presents an interesting model for viewing the relationship between mass media and crime. The absence of a discussion of empirical material within the rubric of this model is a function of the amount of research done to date.

The following section, "Experimental Efforts at Treatment and Solutions," consists of three undistinguished papers. "Some Theories of Penology" (Roy G. Francis and Arthur L. Johnson) presents an ordinary consideration of the conventional expectations regarding handling of offenders. "Recent Efforts to Handle Juvenile Delinquency" (Rose

C. Thomas) is a description without analytical treatment of a few efforts to treat and prevent delinquency. "Some Sociological Aspects of the Confinement" (Theodore M. Zink) is a common-sense discussion of institutions which completely ignores the sizeable sociological literature on the prison. Further, it suffers from a naive conception of causation and inadequate acquaintance with contemporary etiological and correctional research.

A discussion of the history, organization, legal limitations, and community relationships in "The Sociology of the Police" (C. Ray Jeffery) and a discussion of professionalization and training programs in "Trends in Police Training" (Paul H. Ashenhurst) comprise the section on "The Sociology of the Police."

In the section on "Selected Global Aspects," a good review of the English literature and the significant developments in correctional program are presented in "Crime and Criminology in England" (Pauline Callard). This is followed by "Criminology and Corrections in Western Europe" (Vernon Fox), which describes the trends in crime rates, the historical development of corrections and contemporary theories and practices in corrections.

The final section, "The U.S.S.R. and the European Satellites," consists of five chapters on "Juvenile Delinquency and Crime in the Soviet Bloc," "Special Characteristics of Soviet Criminal Law," "Criminal Laws of Moscow's European Satellites," "Police Systems in the Soviet Bloc," and "The Penal System in the Soviet Bloc" (all by Joseph S. Roucek). The content of these chapters deals with the existence of crime in the Soviet bloc, the history of criminal law, the history of the police organizations, and the development and use of labor camps. None is really sociological in treatment.

Viewed as a whole, this book does a disservice to sociology. Sociology can contribute to the understanding of crime and its treatment through the application of sociological concepts and propositions to this particular behavior. This involves primarily two forms of analysis: organizational and social psychological. Etiologically this involves attacking the broad questions of epidemiology of crime on the one hand and the social psychological questions regarding criminal acts and careers on the other. Further, it involves the study of treatment and prevention as extensions of this knowledge and as special cases of social organizations and social behavior. With a few exceptions, this

book presents little sociology and rather poor criminology.

DONALD L. GARRITY

San Francisco State College

CRIME IN AMERICA. Edited by *Herbert A. Bloch*.
New York: Philosophical Library, Inc., 1961.
Pp. 355. \$6.00.

This volume is a compilation of articles on various aspects of crime, delinquency, law enforcement, criminal prosecution, and correction in the United States. According to the editor, this book frankly acknowledges "differences of view and attempts to present some of them in their broad diversity." The chapters in the book, most of which were first read as papers before the annual meetings of the American Society of Criminology, are arranged under four main headings: (1) "Crime and Punishment in Twentieth Century America;" (2) "Some Special Aspects of Crime and Law Enforcement in America;" (3) "Sex, Sanity, and Society;" and (4) "Controversial Approaches to Crime and Criminals." The editor contributes an introduction to the book and presents critical comments on each chapter.

In his introduction, the editor speculates on why the "man on the street" is so fascinated by the subject of crime, observes that the professional performances and activity of the practitioner in the field of criminology are "a far cry from what the public conceives them to be in its sensational curiosity," opines that there are "remarkable developments in the field of criminology and law enforcement, of which the public is all too frequently oblivious," and avers that the "unifying theme which brings the several branches of criminology together is the belief in the efficacy of the scientific method and a conviction that the use of science is itself an ennobling practise."

The first part of the book begins with a chapter called, "Correction's Sacred Cows." Apparently designed to startle and excite derision, its patent half-truths will offend the thoughtful reader. The criminal law is held up as "perhaps the most obdurate" sacred cow, and policemen, lawyers, and judges are singled out as being especially obtuse. What the author would like us to do is to destroy all his sacred cows, but unwittingly he would create in their place a new and more powerful sacred cow, "the expert," who would operate without troublesome interference from the ignorant representatives of the people. Other articles in this part of the book imply a similar irritability with

the stupid backwardness of the people and a belief that all would be well if only the "expert" were given a free hand.

After this inauspicious beginning, the symposium plods through the first two parts of the book, giving only a sketchy, one-sided, and superficial treatment to such controversial subjects as prison labor, criminal activities in the labor movement, and capital punishment. In general, it does not rise above partisanship and banality despite some interesting comments by the editor and the presence of several of the more informative chapters of the book, which are devoted to homicide on the highway and the selection of policemen.

The symposium next moves into an area where there have been violent clashes between the law and psychiatry. Here the psychiatrist has a field day in his criticism of the criminal law, apparently with the approval and support of the editor, who is a sociologist. But there is no one in the third part of the book to raise his voice in defense of the criminal law or in behalf of sociology, which has become increasingly critical of the pretensions of psychiatry. The *M'Naghten* Rule, or the so-called "right and wrong" test, which is used in the great majority of the states of the United States to determine whether the accused is insane, is the principal target of attack in this section of the book.

It is insisted in the symposium that the product rule, adopted in the *Durham* case in 1954 by the United States Circuit Court of Appeals of the District of Columbia, should replace the *M'Naghten* Rule. In reply to this, it must be pointed out that a sufficient number of decisions have been rendered in the District of Columbia since 1954 to demonstrate conclusively that *Durham* has greatly confused the law on mental disease and criminal responsibility. Therefore, one should not be surprised to learn that the *Durham* Rule has been repudiated in over a dozen jurisdictions, including several federal circuits, where it has been submitted. The fact is that the *Durham* Rule is really no test at all, for it provides the jury with very little guidance in its efforts to understand such vague terms as "mental disease" and "mental defect," the meanings of which have not been agreed upon by psychiatrists themselves. Actually, the real difficulty arises not from the law's indifference to science, but from the lack of medical and psychiatric knowledge of mental disease. This is not to claim that the "right and wrong" test should be regarded as the final answer, but the best way to improve the criminal law's position on insanity

is to improve psychology and psychiatry, neither of which has as yet established itself as a science even when measured by the most moderate criteria.

In two of the better chapters of the book, a critical analysis is made of the Royal Commission Report on Homosexuality and Prostitution (also known as the Wolfenden Report) and a careful examination is conducted of the controversy over the interaction of heredity and environment in the causation of crime. The symposium comes to a close with an article on gambling written by the editor. Unfortunately this article deals with the subject in a mincing and hesitant way and never comes to grips with the relationship of gambling to organized crime, which is the essence of the problem.

Neither in his introduction nor in his comments does the editor state the purpose of this book or the reason for its publication. Undoubtedly the un-

even quality of the articles and the specialized nature of most of them made it difficult for him to do this. Although he strives to give the volume some unifying principle and definite form by collecting the chapters into broad general groups, it remains a hodgepodge of ill-assorted articles which only so vague and innocuous a title as "Crime in America" could possibly cover. If it was the purpose of this book to get papers that were read at the annual meetings of the American Society of Criminology into print, then it would have been more appropriate to publish them unequivocally as proceedings of that society. In any event, "Crime in America" cannot be considered a significant contribution to the literature of criminology.

ROBERT C. CALDWELL

State University of Iowa