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Book Reviews

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"Whereas, the experience of Canada for nearly seventy-five years demonstrates that such absolute immunity is not necessary to protect the witness from oppression, the Canadian statute protecting the witness only from the introduction of his compelled answer in evidence against him in any subsequent criminal prosecution;

"Whereas, a similar statute, applicable to all federal proceedings, was in force from 1867 to 1892 without any criticism being voiced by this Association or by the bar generally;

"Whereas, similar statutes were for many decades in force in various states and are still in force in some, without criticism from the bar;

"Whereas, a similar federal statute would

greatly assist the enforcement of federal law and the administration of federal justice, while at the same time adequately protecting the witness against oppressive use of answers extracted from him by compulsory process;

"Be It Resolved, That the American Bar Association favors an amendment to the Constitution, providing that if a witness in any federal judicial or administrative proceeding alleges that he fears he may incriminate himself he may nevertheless be directed to answer, but that his answer thus compelled shall not be introduced in evidence against him in any subsequent criminal prosecution."

BOOK REVIEWS

Edited by
David Matza*

IN SEARCH OF CRIMINOLOGY. By *Leon Radzinowicz*. Cambridge: Harvard University Press, 1961. Pp. 254. \$4.75.

To gather information relating to the establishment of an Institute of Criminology at Cambridge University, Professor Leon Radzinowicz, financed by the British Home Office, undertook an extensive tour a few years ago through Europe and the United States, seeking with an ever-critical eye to assess the present state of criminological teaching and research. This volume reports his findings, includes material of historical interest, and intersperses challenging observations concerning the paths that the author believes criminology should follow.

With the exception of Scandinavia and the Netherlands, which show some encouraging signs of criminological nascence, the situation on the Continent is depressingly moribund. Italian criminology has floundered in the cul-de-sac carved out by Lombroso. Criminology in Austria remains mired in the criminalistics of Hans Gross, and these countries, as well as the remainder of the larger nations in Europe, have abandoned

criminological research to haphazardly organized and miserably financed adjuncts, institutes, and sub-sections of various traditional faculties.

The United States comes in for extensive analysis, occupying about 30 per cent of the book. This "vast laboratory," the "favoured land of scientific commuters" mimicked Italian traditions—to its detriment—in the period after 1909, when the American Institute of Criminology was founded. Between the wars, however, American criminology is said to have produced germinal ideas, and today its performance clearly stands in the forefront of the world. Professor Radzinowicz finds at least two reasons for this development: First, the general interest in social science in America, carrying with it an interest in the study of crime as a form of social science investigation; and second, the extraordinary amount of crime occurring within our borders.

"It may be that the social approach has been pushed too far at the expense of individual factors," Professor Radzinowicz notes in his summary of the American scene. "It may be that too much is being expected of predictive studies. But although the output is naturally uneven, a thorough knowledge and constant review of American methods and results is to-day essential to those

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

seeking to advance criminology in any part of the world." It may be added, in fact, that Professor Radzinowicz himself provides the ingredients for such a review in his survey of present American research, a survey that is impressively up-to-date and which brings together matters about which only the most *au courant* criminologist is probably thoroughly familiar.

A number of summary recommendations are worth noting. Professor Radzinowicz believes that American criminology must gain financial support from public agencies rather than from private foundations if it is to achieve growth and continuity. He stresses the inter-departmental nature of criminology, but warns that "except in very rare instances indeed, an inquiry embracing several disciplines from the start, and depending on the co-ordination of their individual methods and distinct terminologies, may well carry the seeds of its own failure and inevitably fall apart into as many undertakings." Rather than such research, he appears to encourage well-defined, short-run investigations, particularly those conducted by mature, individually responsible researchers.

In addition, "the assumption that crime is the outcome of one single cause, must be abandoned . . . even if the hypothesis is very broad . . . as the concept of a subculture." The attempt to elucidate causes of crime would be better put aside, he advocates, repeating an observation that received attention in the American press when delivered at an United Nations conference a number of years ago. The need to divide offenders into broad classes is also stressed, as is the belief that criminology should not be taught exclusively in one faculty, but wherever its material is relevant. "Jargon, padding, overelaborated statistical data, hunting for far-fetched hypotheses, pretentiousness and repetitiveness" should be avoided as deadly sins, as should "crusading zeal, dogmatic beliefs, and narrow expertise." Finally, Professor Radzinowicz reminds his reader that criminological policies in many instances cannot be determined only by factual evidence, but must also be related to public morality, social expedience, and similar items, though he does not indicate whether these matters should be concerns of the criminologist or of others in the society.

The book itself serves, among other things, to expand the horizons of the nationally-focused criminologist and to bring him into contact with the names, the work, and the problems of con-

freres throughout the western world. This alone is an admirable contribution. To include, in addition, the provocative assessments of its author makes the volume necessary reading for anybody seriously interested in teaching or research in criminology.

GILBERT GEIS

Los Angeles State College

JUDICIAL ATTITUDES IN SENTENCING. By *Edward Green*. London: Macmillan & Co.; New York: St. Martin's Press, 1961. Pp. viii, 149. \$5.75.

This monograph is a study of the factors underlying the sentencing practice of the Criminal Court of Philadelphia, Pennsylvania. It is Volume XV of the Cambridge Studies in Criminology, edited for the Institute of Criminology, University of Cambridge, by L. Radzinowicz. The book consists of a preface by Radzinowicz, eight chapters, an appendix of 54 tables, a list of works cited, and an index.

As Radzinowicz explains in his preface, the wide discretionary power vested in the courts is a salient feature of the criminal law in English-speaking countries. In the exercise of this discretionary power the sentencing judge bears a grave responsibility as he endeavors to balance punishment and treatment and to adapt them to the personality of the offender and the nature of the offense. It is not surprising, therefore, that the sentencing practice of criminal courts has continued to arouse wide interest and much criticism among administrators, lawyers, criminologists, jurists, and the public. Unfortunately, the facts we have about the way in which discretion is used in the sentencing practice are fragmentary and often contradictory. In the words of the author, the factual basis of the opinions expressed on this subject is "usually either conjectural or rooted in the findings of research studies whose designs reveal an indifference toward the legal complexities of the sentencing process." Accordingly, states the author, this monograph attempts "to supply a factual and theoretical perspective on the sentencing process by investigating more extensively than hitherto has been done the factors which underlie variation in the gravity of the penalties meted out to convicted offenders."

After a searching analysis of the criticism of the sentencing practices in criminal courts, Green concludes that to a great extent it is deduced from

objections to the system of criminal justice rather than induced from any sound factual basis. This bias has also greatly distorted the empirical studies of sentencing behavior, which have not only betrayed a lack of understanding of the juristic view of the criminal law as a normative science, but also have obscured subtle but important influences by failing to use sufficiently refined methods and techniques in the collection and analysis of data.

The data of this study were secured from the official court and police records of the city of Philadelphia. The research sample consists of the 1,437 convictions recorded in a volume of the docket of a non-jury prison court of the Philadelphia Court of Quarter Sessions. The cases were tried within a period of 17 months during the years 1956-1957.

The objective of the statistical analysis is to determine the degree to which sentences differ according to variations in the criteria for sentencing. The nature of the data imposes certain limitations upon the type of statistical treatment which may be effectively used, because the various types of penalties are incommensurable in terms of some common unit of measurement, and the variables constituting the criteria for sentencing are all of a qualitative character. Green, therefore, employed statistical techniques the use of which entail the least stringent requirements concerning the mathematical properties of the data to be analyzed.

The author first turns his attention to the legal factors in sentencing, i.e., the nature of the offense, the extensiveness of the criminal activity charged, and the prior criminal record of the offender. The results of this investigation "contradict the widely held notion that there are no standards, or at best vague ones, by which criminal court judges sentence convicted defendants. Not only do the legal criteria for sentencing impose definite restraints upon the judge but in their reciprocal action reveal the operation of orderly processes which flow reasonably from the penal philosophy implicit in the criminal law."

Next Green examines the influence of the non-legal factors of sex, race, and age in sentencing. The information given on all cases in the official records restricted the author to the exploration of the effects of these three factors. Here again the popular view is found to be incorrect. Intensive analysis revealed that the judges of this court were not biased in their sentencing because of the sex, age, or race of the defendant.

Further analysis of the data brought other surprising results. There was a high degree of consistency among the judges in the length of the penitentiary sentences they imposed. Moreover, differences among prosecuting attorneys had no significant effect upon the severity of the sentences; and contrary to common belief, the judges did not favor defendants who pleaded guilty over those who pleaded not guilty.

In order to buttress his statistical analysis, Green made an intensive study of a random sample of 30 cases. The results of this case-study analysis thoroughly corroborated the results of the statistical analysis. In summarizing his conclusions, the author states that they suggest that justice is "a psycho-social reality reflected in the striving to accommodate sensibly the various factors which the judges regard as legitimate claims upon their deliberations."

Throughout his study, Green not only uses great care in the analysis of his data, but also exercises restraint in drawing conclusions from them. Critical of those who have failed to do this, he repeatedly emphasizes the limitations of a statistical analysis of the network of factors affecting the process of sentencing. At best it can provide only a skeleton. It can not provide any direct insight into the world of meanings by which the judges rationalize their sentences. As the author states, "The quality of the wholeness of each case is of necessity sacrificed in statistical analysis." Such words as these bespeak the restraint and care with which Green has handled his data and add weight to the conclusions he has drawn from them.

The value of this monograph, as Radzinowicz emphasizes in the preface, is that, avoiding wide generalizations, Green has made an objective and concrete study of a particular court. It should have a sobering effect upon those prone to make loose, and sometimes nonsensical, statements about our system of criminal justice, and it should also stimulate similar studies of other courts. *Judicial Attitudes in Sentencing*, with its original treatment of a complex problem, is, then, a book which richly deserves the attention of every student of our criminal law.

ROBERT G. CALDWELL

University of Iowa
Iowa City, Iowa

THE MOLD OF MURDER. A PSYCHIATRIC STUDY OF HOMICIDE. By *Walter Bromberg, M.D.* New York: Grune & Stratton, 1961. Pp. viii, 230. \$1.75.

One of the author's best-known books, *Man Above Humanity*, was a history of the social sciences in general, and a history of psychiatry in particular. In that book, published nearly a decade ago, the reader may find one of the author's sources for his present theme of murder.

The Mold of Murder contains ten chapters; the tenth chapter summarizes the author's conclusions and makes some predictions. From the clinical material in his book—rather thin and too vaguely presented—the author derives the following theory regarding the causation of murder: "Violent crime occurs with or without provocation, when the inhibiting, defensive or sublimating mechanisms of the ego are insufficient to curb direct expression of aggressive impulses." Thus, the cause of a given homicide would be "the mental disease, personality instability or 'normal' emotional reaction which disrupted the ego to a degree which would bring about such insufficiency." It may be conceded that "normal emotional reactions" can disrupt the ego. But when, how, and *why* does such a disruption of the ego lead to murder? This is explained nowhere in the book. Instead, the author presents in his own words a "panoramic view of the psychopathology of violent crime" (note the substitution of "violent crime" for "murder"), classified "into diagnostic categories of mental illness, subclinical situations and ill defined variations from 'normal' states." Dr. Bromberg describes wanton killers, professional assassins, and mentally retarded persons "in company with categories of neurotic conditions—defensive acts against unconscious homosexual impulses, compulsive sexual acts, reactions against impotence and the like." He describes some case material, much of it not his own, and the reader receives the impression that Dr. Bromberg is evaluating other clinicians' material in search of a theory which Dr. Bromberg could, but failed to, propound. The chapter headings smack of magazine headlines, such as "Fumes of Murder," or "The Kaleidoscope of Psychopathy," or "Behind the Mask"; the chapters do not really enlighten the reader as to why emotional immaturity is the "forerunner of psychopathy," and where "immature attitudes toward society" stem from, whatever the author's definition of "society" may be. While the author

states that his book "is not intended to provide a final explanation of the knotty problem of homicide," it does not even do what the author sets out to do, namely "to explore pertinent psychological factors found among murderers and their society." The book abounds in generalities, repetition from other writings (particularly the author's), and does not present a line of attack either psychological, sociological, or anthropological. Most of the pertinent published studies of homicide are not cited by the author. There are 152 references, non-alphabetically indexed and mostly references to the author's own collected works.

It is difficult to determine for whom the book is intended. Although the jacket claims that the book has been written for "physicians, psychiatrists, psychologists, probation and parole workers, judges, lawyers, social workers; it is also written for the layman who has an academic, social or personal concern with crime," it is really suitable to few of these. There is not enough law for the lawyer or the judge, not enough psychiatry for the psychiatrist, and too much psychological jargon to suit the average layman's understanding. It can be recommended only for a select few who handle murder cases and who might find a label in Dr. Bromberg's book applicable to "their" case.

HANS A. ILLING

Parole Outpatient Clinic
Los Angeles, California

THE PSYCHOANALYTIC STUDY OF THE CHILD. Vol. 16. Edited by *Ruth S. Eissler, Anna Freud, Heinz Hartmann, and Marianne Kris.* New York: International Universities Press, 1961. Pp. 563. \$8.50.

Some, although not all, of the preceding volumes of the *Study* have been reviewed here previously. The *Study* is the type of compendium reviews of which belong in any journal devoted to human endeavor, sociological, psychological, or legal. These volumes report, with increasing clarity of vision, the endeavors of psychoanalysts to experiment on and to restore people. Even those students of the behavioral sciences who oppose Freud and his teachings will find the volume provocative and stimulating.

The present volume contains three parts. The first deals with contributions to psychoanalytic theory. The second part is entitled "Aspects of

Normal and Pathological Development," with papers by Edith Jacobson on "Adolescent Moods and the Remodeling of Psychic Structures in Adolescence." The third and by far the largest part is entitled "Clinical Contributions" and contains 16 papers. Among these, of special interest to readers of this *Journal* may be Margaret Schoenberger Mahler's "On Sadness and Grief in Infancy and Childhood: Loss and Restoration of the Symbiotic Love Object." Mahler states that in psychotic children, the breakdown of the ego's basic functions can be attributed to either one of the following conditions: (1) "the ego's inability to create the relatively complex intrapsychic image of the human symbiotic object; or (2) the loss of precarious mental representation of the symbiotic object which, because it is excessively linked to need-satisfaction on a symbiotic-parasitic level, cannot grow toward object constancy, and which therefore cannot cope with the demands of the separation-individuation phase." To translate the author's language into more common English, this is to say that children who cannot grow to develop relationships with the father and the mother figures tend to become psychotic. This is also to say that children can become psychotic (and many of these become delinquent) who have possessed these love relationships, but have "lost" them at some time in their development. The author is primarily concerned with analyzing the period of grief and mourning which follows the loss of love objects but precedes the complete psychotic break with reality. It is this break with reality that therapists in correctional centers encounter daily, whether dealing with juvenile or adult offenders.

Another paper, by Adele E. Scharl, deals with "Regressions and Restitution in Object Loss." Scharl, in discussing two cases, seeks to show that object loss seriously affects the course of psychic development: in one instance, "the trauma enhanced, in some respects even promoted, it; and in the other, the trauma retarded emotional development and in certain aspects even led to a relinquishment of what had been achieved." She

feels that "the significant difference in the reactions to object loss appeared to result from the phase of psychic development at which the trauma occurred." Again, the reviewer can state it more simply: the shock a child suffers from the loss of a close relationship (with a parent or a parent figure) may stop his emotional growth and may even result in a psychotic breakdown.

Gregory Rochlin reports in "The Dread of Abandonment" that "in the child's emotional relationship, in which the formation of meaningful relationships is the principal psychic process, there rests the matrix of the dread of abandonment." Rochlin does not find a solution to the dread of abandonment, but "instead a constant modifying and developing of both material achievements and psychic defenses whose foundations reach into the earliest relations to the primary object," which is another way of saying that the child clings to his phantasies and beliefs as defense mechanisms, as otherwise the loss or "abandonment" becomes too overwhelming to be tolerated by the child.

While I have cited only three of the papers, because they (a) have a common topic and (b) have an important bearing on the therapist's knowledge in dealing with delinquent children and psychotic adults, many of the other papers are of equal interest, and some are better written. Unfortunately, some editors who contributed to previous volumes and who are noted not only for scholarliness but also for lucidity of statement, are missing from this volume—Anna Freud and Heinz Hartmann, to name but two. Most of the authors try hard to convey their message to the reader, but it is my feeling that many of them fall short because of their faulty syntax or sentence structure, which makes it difficult for the reader to penetrate as well as he would like this certainly most welcome volume, a "must" for all students of the behavioral sciences.

HANS A. ILLING

Parole Outpatient Clinic
Los Angeles, California