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## Book Reviews

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## BOOK REVIEWS

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DRUG ADDICTION: A MEDICAL PROBLEM. By Lawrence Kolb, M.D. Springfield, Ill.: Thomas; 1962. Pp. 183. \$7.25.

Dr. Kolb completed his medical residency in 1909, was commissioned in the United States Public Health Service in the same year, and has been a first-hand observer of the narcotic drug problem ever since. Dr. Kolb *remembers* the pre-Harrison-Act days, before we launched our national prohibition experiment against drug users and liquor drinkers—and before anyone dreamed of regarding either class as criminal per se. He remembers the hysteria of the early twenties, because he was doing research on drug addiction (and publishing most of the few sober studies of the period), as a staff member of the U.S.P.H.S. Hygiene Laboratory, now the National Institute of Health.

Dr. Kolb studied drug control policies in Europe for several years, then was attached to the United States Prison Bureau's Medical Center at Springfield, Missouri, and when the Public Health Service opened its hospital for drug addicts at Lexington, Kentucky, in 1934, he served as first head of that institution. In 1938 he was promoted to the rank of Assistant Surgeon General and took charge of the U.S.P.H.S. Division of Mental Hygiene, now the National Institute of Mental Health.

So here is a man whose own experiences and personal recollections span the entire half century of federal activity in the drug control field. Dr. Kolb was *there*, at each important turning point, in the thick of now-beclouded controversies, studying, recording, often playing important roles himself. And what does he conclude? Essentially his thesis is compressed into his title: drug addiction is a medical problem, principally the concern of doctors rather than of police and police agencies. He aims his arguments at lay readers, thus producing a work of value to members of the legal and law-enforcement professions and those in other non-medical disciplines who are interested in the problem.

And Dr. Kolb pulls no punches:

"Misconceptions about narcotics . . . are so

widespread and entrenched that more frequently than not the public gives more credence to popular myths than to the substance of science and medicine. . . ."

"Criminals become addicts, but opiate addicts do not become criminals through the maddening or deteriorating effects of the drugs. If there was not one addict in the United States, all categories of crime, except violations of narcotic laws, would be just about what they are now. . . ."

"More than any other unstable group, drunkards are likely to be benefited in their social relations by becoming addicts. When they give up alcohol and start using opium, they are able to secure the effect for which they are striving without becoming drunk or violent. . . ."

"There is no reliable evidence to indicate that chronic opiate addicts who can obtain and use the drug regularly and who avoid needle infections have a shorter span of life than similar groups of non-addicts. . . ."

"Drug addiction is a symptom of a mental disease; it is not the perversity of an evil character, and its treatment does not yield simply to moral persuasion . . . we should keep in mind that this country suffers less from the disease than from the misguided frenzy of suppressing it."

The book is based in part on some of the three dozen papers and studies Dr. Kolb has published on this subject over the years, but his earlier conclusions are painstakingly brought up-to-date, supplemented with new data and case material, and buttressed with useful bibliographical materials.

RUFUS KING

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LES PRINCIPAUX ASPECTS DE LA POLITIQUE CRIMINELLE MODERNE. Preface by Louis Huguency. Paris: Editions Cujas; 1960. Pp. xi, 255.

In memory of the late Professor Henri Donnedieu de Vabres, the Department of Criminal Law and Criminology of the University of Paris

published an anthology of 18 papers written by some of France's leading criminologists. There is special emphasis upon an area almost unknown in other West or North European countries or in the United States, the "political crime." Only in France is it fashionable to speak of murder as "assassination" even if the murder is not of a political nature. Therefore, the present volume will find only a limited audience outside of France. However, for those students in criminology interested in political murder (particularly in these days when explosions of time bombs are daily events in France and Algeria), this anthology would more than exhaust the subject, and on a very scholarly basis.

The volume is preceded by a bibliography of Professor de Vabres' writings, and an impressive one it is. It is divided into four parts and covers ten pages. Many of the contributors refer to his writings, although his writings do not deal exclusively with political crimes. The only contribution which I found on a different topic is by Leon Radzinowicz, entitled "Certain Aspects of Sexual Delinquency in England." The author distinguishes between indictable and non-indictable offenses, the latter often being homosexual deviations. The author agrees with Thorsten Sellin's statement that "*le nombre de crimes constatés n'est qu'un 'échantillon' du nombre total des crimes, ces derniers demeurant une quantité inconnue.*" He speaks of *chiffres noirs* (black figures), meaning the statistics not only of sex deviations but of all crimes (as previously suggested likewise by Middelndorff and von Hentig in Germany). The author cites various English laws, such as the Criminal Justice Act of 1948 and the old Vagrancy Act of 1824 (still in force today). The latter distinguishes between "indecent" and "gross indecent." Radzinowicz feels this should be revised, particularly since the interpretation of the act is left to local law enforcement agencies.

The other papers are filled with minute details of theories and facts (or speculations, in the absence of facts) on assassination, which, to the French, is as serious as an "ordinary" killing without a "political motive" in other countries. At times, assertions are made which are inconsistent with criminological theories held elsewhere. Perhaps this distinctive French "crime" is so different from conventional "crime" that it warrants special explanation. Be that as it may, the contributors

to this volume are to be commended for their thoroughness.

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SOZIOLOGIE DES VERBRECHENS. By *Wolf Middelndorff*. Duesseldorf, Germany: Eugen Diederichs Verlag; 1960. Pp. 379.

Among the flood of books and articles on crime and delinquency here and abroad, few leave more than a fleeting impact on the reader, and fewer still have a message to convey which the Germans would call "*universal*." It seems that a book of such rarity has now made its appearance. The author is a judge and, judging from the contents of the book, a social psychologist—the unusual combination of a sociologist and a psychologist. He is a scholar and a multilinguist who draws upon both the German literature and the literature in other languages in attempting to explain the phenomena (*Erscheinungen*), including the variations (*Wandlungen*), of antisocial attitudes in our society. He is methodical, his style is lucid and clear, and he explains and develops his theories with deceptive simplicity, while avoiding the danger of oversimplification.

The book, relatively small for the scope of its contents, contains three parts, one examining various sociological and psychological concepts of crime and crime's historical developments, another part surveying the various types of crime and speculating on the origins and causes of each crime, and a final part studying "Sociological Groups."

Speaking of Germany, the author states that there is no criminological (i.e., sociological) research in the *description* of crime, and that treatises on crime rarely refer to the latest conclusions reached by sociologists in Germany or elsewhere. Therefore, it seemed to the author timely and useful to attempt a new comparative study which aims to delineate the changes which have resulted from sociological research. This study stresses the "modern forms of criminology" and emphasizes the relations between social group and criminality.

In his chapter on *Die Grundlagen* (The Basic Concepts), the author defines criminology as the scientific study of crime "as a phenomenon in the life of a nation and in the life of the individual" or the science "of the criminality of the individual and of all 'civilized peoples'" (*Kulturvoelker*).

Another definition makes criminology the science "of crime as an actual act" (*Verbrechen als tatsächlicher Vorgang*). The author compares these concepts with those prevailing in the United States, where criminology encompasses all *known* facts about crime, and where the combatting of crime falls within the province of criminology. Among others, he quotes von Hentig, who has published some of his books in America, but most of whose writings are in German. In comparing von Hentig's concepts of crime ("acts or omissions of individuals which were declared taboo by organized society and punished with heavy penalty"); the author cites one of the foremost American criminologist-teams, Sutherland and Cressey, who state that "a criminal act is an act which violates a law." Middendorff's attempt to link modern concepts of the sociology of crime with social psychology and, particularly, with psychoanalytically oriented dynamics are, in my opinion, highly successful and long overdue. Unfortunately, one of the very few psychoanalysts who have pioneered in criminology, Dr. Edward Glover, is not mentioned in Middendorff's otherwise excellent bibliography. Middendorff coins the term *soziale Anomie* (meaning society's deviation from attitudes imposed by society), to complement the already common phrase "deviating attitude." Sociologists speak of *Toleranzgrenze* (limits of permissiveness), the transgression of which leads to a "reaction of the society." Such a reaction may consist of some reward or recognition, but, in the event of a "negative deviation" from the norm, all kinds of punitive sanctions may be applied. The borderline between "deviating attitude" and crime is often a fluctuating one, since either can lead to the other.

One of the chapters should be welcome to all criminologists, because hardly any scientist, not even those dealing with law enforcement and the police, has touched on it yet: the traffic crimes. The author calls these acts "crimes," for the causes in serious cases are as criminally conditioned as are those in cases, say, of burglary or forgery. Criminal drivers are hit and run and those driving under the influence of alcohol, or without a license. The other chapters are organized in a similar fashion, Middendorff giving von Hentig full credit as a pioneer in the cataloguing of crimes and criminals. However, von Hentig did not, and never intended to, include a dynamic psychoanalytically-oriented presentation and interpretation of such

acts as murder. I do not wish to appear facetious when I state that, in reading this chapter on the varieties of murder (suicide, sex murder, murder and robbery, the "senseless" murder, etc.), I felt as if I were reading a Perry Mason story, one more complete and understanding yet with a similar fascination.

The book also deals with the environment of the various groups which get involved in, or are influenced by, crime. The nation as a whole, the culture, and history (such as war or post-war conditions) are "contributors" to the causes which breed crime. Specific stimulants of crime here treated are alcoholism and drug addiction and such conditions as sex, age, religion, and geography. Criminological research of three countries—Germany, the United States, and Italy—are discussed in greater length. However, in the course of the volume, other countries are mentioned, particularly England, Scandinavia, and France. There is little about the "Iron Curtain" countries, probably because little information is available.

In his conclusion, the author asks whether there is a difference between right and wrong and, if so, how great is such difference? He tries to answer this question by quoting the German philosopher of law, Gustav Radbruch, and considering Radbruch's assertion in light of sociological and criminological research: criminological research confirms the relativism represented by Radbruch, which never leads to a "doctrine of despair." Speaking of the penal code, Middendorff feels that the law can have only the function of maintaining order, which consists of "allaying danger, re-socialization, or, if necessary, the elimination of dangerous individuals in the meaning and sense of the minimal program of the 'Défense Sociale'."

In conclusion, I doubt whether there are many who can help but admire the author for a handy and eminently readable book.

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CRIMINAL LAW: PROBLEMS FOR DECISION IN THE PROMULGATION, INVOCATION, AND ADMINISTRATION OF A LAW OF CRIMES. By *Richard C. Donnelly, Joseph Goldstein, and Richard D. Schwartz*. New York: The Free Press; 1962. Pp. 1169. \$15.00.

This is an excellent collection of materials deal-

ing with the socio-legal processes of defining, committing, and reacting to crimes. The authors make clear throughout that it is the law-in-action with which both legal and sociological students of crime must be concerned. Professors Donnelly, Goldstein, and Schwartz have done a superb job of juxtaposing such diverse materials as legal decision, government reports, transcripts of testimony, social scientific articles, and relevant literary and journalistic contributions, as well as providing their own useful comments and notes at various points. The result is a fascinating book which should be of great interest to sociologists (of crime and law) as well as to students and teachers of criminal law.

Handsomely put together and well organized, this volume is also infinitely more readable than the ordinary casebook. This is due in part to the authors' judicious selection of provocative and well-written readings, and in part to their skill in presenting the material in a challenging manner. The book is definitely a challenge, posing many more questions than it answers. The authors write that, "For purposes of this book the criminal law is defined as a process for deciding what should be labeled 'criminal,' what official responses should accompany this designation, and what persons or agencies, under what conditions and circumstances, should be authorized to make and give effect to such determinations." Anyone looking for pat answers regarding crime and punishment should probably steer clear of this volume. Its great merit lies in raising issues central to the establishment and operation of the criminal law—issues which social scientists today often avoid. Perhaps the kernel of the authors' approach is suggested in the statement by Hermann Mannheim (in *Criminal Justice and Social Reconstruction*): "Hardly ever do we pause for a moment to examine critically the contents of that very law the existence of which alone makes it possible for the individual to offend against it." The authors join Mannheim in insisting on such a confrontation.

The book is divided into three large chapters. The first 250 pages comprise "An Introductory View of the Criminal Process," in which a single case (that of a pediatrician charged with indecent assaults against children) is followed from the original "disturbing event" through the various administrative processes leading up to sentencing, and eventually to parole. Throughout the chapter, the reader is continually faced with questions

concerning the kinds of decisions to be reached at each stage, and the criteria and processes to be employed in reaching them. Taking the case as a point of departure, the authors are able to bring into their discussion such topics as treatment of sex offenders, sentencing and review of sentences, nature and function of parole, absolving and mitigating circumstances, and there is a lengthy and excellent collection of views on consensual adult homosexuality and the law (presented in the form of a "legislative hearing"). The second chapter, entitled "Promulgating a Criminal, Penal, Correctional or '?' Code," deals more conventionally with basic issues of criminal law, including differences between civil and criminal law, purposes of sanctions, requisites of a crime, rule by law or analogy, and questions of criminal responsibility. There is an especially fine and comprehensive section on the insanity-as-a-defense issue. The third chapter, "A Re-Examination of the Criminal Law in Terms of Groups," also contains useful materials, but this reviewer did not find the organization around the "group" concept (i.e., cases dealing with unions, minorities, corporations, etc.) particularly fruitful. The same materials might preferably have been incorporated into the earlier sections.

As an introduction to the criminal law, the book should be superbly effective in stimulating student interest and in developing a truly analytic approach in this field. Indeed all those professionally concerned with crime and punishment will long be indebted to the authors for preparing this comprehensive and illuminating work.

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CRIME AND AGGRESSION IN CHANGING CEYLON: A SOCIOLOGICAL ANALYSIS OF HOMICIDE, SUICIDE, AND ECONOMIC CRIME. By *Arthur Lewis Wood*. Philadelphia: Transactions of the American Philosophical Society, Vol. 51, Pt. 8; 1961. Pp. 132. \$3.00.

Ceylon is a tropical island in the Indian Ocean, a few degrees north of the equator, the size of West Virginia with a population four times greater than that state. For some time, it has been officially concerned with what has sometimes been alleged to be the highest homicide rate in the world. Professor Wood shows that the homicide rate (4.3/100,000) is not strikingly high (the United

States' rate is 4.8 and Mexico's 39.1 per 100,000), but points out that since it is not concentrated among minority groups and arises in a predominantly agricultural country there is some sociological precedent for anticipating a lesser amount. Why then, he asks, should Ceylon, a strongly Buddhist country whose economic welfare surpasses that of most Asian countries, be plagued with a homicide problem?

To answer this question, Wood tries to document elements of a causal matrix involving "an inextricable tangle of failure, alienation, greater hostility, rebuff, and assault . . . , sometimes leading to murder." In an often admirable attempt both to quantify and to view perceptively the speculative ideas of Merton, Cloward, Maier and Bell, and other theorists who have written about opportunity structures and about subjectively defined status as it relates to aspirations, Wood employs analyses of available crime data and an interview schedule. The schedule probes two main areas: (1) social status in different phases of village life, and (2) attitudes of alienation from the status quo.

Alienation is found in items such as a desire for socio-political change, a wish to move from the village, frequency of altercations, and repeated complaints. Greater demoralization of the offender group is indicated by "a failure to make reference to principles of social ethics in explaining the wrongfulness of criminal behavior." There is also a great deal of material describing social structure and village life in Ceylon, and discussing educational aspirations, general and specific sources of frustration, and the caste system as it has been influenced by social change. The author grants that the differential attitudes he discovers may have arisen from the fact that the offenders had already been apprehended, though he believes that there is enough consistency within his findings to minimize this likelihood.

The study is particularly valuable for a number of reasons: First, it adds a good deal of cross-cultural data to our interpretations of suicide, homicide, and economic crimes; second, it provides in some detail a documentation of its procedures, revealing clearly the great difficulties and compromises that must be made when working in an alien culture on a difficult problem within a limited time period; and third, it sets up a distinct line of inquiry, with explicit hypotheses, and to the best of its ability pursues these lines so that at the end

it can be said either that the facts do or do not line up with a specific hypothetical approach. For these and other reasons, and particularly for those who desire to test the insights of Merton's original "anomie" paradigm and its extensions, this report is well worth detailed examination.

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L'ARGOT ET LE TATOUAGE DES CRIMINELS. ETUDE DE CRIMINOLOGIE SOCIALE. By *Jean Graven*. Neuchatel: Ed. de la Baconniere; 1962. Pp. 152.

In this volume, the rector of the University of Geneva and President judge of the cantonal Supreme Court, Professor Jean Graven (also known as the author of Ethiopia's new penal code and as editor of the *Revue internationale de criminologie et de police technique*) presents a study of slang and tattooing among criminals. These topics are treated in two distinct though related monographs of six and twelve chapters respectively. The author examines them in the light of the hypotheses of Lombroso, who saw in slang a distinctive criminal trait and in tattooing an evidence of atavism.

After a detailed study of the history and rich variety of French slang, it appears to Professor Graven that one can no longer pretend that it is a distinctive, necessary or constant trait of criminals. He accepts Tarde's view that certain slang terms develop in the milieu in which the habitual offender thrives and reveal his associations in that milieu. However, important as such indicia may have been in the past and may still be in individual cases, social change has brought about a decrease in the use of indicative slang terms in the underworld. As the nature of criminality has changed, criminals have become aware that slang terms may help to identify them. Furthermore, the invasion of slang in literature, the drama, and common speech has robbed it of its distinctive characteristics.

As for tattooing, which is studied historically, among savages, soldiers and sailors, women and children, or when done for medical, therapeutic or religious reasons, Professor Graven concludes that it has been prevalent within certain social groups and has, among criminals, taken forms that have revealed the connection of their owners with the underworld. That is one of the reasons the practice is disappearing today. "Criminality is increasing and becoming more powerful. Those who want to

succeed in crime are well dressed, drive powerful cars or travel by air, go to the races, talk like middle class people—which is easy since the latter more and more talk a sloppy and slangy language—and no more tattoo themselves than they wear a distinctive dress.”

A dictionary of slang terms, some poems in

slang written by criminals, and nearly a hundred well chosen drawings and photographs illustrate the book, which is composed in a style worthy of the author, who is a man of letters in his own right as well as a distinguished jurist.

THORSTEN SELLIN

University of Pennsylvania

The Sixth Annual Convention  
of the

NATIONAL ASSOCIATION OF DEFENSE LAWYERS IN CRIMINAL CASES

will be held in New York City, June 14 and 15, 1963, at the facilities of the Association of the Bar of the City of New York. The luncheon on Friday, June 14, 1963, will be held at the Harvard Club. For further information, please write to Mr. Paul Augustine, Jr., Executive Secretary, 1201 East Main Street, Alhambra, California.