

1967

Book Reviews

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Recommended Citation

Book Reviews, 57 J. Crim. L. Criminology & Police Sci. 344 (1966)

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located at 31 Avon Place. In fact, the premises were a combination grocery store and luncheonette and the correct address was 35 Avon Place.

Testimony at the hearing on the motion to suppress revealed that the police had obtained the wrong address because, while cruising by the store at a fairly fast rate of speed (to avoid recognition), they failed to see any number on the suspect premises, but ascertained that the number on the adjacent property was 33. Since the informer had asserted that the correct address was 31, the officers assumed that the numbers on that side of the street ran on a diminishing scale and that the address in which they were interested was therefore 31. In rejecting the defendants' arguments that the warrant was invalid because (1) the premises were incorrectly described, and (2) the street address contained in the warrant was wrong, the court said:

"It is unnecessary to determine which category of business was carried on in the property since the test of the insufficiency of the description of the premises is whether it is such that the officer with the search warrant can with reasonable effort ascertain and identify the place intended. *** Here the premises had all the outward appearances and characteristics of being a confectionery store. Under the factual complex with which we are confronted, we conclude that the words 'confectionery store' adequately de-

scribe the property. *** Quite patiently the judge as well as the applicant for the warrant believed that the premises against which probable cause was proved and for which the search warrant was sought, was known as 31 Avon Place. The unintentional error in the designation of the street number was rationally explained. *** No believable showing was made that there was any other building in the block which could be categorized as a confectionery store and was likely to be confused with the intended premises. *** The designation of the street number might well here be regarded as superfluous. *** An officer could not only have, with reasonable effort, identified the premises commanded to be searched, but would not with this warrant have been justified in searching any other premises in the block. Further, four out of the seven officers who conducted the raid had been engaged in the surveillance for which the warrant was issued. *** We do not mean to be understood to say generally that the personal knowledge of the officer executing the warrant, of the place intended to be searched, could cure a vitally deficient description, but merely, where as here, the error is at the worst innocent and technical, and there is additional descriptive language which properly identifies the place, such knowledge is an element to be considered."

BOOK REVIEWS

Edited by
C. R. Jeffery*

REPLY TO BALL'S REVIEW OF *UTOPIATES*

When a reviewer sets out to describe the scope and methods of a book, it is his professional responsibility to describe them accurately. If a reviewer undertakes to state the point of view or conclusions of authors, it is his obligation to present these fairly. Insofar as the conclusions referred to affect matters of conduct in moral and legal spheres, that obligation of the reviewer becomes more than a professional one; it is itself a civic if

not moral one. The review of *Utopiates* does not appear to take these obligations seriously.

In the review, it is said that "The Blums advocate the nonmedical use of LSD." That statement is totally false. Neither of the Blums, nor any of the colleagues on the research team, advocate such use of LSD nor in fact do we advocate its medical use (except experimentally), for at the present time there is no adequate evidence for its medical utility. The review hints slyly that "other investigators" have *not* been "tempted" to take drugs, the inference being left to the reader. Here there is one matter of fact and one of innuendo

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requiring comment. The fact is that in research of LSD many investigators have been tempted to take the drug, as many familiar with the field have observed. As for the innuendo, neither "the Blums" nor any of their chapter co-authors took LSD or, for that matter, the other hallucinogenic drugs described for the drug-using groups studied. Indeed, we are considered thoroughly "square" by many in the drug movement.

The other errors of the review are as gross although not, perhaps, as personal in their implications. The review purports to describe the methods of the study without mentioning at any time the existence of a matched control group which was used for all comparisons with the LSD users. The "absence" of a research design is claimed, although the reader is not advised of the conventional epidemiological methods pursued in the study. Such epidemiological studies are not "experimental" in design.

A number of other pejorative remarks appear, support for which is offered in only two instances, in both cases by quoting out of context and by taking a description of the claims of LSD users and attributing these to the authors as statements of the authors' own beliefs, this in spite of the fact that the descriptions occur in an extensive discussion of the appeals and socio-psychological functions of hallucinogenic drug use. In this regard, and as a statement of principle, it is clear that investigators must be able to describe the beliefs of deviant groups without being burdened with the accusation that, because they describe them, they also hold those views. Similarly, one must be free to discuss pros and cons without fear of being quoted selectively so that meanings are distorted. If these "freedoms" are not granted, scientific reporting as such will be strangled before pen is put to paper.

For scientific communication to occur and be of benefit, the evaluations we make of one another's work require at least three other conditions. One is that we read what the author has written, and another is that we report it accurately. The third condition is that our appraisals be in response to the facts at hand and not be warped by bias arising from sources unknown but clearly unrelated to the work being evaluated. When any of us as reviewers, discussants, or authors fail to meet these conditions, science as well as the professional relationships among scientists will suffer.

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REPLY TO PROFESSOR BLUM

It is regrettable that Professor Blum has chosen to interpret my review in a personal vein. I reviewed the book *Utopiates*, not the ethics, morality or personal opinions of the authors.

The book includes chapters written by fourteen contributors. Diverse findings are reported; various opinions are expressed. The interested reader is referred to the source document—*Utopiates*. Among the varied statements he will find therein are the following:

"Five (of the contributors) have taken the drug, nine have not." p. 9 (Richard Blum).

"Still, from these observations (at the Zihuatanejo center) there is basis for social concern over the consequences of the widespread use of LSD and other psychedelics other than in a structured, professional supervised setting with adequate psychiatric consultation." p. 171 (Joseph J. Downing).

"The psychedelic session is like sex. Anyone who has not had the experience cannot really grasp the meaning." p. 182 (Leary, Alpert and Metzner).

"Perhaps one solution is not increased enforcement against the elite, but a reappraisal of the laws governing the use of mind-altering drugs so that at least drug use which is relatively harmless in and of itself (excluding now the reactions to the drug which are the result of the expectations of the user and the demands of the group)—marihuana and peyote, for example—be excluded from legal concern." pp. 269–270 (Richard Blum).

"For the older, more successful people who are in need of lasting change, LSD does provide relief." p. 283 (Richard Blum).

All of these statements are by the authors, not from research subjects.

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THE PENAL SYSTEM IN THEORY, LAW, AND PRACTICE IN BRITAIN. By *Walker Nigel*. Edinburgh: Edinburgh University Press, 1965. 367 p.

The United States, the domain of social sciences, is the kingdom of text-books. Increasingly, standardized demands of education lead to a trend among books to a certain uniformity. The ethnocentrism of the authors aids this, as does the tendency of text-books to cover the same current litera-

ture and very similar ideas. This state of affairs forcibly contributed to the development of a language common to the discipline as well as, in the progress of theoretical and methodological reflection indicating routes to be explored, establishing priorities in the examination of problems, etc.

The appearance of text-books in other countries is a sign of the growing interest in criminological studies and, since the publication of a book is also a business proposition, indicates that more and more people of high scientific competence are devoting themselves to criminological studies. England occupies a privileged position in this respect. Because of an intelligent policy of subsidization of research, the Home Office has encouraged the development of experimental projects which places this country among the foremost in criminology "productions". The book by Nigel Walker honours our discipline. The first part is an analysis of what forms of conduct are dealt with by penal measures and how accurate is the system in identifying those who indulge in deviant behaviour. After a review of the principal forms and tendencies in the evolution of crime in Great Britain, the author deals, in the second part, with the principal theories explaining the criminal's conduct. Thus he covers biological and constitutional theories and those concerning mental illness. The problem of psychological maladjustment, particularly psychopathy, is treated. Undoubtedly the author limited himself intentionally to English sources, for otherwise one would be very surprised not to see references to the work of Benjamin Karpman or the 1961 conference of Bellaggio on the mental abnormality of criminals. The sociological etiology is treated among the environmental factors, and the problems of prediction are very wisely linked to the principal theory explaining criminal conduct. The third part of the work examines the aim, the functions and the operations of the English system of public safety. The author re-examines here the irregularities, the maladaptation of the system, long before instituted to serve other needs. Substantial separate chapters are devoted to adult criminals and to juvenile delinquents. Sentencing is pictured with all its inconsistencies and is evaluated in light of recent studies made on the subject. The fifth and last part is devoted to special types of criminals: the mentally abnormal and their fate in light of the new Mental Health Act; women offenders and the particular measures for them; and finally the recidivists. Again in the last case, it is a surprise to

find the author has made no reference to the work of the Third International Congress of Criminology which held its meetings in London in 1960 and devoted its time to just this subject.

The author's orientation bears all the marks of the pragmatic spirit of the English social sciences. He is always concerned with evaluation, with the relation between principles and their practical application. The conclusions which he draws from his analyses throw some light on the effects of all the penal measures for the protection of society, in showing that we are at the dawn of a precise knowledge of the efficiency of our penal system. He indicates the growing tendency to make use of preventive measures rather than punish acts already committed. A great elasticity of the principle "nulla poena sine lege" must be effected before true prevention can operate. The tendency towards the removal from the penal category of certain types of crime such as abortion, euthanasia, homosexuality among adults, for example, progressively transforms the field for the application of criminological theory. The latter must orient itself towards a redefinition of criminal acts in relation to the new trends of our civilization, which is changing faster than our laws or institutions which are designed to apply them.

With very great satisfaction the reader puts down this intelligent book, informed with a great deal of psycho-sociology (I particularly appreciated the analysis and relation made between the theory of learning and deviant behaviour) and written with evident care to make the work useful in evaluating the system of public protection against crime in use in England and Scotland (the author never forgets that he is dealing with countries with distinct laws and traditions). The only objection which could be made against it is the parochialism of the sources of criminological information. He speaks of ideas of social defence without once referring to the names Ancel and Grammatica. American criminologists such as Tappan or Reckless are never mentioned even when the problems to which they have applied themselves extensively are dealt with by the author. It is perhaps the time to affirm the universality of knowledge which is leaving its national phase, for it is thus that real progress can be accomplished.

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SEX AND CRIME. By *Clinton T. Duffy* with *Al Hirshberg*, New York: Doubleday and Company, Inc., 1965. Price listed \$4.50.

This book is based on the observations of Mr. Duffy who has a long distinguished experience of 35 years behind him, first as a prison warden and then as a member of the Parole Board in California. He has been very ably assisted by his friend, Al Hirshberg.

The style of the monograph is that Duffy cites a theory that "sex is the cause of nearly all crime" and the same is strongly supported by the presentation of a number of case histories. Warden Duffy was in a unique position to be able to talk to a number of convicted prisoners very intimately and to deeply probe the basic motivation of their offenses. The conversation of the case histories is very convincing evidence, which obviously never came on court records but clearly revealed the real root of trouble in the post-conviction, frank confession of prisoners made before Warden Duffy. The authors assert that "sex is the dominant force that drives nearly all criminals. . . . Criminals are plagued, puzzled and upset by sexual tensions, doubts, fantasies, anxieties and hungers." The sex desire is always apparent in kidnap, rape, indecent exposure, peeping, child molesting and homosexuality; but the authors contend that sex is the driving force of several other offenses like arson, burglary, purse snatching, thievery, forgery, check passing, abortion and murder. An arsonist was fond of setting fire to bedrooms and watching the fire in sexual fascination. A purse snatcher did not want money, but wanted to touch women; a house breaker had no real intention of stealing but was a compulsive rapist; and a sadist husband killed his dainty, fragile wife "just in hugging her too tight." A quack who performs abortions is similarly a sex deviate who seeks more personal sex satisfaction than his fees.

Duffy and Hirshberg are quite right in their thesis and they are supported by psychiatrists, psychoanalysts and many criminologists who agree that sex is the hidden component in so many compulsive non-sexual crimes. The authors have done well in illustrating this point elaborately by a large number of cases. However, Duffy and his collaborator may face some disagreement from some criminologists in their estimation of the enormity of sex-crime relationship. In Duffy's opinion "ninety per cent of the men in American prisons are there because they could not come to grips

with the sex problem." Some experts may not hazard that high a guess, but they may have no hesitation in agreeing that sexual deviation may be a part of personality pattern of many criminals, if not the direct cause of their crimes.

The authors make certain very valuable observations. They consider that the incest offenders are the best bets for rehabilitation, as their wives, realizing their own guilt, usually are willing to take them back. Similarly, some exposure offenders have good chances of cure. Their best hope for success is a good marriage. The right woman can do more for such an offender than a dozen doctors. The sex offenders who recognize their sexual problems and receive psychiatric aid at an early stage stand better prospects of recovery. The book cites several chronic cases who, despite every help given by the prison clinical staff, parole officers and their wives, did not succeed in making anything more than a temporary cure, reverting to the sexual compulsion to the dismay of all concerned. Child molesters, according to the authors, have a poor prognosis; they are constant repeaters and make many excuses and rationalizations of their perverse acts (some cultures are more permissive in the fondling of their children). Duffy takes a realistic view of sex offenders; he advocates many, many years of treatment for deeply disturbed individuals and those who are very dangerous "must remain in prison the rest of their lives." He goes to the extent of suggesting castration for the uncured sexual offenders, who volunteer for this. In his experience, some castrated offenders showed improved behavior. The reviewer imagines that castration must have led to several psychological complications as well.

While prison administrators will undoubtedly agree that homosexuality exists in prisons in added proportions, Duffy estimates that "some seventy per cent of the inmates in American prisons are involved in homosexual practices." (This sounds much higher than Indian prisons, where this reviewer has been working). Duffy contends that "when a man wants to return to a prison where he has once served time, it's a good bet that he has an old love partner there."

Duffy finds that "the nationalities which have the healthiest attitude toward sex usually bring up the children least likely to get into trouble. Orientals in general have very close family ties, and wherever the family is the center of activity

the ethics are high and the incidence of criminal behavior is low.”

Since in every rape case, there is a rapist and a victim, the authors warn every woman against victim proneness. Besides several other suggestions, he advises the women to keep a police whistle to be used in case of emergency. In American society, where women move about unescorted, it could help very much if they knew how to protect themselves. They could save themselves and also reduce the incidence of rape.

Ex-warden Duffy goes on to suggest that prisoners indulge in fighting, killing, stabbings, riots, revolts, assaults and escapes on account of their hunger for conventional sex. He very strongly advocates conjugal visits for the prison inmates where they may be allowed exclusive privacy with their wives in their cells from a few hours to a night or two. These conjugal visits should be earned by the well-behaved convicts on the pattern of Mexican prisons. He also urges work-furlough for the prisoners where the chosen prisoners may be allowed to go out of the prison for their daily work. In this connection, the reviewer takes pleasure in

citing the State of Punjab (India) where well behaved convicts can earn four weeks' furlough to go home and live with their families—wives, children and parents—once or more than once a year. This practice is better in some respects than an overnight conjugal visit, though the latter may perhaps be more welcome to Mexican prisoners. The reviewer agrees that furlough visits have proved very useful in improving the social climate of Punjab prisons, but he is hesitant to accept that conjugal visits are the important answer to prison problems. Warden Duffy and Hirshberg may perhaps agree with the reviewer that there are several other prison practices—giving them reasonable freedom, institutional responsibility, and participation in work, and increased communication—which help reduce prison riots and escapes.

This book will make a very useful reading both for the student and the practitioner of criminology and correction.

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