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Book Reviews

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BOOK REVIEWS

Edited by

C. R. Jeffery

DEFENDING CRIMINAL CASES. By *Irving Mendelson*, Practising Law Institute, 1967. Pp. 193+, \$7.00.

This is a jam-packed compact book devoid of extraneous matter, written in a no-nonsense easy-to-digest style by an apparently learned and experienced author who is refreshingly modest. The book is a valuable contribution to three separate areas of the criminal law.

At the outset, the author discusses the responsibility of the criminal lawyer, educational requirements, ethics and philosophy, the pitfalls and the mechanics of the practice, step by step from the initial interview with the accused through to the verdict of the jury. The first section is an excellent guide for lawyers inexperienced in criminal defense. The author refers the reader to other in-depth studies of specific phases of criminal defense.

Secondly, the author explains the dynamic principle of due process of law and offers his analysis of recent Supreme Court decisions making the Bill of Rights binding upon the states through the due process clause of the Fourteenth Amendment, with appropriate suggested methods for protecting such constitutional rights at the trial level.

The third and final section of the book is devoted to post-conviction remedies other than appeal. This section includes an excellent analysis of federal habeas corpus, which even the most experienced practitioner should refer to as a refresher course in the subject.

Appended to the book is a set of forms.

This book should be of particular value to the New York lawyer embarking upon a career in criminal law. The author is a member of the New York Bar, and former Assistant District Attorney of New York County. Lawyers from other jurisdictions will profit from the book, with the caveat, suggested by the author, that they familiarize themselves with the substantive and procedural law of their particular jurisdictions.

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JUVENILE DELINQUENCY: A BOOK OF READINGS.

Edited by *Rose Giallombardo*. New York, John Wiley and Sons, Inc., 1966, pp. x, 565. \$8.95 (hard cover); \$4.95 (paper).

Academic justification for anthologies on social problems such as juvenile delinquency is not difficult to supply. The proliferation of books and articles, both theoretical and empirical, is inaccessible to most students except in the most affluent of college and university libraries. Yet, there is something to be gained in a direct confrontation with primary source material that is missing in the ordinary textual assignment. The obvious practical solution is to cull and integrate judiciously from the learned journals, outstanding textbooks, and ground-breaking monographs that which the student can read conveniently as well as profitably.

Dr. Giallombardo, a sociologist at the National Opinion Research Center and author of the recently published study of a women's prison entitled *Society of Women*, has painstakingly edited such an anthology. Bringing together 44 selections on delinquency with a sociological emphasis, seven of which were excerpted from well-known books by Tappan, Tannenbaum, Sutherland and Cressey, Cohen, Cloward and Ohlin, Allen, and Weeks and the remainder from 16 leading criminological and social science journals, she skillfully organized them into five sections. The introductory section, the shortest of all with five selections, is on "the data of delinquency: problems of definition and measurement". The second section, the longest of all with 15 readings, covers the "development of delinquent behavior". This is followed by "the empirical structure of delinquent groups" which analyzes the delinquent gang in seven pieces. Section IV, entitled "legal processing of delinquency" covers the police, juvenile court and probation in eight selections. Finally, "treatment and prevention of delinquency" are discussed in nine items. Each of the five major sections was introduced by the editor in a brief overview of the general topic and the incorporated readings.

An interesting feature of the book, conspicuously lacking elsewhere, is the inclusion of two cross-cultural articles on gang delinquency in London and Paris.

I take issue with only two aspects of what is otherwise a fine pedagogical contribution. In the first instance, the editor claims to have utilized only "the most important contemporary literature in the field" without giving any indication of what she meant by "contemporary". Nor does chronological analysis of her selections provide us inductively with the criterion she had in mind. The range of original dates of publication is from 1938 to 1965, with six selections having been published before 1950, 19 in the decade of the 1950's, and the remaining 19 in the five years prior to the anthology's publication. Secondly, the book lacks an index despite the fact that this is an indispensable tool for those who wish to use such a book as a source for specific information or to recall a specific name, idea or subject without re-reading the entire volume. This can be corrected in a second printing of the book. The hardcover is a welcome relief from the recent profusion of easily destructible paperbacks.

MILTON L. BARRON

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CHANGING CONCEPTS OF CRIME AND ITS TREATMENT. Edited by *Hugh J. Klare*. London: Pergamon Press 1966. Pp. 186. \$8.50.

This work is a collection of eight essays, with an introduction by Hugh J. Klare and a brief Foreword by the Rt. Hon. Kenneth Younger, which was compiled to mark the centenary of the Howard Association, known today as the Howard League for Penal Reform. Seven of the eight essays were written by English or European scholars and one by a noted American scholar. The collection of essays is well worth the time spent to read them. However, as noted by some of the authors, the space allotted for covering the topics did not permit a detailed development of the ideas that were set forth. This is a problem with most publications of this type.

The lead essay by Terence Morris, *The Social Toleration of Crime* is a most stimulating one. He reviews the complexities of the social attitudes toward crime and the processes which affect these attitudes. The way in which individuals define acts committed against them is significant and social relationships affect the way criminal acts

are defined—even the same acts. He points to the rationalization process that takes place when an individual engages in acts which are against the law, stating that quite often crime is "in the last analysis, what the other person does."

The second article, *Race and Crime*, by Marvin Wolfgang, is possibly the outstanding article in this collection. Wolfgang reviews the inadequacies of the crime statistics and points out how these official crime statistics may distort the Negro involvement in crime in our society. He states that the Negro is discriminated against, feared, and despised in our society and hence is more likely to be discriminated against by the formal system. It is impossible to know the extent of crime among any group; however, there is some information which suggests that if Negroes were given an equal opportunity their rates would not be substantially different from the white rates. There is some suggestion that for certain types of offenses the rate would be lower than for whites. Wolfgang concludes by saying that the formal programs of the government to bring about opportunities for all are not enough. What is needed is knowledge to replace misconceptions about race and crime so that the informal everyday experiences, which make the formal programs work, can function effectively.

The third essay, *The Development of Forensic Psychiatry*, is by T. C. N. Gibbens. He traces the contribution of forensic psychiatry to criminology. He traces historically the psychiatric role in court and criminal responsibility, but he goes beyond this to show that forensic psychiatry is playing a much broader role today which involves the treatment of the criminal and delinquent from a psycho-social frame of reference. Gibbens discusses various techniques of psycho-therapy and group methods and points out the concern for the abnormal offender.

A Model of an Institution for Treating Adolescent Delinquent Boys, by Derek Miller, is a description of an experiment in an approved school for boys. The experiment attempted to create a total social system designed to promote personal growth and masculine identity. While nothing basically new was tried, basic psychoanalytic principles about personality development were used in conjunction with sociological, social and cultural sensitivity about human behavior.

Charlotte Banks, in her essay entitled *Borstal, Prison and Detention Centres*, describes the more orthodox procedures for the treatment of young

offenders. She differentiates the types of offenders incarcerated in the different institutions and indicates changes in sentencing policy which are revealed by the changes in the populations in the institutions. This data is the first step in an attempt to evaluate the major statutory changes in sentencing. Her findings that detention centres seem to give the best results, imprisonment the worst, and the borstal somewhere in the middle, are probably more a reflection of the type of offender handled by each institution than of their programs.

In *The Sociology of Change in Penal Institutions*, Paul DeBerker presents a stimulating essay which discusses the characteristics of the total institution. He provides significant insight when he goes beyond the traditional custody-treatment dichotomy so often used to describe the organization conflict in the prison, by pointing out the significance of certain aspects of the prison routine and administrative practices.

The last two essays are *Prisons, 1866-1966* by Duncan Fairn, and *John Howard, European Penal Reformer* by Paul Cornil. These are historical articles about the development of prisons and the contributions of John Howard.

In conclusion, the book has merit for its more distinguished essays by Wolfgang, DeBerker, and Morris. However, the limitations of such a book and its rather high cost are factors which should be considered before purchasing the book.

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PERSONALITY, SOCIAL CLASS, AND DELINQUENCY.

By *John J. Conger and Wilber C. Miller*. New York: John Wiley and Sons, Inc., 1966. Pp. viii + 249. \$7.95.

This study is unique in that it reports not only how delinquents and nondelinquents differ in personality and in class background, but also how they differ when IQ and class background are held constant, that is, at different IQ class levels and at different ages. It is also unique in that the behavioral variables were reported by teachers long before the boys became delinquents and were not, therefore, like retrospective evaluations, influenced by current delinquency status when the behavioral reports were made. No one knew which of the children were to become delinquents.

The aims of this study were three-fold: (1) to determine what, if any, were the interactions

among sociological, psychological, and delinquency variables; (2) to control for a wider than usual range of variables, including schools attended; and (3) to compare results obtained in a middle-class "pioneering" community like Denver with those reported from old, eastern seaboard cities (pp. 12-14). It was not intended as a prediction study, although the results for predictive purposes seem very suggestive.

The subjects were 184 boys selected from 2348 boys in the 10th grade in 1956 who, by 1960 had been formally accepted by the Juvenile Court (p. 16); 184 boys matched on age, schools attended, ethnic origin, IQ, and socioeconomic status (pp. 21-26); and 203 boys randomly selected representing the community to serve as a control.

The psychological measures included (1) longitudinal measures of behavior based on (a) ratings by teachers of personal-social development and (b) teacher comments; (2) current personality functioning as measured at the beginning of the 10th grade at a mean age of 15.4, by a series of standard tests (Guilford-Zimmerman Temperament Survey, California Mental Health Analysis, Objective Thematic Apperception Test, Allport-Vernon-Lindzey Study of Values).

Factor analysis spun off 7 factors for both teacher ratings and test results. For the tests they were: effective, mature, goal-directed interaction; absence of neuroticism; cooperative interpersonal relationships; low frustration tolerance, impulsive, hostile; self-motivated, intropunitive; lack of energetic, stable, social interests and involvement; and nervous manifestations, emotional isolation. For the teacher ratings they were: mature, independent, self-sufficient; poor interpersonal relationships; poor over-all adjustment; fails to care for self; negative affect; lacks leadership ability; and conformity, and effective group adjustment. (On six of these seven factors for both sets of measures, the boys who became delinquents were significantly different from those who did not become delinquents.)

The analysis dichotomized the socioeconomic variable into deprived and nondeprived and trichotomized the IQ variable into below average and average and, for some subjects, above average also. The basic designs of analysis for the psychological variable were, therefore: (1) $2 \times 2 \times 3$ (delinquent-nondelinquent by (a) deprived-nondeprived by (b) above average IQ, average IQ, and below average IQ); (2) 2×5 (delinquent-nonde-

linquent by (a) below average IQ deprived, (b) average IQ deprived, (c) below average IQ nondeprived, (d) average IQ nondeprived; and (e) above average IQ nondeprived); (3) 2×2×2 (deprived-nondeprived; delinquent-nondelinquent; and average IQ-below-average IQ); (4) 2×3 (delinquent-nondelinquent by (a) below average IQ nondeprived, (b) average IQ nondeprived, and (c) above average IQ nondeprived). The results are presented for each of three age levels: K-3, 4-6, and 7-9, thus adding another variable and greatly enhancing their value.

The results confirm in general the authors' anticipation that personal traits that might differentiate delinquents and nondelinquents in a favored, nondeprived set of high-intelligence boys might not do so in a deprived set of boys of low intelligence (p. 12). Interesting also is the fact that at one age level variables might favor the future delinquents but at another, the future nondelinquents. "... among boys of below-average IQ, future delinquents tended to receive more favorable ratings than nondelinquents. This was especially likely to be true in the case of socioeconomically deprived youths" (p. 194). The explanation suggested is that these boys who, "initially try hardest to adapt in a responsible, helpful fashion and to conform to the expectations of society, but who still ultimately fail to achieve success because of their limited abilities, may suffer greater frustration than those who did not try

very hard to begin with. As a result, members of the former group may be more likely to turn to delinquency as an outlet for their mounting frustrations" (p. 194). There are numerous other insights which are at least as interesting as the factual findings, if not more so. One of special interest to the sociologist is the importance of ethnic leadership. The authors explain the relatively greater incidence of delinquency in the Spanish-speaking ethnic group than among Negroes as perhaps due to the loss of leadership of the first group as the successful members move up the social ladder and disappear into the majority group.

With respect to the sampling procedure one item is left unexplained. It was impossible to match 87 of the 271 boys who had become delinquents (p. 21). What combination of variables found among these 87 boys was so uncommon among nondelinquent boys that they could not be found? A brief statement about these "matchless" boys would have been illuminating.

It would be possible to nit-pick and to cavil over technical points, but none of the defects detract from the major contribution of this valuable study. If we seriously applied the findings we could probably prevent a great deal of suffering on the part of delinquents, their families, and their victims.

JESSIE BERNARD

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Books Received

Books Received during November, 1967:

THE CRIMINAL LAW OF SCOTLAND. By *Gerald H. Gordon*. W. Green & Son Ltd. Edinburgh, Scotland. 1967. pp. lxxiii, 1104. f 12. 12s.

LEGAL THEORY (5th Ed.) By *Wolfgang G. Friedman*. Columbia University Press, New York. 1967. pp. xx, 605. \$12.00.

ZARYS POSTEPOWANIA KARNO-WYKONAWCZEGO. (Outline of Criminal Executive Procedure). By *Emil Merz*. Wydawnictwo Prawnicze. Warsaw, Poland. 1967. pp. 191. 13 zl.

ETIENNE DE GREEF. By *Jean Pinatel*. Editions Cujas, Paris, France. 1967. pp. 112.

DER STRAFGRUND DER TEILNAHME. (Criminal Reasons of Participation). By *Stefan Trechsel*. Verlag Stampfli & Cie., Bern, Switzerland. 1967. Pp. xv, 114. 18 DM.

THE AMERICAN SERIES OF FOREIGN PENAL CODES—Code No. 14. Translated by *Phanor Eder*. Fred B. Rothman & Company, South

Hackensack, New Jersey. 1967. pp. xviii, 138. \$7.50.

ON LAW AND JUSTICE. By *Paul A. Freund*. Belknap Press of Harvard University Press, Cambridge, Mass. 1967. pp. vi, 259. \$4.95.

PROCES SPOTECZNEGO WYKOLEJENIA MTODOCIANYCH DZIEWCZAT (The Process of Social Degradation of Young Girls). By *Magdalena Jasinska*. Wydawnictwo Prawnicze. Warsaw, Poland. 1967. pp. 196. 25 zl.

ESTUDIOS ESTADISTICOS DE CRIMEN. (Statistical Studies of Crime). By *Teobaldo Casanova*. Casanova, Inc., San Juan, Puerto Rico. 1967 pp. vi, 867.

Books Received October 1967:

TRAVAIL SOCIAL ET DELINQUANCE. (Social Work and Delinquency). L. de Bray. Universite Libre de Bruxelles. Parc Leopold—Bruxelles 4. 1967. p.382.

- THE INSANITY DEFENSE. By *Abraham S. Goldstein*. Yale University Press. New Haven, Connecticut. p.289. 1967. \$6.00 (paper-back \$1.95).
- OCCUPIED WITH CRIME. By *Richard Jackson*. Doubleday & Company, Inc. 277 Park Avenue, New York, N.Y. 10017. 1967. p.310. \$4.95
- FRONTIERS OF CRIMINOLOGY. Edited by *Hugh J. Klare* and *David Haxby*. Pergamon Press. 44-01 21st Street, Long Island City, New York 11101. 1967. pp. xii, 147. \$7.25.

Books Received during September 1967:

- PROGRESS AND REVOLUTION. By *Robert Waelder*. International Universities Press, New York. 1967. pp. viii, 372. \$7.00.
- OFFICER, TELL YOUR STORY: A GUIDE TO POLICE PUBLIC RELATIONS. By *Jerry Marx*. Charles C Thomas, Springfield. 1967. pp. xvi, 173. \$6.75.
- ALCOHOL AND ALCOHOLISM. *U.S. Department of Health, Education, and Welfare*. Superintendent of Documents. 1967. pp. xi, 73. \$.50 (paper-bound)

- THE ELECTRONIC INVASION. By *Robert M. Brown*. John F. Rider Publisher, Inc., New York. 1967. pp. vii, 184. \$3.95 (paperback)
- ORGANIZATIONAL INTELLIGENCE. By *Harold L. Wilensky*. Basic Books, Publishers, New York. 1967. pp. xiv, 236. \$5.95
- CRIMINAL JUSTICE. By *Abraham S. Blumberg*. Quadrangle Books, Inc., Chicago. pp. xiv, 206. \$5.75

Books Received during August 1967:

- STUDIES IN HOMICIDE. By *Marvin Wolfgang*, Editor. Harper & Row, New York, Evanston, and London. 1967. Pp. viii, 323. \$3.95 (paper-bound)
- THE YOUNG OFFENDER. By *D. J. West*. International Universities Press, New York. 1967. Pp.333. \$6.50
- LE SUICIDE CHEZ LES JEUNES EN BELGIQUE. (Suicide Rate Among Youths in Belgium). By *C. Somerhausen* and *N. Dierkens-Dopchie*. Centre D'Etude de la Delinquance Juvenile. Pp.81 \$2.00 (paperbound)