

1968

Book Reviews

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Book Reviews, 59 J. Crim. L. Criminology & Police Sci. 289 (1968)

This Book Review is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

yet they receive different treatment with regard to evidentiary matters. The proponents of the existing standard may argue that smuggling is unique due to the interest of the state in keeping out contraband. However, is this interest any different than the interest of a state in preventing crime? Furthermore border police may be interested in more than merely the seizure of contraband. The smuggler can repeat his crime at a different entry point if he is not imprisoned for his actions. Thus the rationale for application of the exclusionary rule may apply to border situations as well as those

involving domestic crime, since both may result in conviction.

It appears that the whole area of border searches needs further investigation and thought. The courts should not rely upon precedent without examining whether or not changing circumstances require a reversal of such precedent. When standards are changed, as they were in *Rivas* and *Henderson*, the courts should be sure that these standards have been sufficiently defined to facilitate their application.

Fred Lieb

BOOK REVIEWS

Edited by
C. R. Jeffery

LAW ENFORCEMENT AND THE YOUTHFUL OFFENDER: JUVENILE PROCEDURES. By *Edward Eldefonso*, John Wiley & Sons, Inc., New York, London, Sydney, 1967. Pp. 346. \$6.95.

The publication of this book is timed well, for it appears simultaneously with the various Task Force Reports of The President's Commission on Law Enforcement and Administration of Justice. While the Commission reports are designed for a different purpose—that of inquiring into the present status of law enforcement and the existing system of justice and then to make recommendations of improving them—some of their recommendations are met at least in part by this book.

Mr. Eldefonso has had years of experience working with the juvenile offender as a Group Counselor and as a Probation Officer. He has stated in the preface to his book that it is designed to cover various aspects of police work with juveniles. Both the Commission and the author contend that good and effective law enforcement depends to a great extent on the quality of the law enforcement officers and the training they receive. The Commission stresses the need for upgrading the quality of the officers in their selection and training. Mr. Eldefonso's book attempts to do just this—to offer a book, which can be used as a textbook in relevant police courses dealing with

juvenile offenders, and also as a reference book for such persons. He succeeds in his stated purposes.

The statistical data used come from the Federal Bureau of Investigation and the Children's Bureau. The author is aware of possible deficiencies in these data. If the vast amounts of data accumulated by the President's Commission had been available at the time of the writing of the book, they undoubtedly would have been used. However, their findings do not invalidate in any way the major points brought out in the book, but rather point up perhaps different emphases. A selection of the Commission's reports which concern the youthful offender, together with Mr. Eldefonso's book, would cover thoroughly all matters of concern to officers dealing with juvenile offenders.

Mr. Eldefonso's major point is that prevention is the answer to youth crime; that law enforcement can prevent trouble before it develops.

It is generally agreed that the criminal law does not come into operation before a crime has been committed. The criminal law is not prophylactic in its prevention aspects. But what about the juvenile delinquent laws and the roles of the police? Is prevention a proper aspect here? Mr. Eldefonso answers these pertinent questions with a firm "yes". He then documents his position; for example: In discussing the legal and social com-

ponents of probation and parole, the author defines two roles for the juvenile probation officer—that of social diagnostician, and that of agent of change. As he plays these roles, the probation officer can indeed prevent juvenile crime.

The author stresses the need for knowledge of the juvenile court, of criminal law, of human growth and change, of various theories of causation of delinquency, of various institutions and agencies in the community and the legal rights and responsibilities of juveniles. He discusses those areas with enough relevant information so that the police officer, wishing to be knowledgeable in them, can acquire information without too much detail. For example: In discussing factors and theories relating to delinquency, one area developed is sociological. In this section and in other parts of the book, the author mentions Miller, Cohen, Sutherland, but does not include Merton, Cloward and Ohlin. This is understandable in terms of the purpose of the book—a textbook for police officers and a source book for them. In pursuing this objective the author makes rather heavy use of government documents, and the materials are synthesized and organized to fit the topics discussed.

In addition to serving as a very useful textbook for police courses, there are at least three or four distinctive and distinguished contributions that the book makes. Early in the book, ten cases are briefly presented with a series of questions immediately following each. The author does not attempt an answer, but throughout the rest of the book the questions are discussed with skill, and in their proper contexts. With law enforcement officers in mind, the author presents the Standard Juvenile Court Act to familiarize them with the law. Each part of the Act is analyzed to determine if, under present procedures, the youth is protected and if the rehabilitative theory of the juvenile court procedures is carried out. The third contribution refers to the rights of juveniles. The recent Supreme Court decision in the *Gault* case of May 15, 1967, focused national attention on a subject about which many have been concerned—that of inequities in the administration of some juvenile courts. Mr. Eldefonso discusses the question of minimum procedural requirements in juvenile courts to maintain the rights of juveniles and it is a fair presentation, useful and informative. Still another contribution is the concluding chapter on problems confronting the law enforcement officer with juveniles. In this chapter, the author dis-

cusses juvenile gangs and the role of the police, drug addiction, and other problems. He presents a profile of an adolescent drug addict which is informative and helpful.

Many typographical mistakes, grammatical errors and topical heading mistakes are not up to the usual standards of the publishers. These errors cannot detract, however, from the overall usefulness and excellence of the book in terms of meeting the need for which it was written—that of serving as a textbook and source materials for police officers for juvenile offenders.

University of Colorado,
Boulder, Colorado

GORDON BARKER

DEVIANCE AND CONTROL. By *Albert K. Cohen*, Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1966. Pp. 120. \$1.50 paper, \$3.95 Cloth.

A little over a decade ago, Albert Cohen published an important volume on delinquency—one which demanded serious attention from scholars and practitioners alike. This little book differs from his previous book, *Delinquent Boys*, in at least two ways. First, it is not intended to be a book about delinquency; rather, it is an effort to help the student understand that there is behavior in any society which is viewed as deviant and that delinquency is only one of many possible manifestations of such behavior. For Cohen, "deviance" is the violation of normative rules or understandings. But some such violations are looked upon with greater disfavor than others by the larger society and are consequently regarded as problematic. Cohen urges that a tenable theory—a reasonable explanation which fits the observed facts—should explain *all* norm violations regardless of the strength of reactions from the larger society. Many social scientists would argue, however, that when deviant behavior is defined as a "social problem" by influential segments of a society, it then becomes something different in kind from forms of deviance not so regarded. As a result it requires a different explanation and different forms of control. Presumably Cohen does not take this distinction seriously.

One of the strongest qualities of the book, nevertheless, is the enunciation of important distinctions in types of deviance and types of control. The first three chapters are largely devoted to making such useful distinctions as, for example, between deviant actions and deviant characters. If understanding and control of "naughty" people is to be effected, then it is indeed necessary to

recognize basic distinctions in types of naughtiness, to recognize that they require different explanations and therefore different control measures, and to understand that such types have little to do with the particular varieties of naughty behavior deviants happen to select.

A second way in which *Deviance and Control* differs from *Delinquent Boys*, is that it is intended not so much for scholars and experts as it is for the uninitiated: college sophomores, corrections trainees, and curious laymen. In spite of its grand title, this volume makes no effort to systematically formulate the position of one of the most prominent contemporary thinkers in the field. Cohen's repeated apologies for the space limitations imposed upon him, may reflect his own awareness of this limitation. What we have is a straightforward introduction which makes informative reading for the mature citizen who wants to familiarize himself with current thinking about deviance. Again, in spite of the title, Cohen wisely tends to sidestep the problem of "control". The reader in search of a prescription for his favorite social illness had best look elsewhere.

This is a well documented book that imaginatively employs a wide variety of evidence ranging from personal wartime experiences through studies of Soviet industrial organization. The author provides a concise and reasonable review of the history of explanations of deviance. He is always critical but never contemptuous. For example, after describing the manner in which Hooton's selection of control groups undermined his evidence Cohen suggests that such problems are common to all social research: "And it is always easier to point out defects of control groups than to correct them".

Cohen's impartial analysis of types of explanations is sometimes disappointing. It is not too much to ask an authority to occasionally take a position, assume a stance, make a judgment! He rarely does. For example, after describing the Henry and Short study of suicide and homicide as "an exemplar of scientific method", he remarks that "this description applies equally well to a study by Gibbs and Martin, which offers a different explanation of suicide, proceeding from a very different set of assumptions. We cannot evaluate the relative merits of the two theories here. . . ." In Cohen's cafeteria, the novice, for whom the book is intended, is frequently left hanging with such contradictions. There is, however, an exception to the author's avoidance of strong criticism: "This

theory has been severely mauled by its critics and can no longer stand without modification". The reference is to Albert K. Cohen's *Delinquent Boys*! In addition to this lapse, which may be attributed in part to modesty, there is a laudably consistent (albeit subtle) derogation throughout the book, of what Cohen calls "kinds of people" theories. In the final chapter there is a hasty effort to wed some of the divergent perspectives introduced so impartially in earlier chapters.

In his treatment of differential association theory, Cohen's loyalty to his criminological origins seeps through. Even here he remains fair and detached, but perhaps less impartial—and justifiably so. Sutherland's formulation remains one of the few explanatory theses which can legitimately be called "theory". It has both the logical quality and the empirical credibility to provide a potential for a well rounded theory of the genesis and the continuity of deviant (and conforming) behavior.

Syracuse University

IRWIN DEUTSCHER

MANPOWER AND TRAINING FOR CORRECTIONS.

Edited by *Charles Prigmore*. New York: Council on Social Work Education, 1966. (Single copies available without charge: Joint Commission on Correctional Manpower Training, 1522 K Street, Washington, D.C., 20005.)

The origin of this volume is a series of papers presented at the Arden House Conference on Manpower Training in Corrections in 1964. The conference was sponsored by several national organizations that have interest in correctional manpower, the principal one being the Commission on Social Work Education. The purpose of this conference was to assess correctional manpower needs and resources and to provide a launching platform for what eventually became the Joint Commission on Correctional Manpower and Training. The second purpose has been most admirably achieved, since the Correctional Rehabilitation Act of 1965 was signed into law on September 10, 1965. This act, supplemented by various private firms, is supporting the excellent work of the Joint Commission. However, in relationship to the first purpose, one has reservations about some of the papers identifying the key points of concern in correctional manpower. In some instances the articles seem to be position papers that reflect the disciplines and biases of the authors more than they reflect the major issues in correctional manpower. This is particularly true

for those authors who are advocates of social work training as the primary preparation for those engaged in corrections. Early in the book the point is made that several organizations needed assuring that the conference was not a "front" for any one profession. After reading several of the papers, one can understand why such reassurance was necessary. It is well that this viewpoint is visible however since without question it is a major issue in the development of a meaningful manpower program for corrections.

The book is composed of 15 principal articles by authors who have outstanding backgrounds in the field of corrections and related disciplines. No attempt will be made to summarize the various articles, but their titles give some indication of the direction of the conference: "The Prospect for Corrections", by Daniel Glaser; "The Division of Correctional Labor", by John P. Conrad; "An Assessment of Scholarship Aid in Corrections", by Milton Whittman; "Expanding Educational Facilities for Social Work Manpower", by Ernest F. Witte; "Expansion of Field Work and Internship Facilities for the Training of Correctional Personnel", by Ben S. Meeker; "Manpower and Training in Corrections—Suggestions from the Field of Mental Health", by Daniel Blain; and "The Role of the Private Charitable Foundation in Resolving Manpower and Training Problems in Corrections", by Clyde E. Sullivan. The listing of these few titles in no way indicates that they were of a quality superior to the other papers, but it does indicate the scope of the conference and the variety of papers offered.

A number of major issues are raised by the various authors which it is hoped the Joint Commission will thoroughly explore.

In his excellent paper Glaser makes several significant points. Among these are:

1. That today all correctional institution employees increasingly share diagnostic, treatment, and prognostic responsibilities;
2. That many prevention and treatment programs should be integrated since they complement each other and in many cases are in competition for trained personnel;
3. That the quantity, quality and location of correctional manpower must change. As new correctional programs are developed, new staff training requirements are evident.

Reckless, in his remarks to Glaser's paper, indicates that professional staff has little impact

directly on the inmate and that we must focus on the staff member who has more daily contact with the prisoner. He goes on to say that we must use the professionally trained person more effectively.

In Cressey's reaction to Conrad's paper on "The Division of Correctional Manpower", he advocates a lessening of academic requirements for the correctional worker. He points out that we are trapped in the psychiatric theory of rehabilitation that demands many years of professional preparation before one can work effectively with criminals. Cressey suggests that we must develop sound rehabilitation theory which will allow us to use the vast resources of manpower commonly known as the "sub-professional".

McCorkle and Wagner call attention to a major issue when they point out that there is "little factual information pertaining to the vital issues upon which society's plans for the operation and management of its correctional program should depend".

In several papers there is the suggestion that a new profession or field may be necessary before the problem of training professional correctional workers is resolved. Most of the authors also acknowledge that no one profession has a monopoly on providing a cadre of trained correctional workers.

In summary one can say the volume identifies many major issues in correctional manpower and illustrates the difference of opinions and of philosophies that exist among leaders in the field. Without question it is the most comprehensive treatment of the topic that is available and any person interested in corrections will certainly want to read it.

WILLIAM E. AMOS

Special Assistant to the Director,
U. S. Employment Service,
Washington, D. C.

HANDWÖRTERBUCH DER KRIMINOLOGIE. Edited by Rudolf Sieverts. ("Completely newly revised second edition.") Volume I: A-K. Berlin: Walter de Gruyter and Company, 1966. Pp. viii, 519. DM 180 (approximately \$45; Subscribers for the whole set may acquire the future volumes unbound in fascicles; each fascicle costs DM 24 [approximately \$6.00]).

In April 1933, Alexander Elster and Heinrich Lingemann, editors, released the first volume of the first edition of *Handwörterbuch der Krimi-*

nologie und der anderen strafrechtlichen Hilfswissenschaften (*Encyclopedia of Criminology and of the Other Sciences Auxiliary to Criminal Law*). This was immediately after Hitler had come to power; the text of the first volume, however, was still objective, having been written by contributors who had been chosen without racial or political discrimination. The second volume appeared in 1936. The editors prefaced it with lengthy explanations of the delay that had occurred, and of the reasons for it. The *Handwörterbuch* had become more and more *gleichgeschaltet*, as it progressed. Thus, a number of new keywords, followed by articles, had been added for the very purpose of correcting statements in the first edition that were incompatible with Nazi philosophy and law. Many new authors' names appeared, while old well-known ones disappeared. Characteristically, the first edition never published a list of contributors or even an author's index; this might have been embarrassing after many names had become politically or racially undesirable, lost their positions, and were perhaps imprisoned or had left Germany, among them conspicuously Gustav Aschaffenburg and Hans von Hentig.

The second edition—of which so far only the first volume has appeared—is being rewritten “from scratch”; it goes back to the original scholarly objectivity and high standards. Under the very able editorship of Rudolf Sieverts, Professor of Criminology at Hamburg University, and one of the few remaining contributors to the first edition, a thoroughly prepared, well presented first-rate reference tool is now being offered. Considering its content, scope, and scholarship, there exists nothing among the timid attempts of criminological lexicography in the English language that could be compared to this undertaking.

Noting that the concept of criminology has been broadened in recent years, and that the discipline has also gained greater independence, the editor does not refer anymore to criminology as a science auxiliary to criminal law.

The plan of this work has also been considerably modified. Instead of large numbers of small articles under many headings, fewer, but more comprehensive contributions that cover broad areas, are provided. For example, while there were

sixteen articles in the first edition under keywords beginning with the letter “F”, the second edition has only three. The new edition will comprise four volumes of double-columned pages, with approximately 800 words on each page. It will be substantially larger than the first edition which had only two volumes of similar page make-up.

The first edition was written almost entirely by German authors, with a few from other German-speaking countries; in the second edition, the German-speaking authors, quite naturally, still dominate, but the number of foreign contributors, also from countries where German is not spoken has increased. There is considerably more of an international orientation in the second edition than in the first.

There is also a wealth of bibliographic information in the Encyclopedia, but with the rapid growth of criminological publication, editorial policy has imposed certain limitations on the publications' lists that accompany the various articles: For older literature, only standard works are listed; as to recent publications, a selection is given of non-German publications, while recent German-Language literature is listed as completely as possible.

Long presentations of a legal nature are avoided, although, naturally, a certain amount of legal data (usually based on the law of the German Federal Republic, but also sometimes considering foreign statutes) is often indispensable in a work of this nature. As an example, the article on “Theft” by Günter Suttinger, which is about sixty columns long, contains probably not more than two to four columns of legal matter, all spread thinly through the long article. German theft statistics are discussed at length, and especially also from the viewpoint of hidden delinquency. A good deal of space is devoted to special forms of theft (which include under German law also burglary), but it is characteristic for the non-legal approach that the author's categories are, as a rule, not the legal distinctions of the German penal code. The bibliography attached to the article lists about 120 items, among them 18 non-German language publications.

According to the “Preface” to the Encyclopedia, it deals with criminalistics only summarily, presenting merely “introductory” articles. These articles, however, are quite substantial: “Chemical Examination Methods”, by Walter Specht,

¹ *Handwörterbuch* meaning literally “Hand Encyclopedia” indicates a make-up larger than pocket-size, but smaller than that of a multi-volume standard encyclopedia set.

comprises 24 columns and lists 41 bibliographic items. Incidentally, Berthold Mueller's "Forensic Medicine" has 64 columns and cites about 180 publications.

A number of articles is devoted to background matter and criminogenic factors. W. Jahreiss, now living in Baltimore, writes on "Alcoholism", giving an excellent survey of the problem and of the possibilities and, especially, limitations of treatment. His bibliography lists, mainly, American publications. An interesting article, thoroughly documented and based mainly on sociological and anthropological research in America and several other countries, is H. J. Schneider's "Marriage and Family". He rejects attempts to establish correlations between single family factors and crime, and stresses the indirect effects of the multifactorial interaction between the offender and his family.

Problems of children and youth are dealt with in three articles, "Juvenile Delinquency", by Günter Suttinger; "Youth Protection", by Walter Becker; and "Juvenile Penal (sic) Law", by Karl Peters. Becker's contribution is one of the few mainly legally oriented ones dealing with substantive and procedural juvenile "penal" law, a term quite appropriate for the German system which deals only with acts of juveniles that are criminal offenses in the strict sense, which, by the way, is in accordance with the UN's recommendations.

In the Preface, the Editor calls Germany a criminologically "underdeveloped country". Even if this were true, one can see a lot of matters worthwhile to study for Americans. For example,

certain aspects are dealt with to which American criminology pays little attention.

Recent brain research and other topics of "Criminal Biology" relevant to criminology is described by Friedrich Stumpff. Interesting, also, is Udo Undeutsch's "Forensic Psychology", especially because of Germany's long experience in hearing in court expert witnesses about the trustworthiness of witnesses, and particularly of child witnesses.

Also, little discussed in America is the topic of "Old Age Crime", about which Herbert Lewrenz writes. Denmark's George Stürup, well known for his institution for hard-core sociopaths and for his experiments with castration, writes the article on *Heilbehandlung* (Therapy), which includes sections on the sociopath and also on castration as treatment for certain persistent sex offenders, at their request.

The *Handwörterbuch*, being the only one of its kind, is a basic reference tool for the criminologist. Its acquisition should be considered a must for all libraries in the field of crime and delinquency, and also for other large libraries in the United States. Individual scholars who know German will also find it very useful for its wealth of information, and for comparing American approaches with those in other countries.

The subscription plan enables scholars and small-budgeted libraries to acquire the work in easy installments over a period of time.

ALBERT G. HESS

National Council on Crime
and Delinquency
New York, New York