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Just ten years ago, the American Institute of Criminal Law and Criminology, mainly under the inspiration of its then president, the lamented James Bronson Reynolds, planned to organize and to stimulate regional surveys of criminal justice; aid was received from funds of the Carnegie Corporation and of Mr. John D. Rockefeller, Jr. In the same year was published the first part of the Cleveland Survey, undertaken independently by the Cleveland Foundation. Surveys of areas in Connecticut, Georgia, and Tennessee, were published in this JOURNAL. Surveys of Missouri and other regions were made and published by independent organizations. In the meantime the method has received general approval. Surveys following in many regions are now completed or in progress; and the above Virginia achievement is the latest to appear.

The Virginia Survey purports to be only a beginning of a comprehensive task; but it is a substantial beginning, well suited to enlighten the public as to conditions and needs. In time, the years taken were 1917, 1922, 1927, and part of 1928; in area twenty-six counties and eight cities, thus covering in population about one-third of the State's total, and in social conditions all the typical differences.

In Chapter III the figures of crime-charges are shown grouped by five areas. Thus we learn, for example (p. 35), that in the Appalachian area the total felony charges rose from 117 per 100,000 population in the year 1917 to 332.7 in 1928; and that the liquor-felony charges in that period rose from 0 to 93.7 per 100,000 population. The liquor-felonies in 1927 formed nearly one-fourth of all charges.

We learn also (p. 36) that in that Appalachian area, as compared with the State at large, the non-liquor felony charges showed practically the same rate in 1917 and again in 1927, but that in 1922 and again in 1928 the Appalachian ratio was relatively as about 4 to 3. On the other hand (p. 39), in the Tidewater area, the ratio between that area and the State at large remained virtually constant; the Tidewater rate being always slightly lower. Such revelations from the figures are what set the problems for the social science interpreter.

Again, in contrasting urban and rural areas (p. 63), we are shown that the rate (per 100,000 population) of total felony-charges, which has been almost steadily rising between 1917 and 1928, has risen in almost parallel lines both in urban and in rural areas; the urban rate being always much the higher. Moreover, taking non-liquor offences separately, the parallel becomes exact.
It is such comparisons as this that impress upon us the truth that crime conditions constitute problems that are essentially local, not national. Certain general influences no doubt obtain throughout the nation. But in getting at the practical problem of repression, the application of the remedies becomes a local problem, for which the local agencies of the State are responsible. We shall never make much progress (apart from the 18th Federal Amendment) with the crime problem until each State recognizes and assumes its responsibility for its own areas and population. And the current flabbiness and inefficiency of State government gives us here a gloomy outlook.

The Survey report continues with Chap. IV, "How the Courts Dispose of Their Business," Chap. V, "Sentences," Chap. VI, "Time of Disposition," Chap. VII, "Official Opinions," Chap. VIII, "Indications." In each chapter are numerous paragraphs dealing with the details of those larger heads. The only fault we have to find with this most excellently thorough presentation of the facts is that no detailed table of contents is provided, either for the individual chapters or for the book as a whole. The reviewer knows how easy it is for the survey-workers, absorbed in their material, to forget to provide these helps; for he himself had tediously to prepare the detailed chapter-contents and book-contents for the thirty manuscript chapters of the Illinois Crime Survey, and he had frequent occasion to wish that the numerous accomplished scientists had prepared in duplicate their own chapter-contents while they were preparing their text. Nor is there here provided any list of the valuable tables and graphs. There are 70 tables and 44 graphs, but without any help to locate them; one must turn the pages.

The comments in Chapter VIII deserve serious reflection by all students of criminal justice, but particularly by the legislators and the people of Virginia. So many of the many wrong features of our criminal justice are obvious to the thoughtful that progress seems far away; and in Virginia these shortcomings are as obvious as elsewhere—prosecuting attorneys who are paid by fees and elected by popular vote; magistrates untrained and paid by fees; grand juries obstructing procedure; petit juries of needlessly poor quality; sentences fixed by juries; and so on through the long list.

Must a democracy always be characterized by inefficiency?

JOHN H. WIGMORE.
Northwestern University School of Law.


This book presents a sweeping review of the psychology of testimony. The story it contains of investigations, theories, and practice are nearly all related to Germanic countries, but then most of the investigations dealing with testimony have been by Germans. Some 606 titles and the conclusions of many research and practical workers are given.

The author writes from a well-balanced point of view, includes findings and opinions of both jurists and psychologists, for the most part in brief, and gives many illustrations from cases. There is offered not so much the writer's own investigations but rather an account
of nearly everything that others contributed. Reliance is placed most of all upon the contributions of W. Stern, but many others are cited. Particularly commended is Hans Gross who did so much for the betterment of the understanding of the pitfalls of testimony; he it was who brought this matter to the front in his handbook for examining judges.

It seems to the reviewer rather curious that throughout the book and especially in the final conclusions there is relatively so much space given to the testimony of children. Perhaps this is because children are easier subjects for psychological experiment, but it is also due, no doubt, as we have noted in much other foreign literature, that on the continent the problem of children’s testimony is always to the fore. Is this because children there have reason to make many more accusations against adults? The reviewer has been told that the trouble is most largely due to attacks of intoxicated persons upon children. Perhaps through the knowledge of the commonness of this—but one cannot be sure—children become cognizant of the possibility of making false accusations. A considerable German literature has grown up about this matter of accusations by children and there are those who specialize in attempting to decide on the value of children’s testimony in such cases.

In any case Mönkemöller seems to feel that nothing very much can be done by psychologists or other specialists about the matter of deciding the validity of adult testimony—a trained judge could do pretty nearly as well as anybody else except where there is personality pathology or mental abnormality. In the case of children the opinion of school people, who naturally know the children well, must be taken into account, but sometimes psychologists and psychiatrists can play their part in helping decisions of the court. Always studies of psychiatrists are necessary if sexual questions are involved.

The author insists that, for betterment of practice, judges, police, social workers, and teachers should be familiar with the snares and pitfalls of testimony. However, nothing will help so much as effective training of children in powers of observing and recording correctly their observations. This should be a part of their regular training in school. Testimony is an important enough matter to have consideration in the school curriculum.

In many cases, particularly in adults, it is difficult to be certain about the correctness of testimony that is offered, even with the most careful and individualized procedure concerning the witness. Frequently in court even the opinions of experts lead to little else than a non liquet.

The author has quite a few recommendations to make concerning the work of the examining judge, the police, and of others who have to do with witnesses, and explains many of the conditioning factors of testimony. There are, then, measures to be adopted that will aid in better getting at the truth. He feels very uncertain that science can offer much that is of very great value. To know certain principles of procedure and to realize the peculiarities of individuals at various ages and of different types of pathological mental makeup are the main points. The rest is all to be left to the discretion that is born of experience and common sense.

The author takes a very human standpoint and speaks keenly for
the protection of children during the court procedure. His attitude all through is sincere, not only in its appreciation of human frailties and limitations, but also in his sounding of some notes of optimism in regard to the possibility of betterment of both civil and criminal procedure.

From his long consideration of the practical situation and of the present development of the science of psychology, Mönkemöller is of the strong opinion that one cannot expect absolutely correct judgment in any case. General conclusions about the validity of testimony are not to be relied on: the main problem is always the individual case, with all that influences and sways the individual's mental life. Under even the most favorable circumstances the exact correctness of testimony is a question of greater or less probability. There are always limitations of the power of a witness to testify to the exact truth and a critical attitude should always be taken.

AUGUSTA F. BRONNER.
Judge Baker Foundation.

HEALTH AND MEDICAL SERVICE IN AMERICAN PRISONS AND REFORMATORIES. By Dr. Frank L. Rector. vii+282 pp. The National Society of Penal Information, New York, 1929. $2.50.

Within recent years much has been written concerning the psychology of the criminal, his classification, and his relation to environmental and hereditary factors, but little seems to have been said about his physical health. This oversight is especially striking in view of the prominent place that medical problems have come to occupy within the community since the World War. The appearance of Doctor Rector's survey, therefore, is quite timely.

Prime consideration has been given in this study to a careful evaluation of health conditions as they are known to exist by actual visitations to prisons and reformatories throughout the country. In a certain sense, the book is a field manual of facilities available for a health program for correctional institutions. Not the least important factor in the survey, however, is the author's broad concept of health and medical service. With much plausibility, he includes under these terms such divergent topics as sick calls, hospitals, sewage disposal, water supply, health, education, recreation and entertainment. By the same token, the physician is brought from his place of relative obscurity to occupy a keystone niche within the organization of the institution. To those who have worked at close range with the individual problems of inmates, Doctor Rector's viewpoint of the administrative placement of prison physicians seems eminently sound.

The situation as revealed by the survey is far from heartening. Great gaps exist in fundamentals of service that seem to be so necessary as to require no dispute. Among the sixty prisons studied, 30 per cent were found to be using hospitals outside the institution. Physical examinations after admission of the inmate are never made except in the few instances upon release many years later. The employment of psychiatric methods as an approach to the individual problems of the inmate is practically unknown. The unexcelled opportunities for research likewise are universally neglected. Perhaps the most telling points revealed in this connection are the pitifully low salaries of the prison physicians.
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and the lack of scientific nursing because of the use of inmate help. In the former situation, the physician ultimately loses scientific interest and becomes highly institutionalized. From the latter viewpoint, the sick inmate suffers from inadequate nursing care.

The obverse side of the picture, however, indicates progress in the physical health and well-being of prison inmates, especially during the past ten years. The steady decline of the curve of incidence of tuberculosis among prison populations is one of the outstanding features of medical service that can be pointed out with justifiable pride. Venereal diseases, although frequent, appear to be cared for adequately. The dental service is also high class and for the most part is available to all inmates short of expensive procedures. Food has become noticeably more abundant and better in quality than in previous years. Methods of cleanliness with improved housing have followed much agitation on the part of the public within the past five years. Probably no exaggeration of statement will be made in asserting that the offender as an individual has opportunity for much better medical and dental care while incarcerated than he ever enjoys outside the walls.

The manner in which the material of the survey has been ordered is not the least attractive portion of the book. With true journalistic perception, the author has presented the salient facts of his exposition by an introductory summary and list of recommendations. One has the argument well in hand before proceeding to the main body of the work. The print is large and more than ordinarily readable. The survey is one of the excellent series of studies on prison topics prepared by the National Society for Penal Information. It is quite worthy of careful study and of a permanent place on one's shelf of correctional literature.

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Justice is a matter of judges. It cannot be anything else. And from the black-robed, black-capped figure with a blank outline for a face, who appears on the wrapper of this book, only a blank outline kind of justice can come. It is the purpose of Mr. Beradt to proclaim that fact in these two hundred odd pages of slightly crabbed and stilted German.

It is a familiar indictment and in the main quite justified. It is perhaps more justified in Germany than it would be in England, the United States, or France, but if this book were more of an analysis of the situation and less of a polemic pamphlet, Mr. Beradt would have given more weight to the exceptions he grudgingly recognizes in his overemphasized and overgeneralized assertions. Above all, he would have noted that these exceptions concern not only particular judges, but also moments, phases, circumstances, and stages in the activity of most judges.

As far as the general problems of the judiciary are concerned, it cannot be said that Mr. Beradt has anything like the insight exhibited by such a charming presentation as Judge Cardozo's Nature of the Judicial Process. Nor does this book, for all its polemical fervor, compare in vigor, raciness or eloquence with Ernst Fuch's, Juris-
tischer Kulturkampf, let us say, or his Gemeinschädlichkeit der konstruktiven Jurisprudenz. But the author makes some very telling points and does not hesitate to make a number of concrete suggestions, all of them tending to bring the administration of Justice in closer touch with practical life and to free the judge from the necessity of considering too long and too closely, what are, in the last analysis, the words of a printed book.

The especial value of the book is the insight it gives us into the special situation of German judges as compared with judges in other jurisdictions. Mr. Beradt strikes what may be called the dominant note of the German system in his forcible presentation of the anonymity of German judges. More than in most other places, judges tend to hide their persons behind the name of their functions. They prefer to speak in the passive. It has been noted by high-spirited literary critics that the signature of a judge to an official document is regularly illegible.

The result is that the judicial career has had little attraction for men of powerful personalities. There are few, if any, famous judicial names in German legal history of the last hundred years, although there are many famous advocates and scores of famous professors of law. The nobility as a class shunned it. It drew its members largely from judicial families and the less ambitious scions of the bureaucracy. Inevitably, timidity, conservatism, subservience to authority, were frequently exhibited and seemed to give a real basis for the furious attacks on the judiciary which emanated so frequently from radical leaders.

It is interesting to note that in a jurisdiction which decries case-precedents and professes to be guided by a carefully formulated and scientific code a practicing lawyer like Mr. Beradt finds the constantly mounting mass of decisions to be one of the chief obstacles in the proper manipulation of law.

Further, and particularly in his last chapters, Mr. Beradt brings out an element in existing German conditions, which might well have made him pause in writing the earlier pages. The judges are largely holdovers from the imperial regime. Most of them have taken the oath of allegiance to the Republic, but their sympathies, their enthusiasm, their almost religious veneration of the older system has adapted itself ill to a new one in which highest political authority was typified in a saddler as Reichspräsident. And their decisions have exhibited a very definite personal coloring, a conscious aim, a strong approval and disapproval — anything, in short, except a helpless surrender to a printed regulation.

In other words, the difficulty with German judges, as with most others, is not that they are indifferent to living values, but that their scale of values is different from those of their critics. When, as at present, these critics in Germany constitute the great mass of people, intelligent and politically conscious, it is likely enough that they will succeed in forming a revaluation upon their judges, in one way or in another.

MAX RADIN.

University of California.


"The Education of Adult Prisoners," prepared for the National So-
ciety of Penal Information, will be received with gratitude and appreciation by all who are interested in the welfare of the men and women who form our prison population.

Mr. MacCormick, educator and well-known penologist, has a background of training and experience which admirably fits him for the task of making this study of educational and library work in American prisons and reformatories for adults, and to formulate an educational program which might be adopted as a standard for penal institutions. Having visited practically every prison and reformatory, both state and Federal, he is thoroughly familiar with existing conditions.

The book comes at a most opportune time. Interest in constructive plans for the rehabilitation of adult prisoners is not confined to those having contact with or who are immediately responsible for the welfare of prisoners, but extends to a greater degree than ever before to the general public as well. Our prisons are crowded. General industrial and economic conditions make it increasingly hard to provide employment for our prison population. A sane and practical program of education for the incarcerated men and women might have gone far toward eliminating much of the difficulty which has occurred throughout the country during recent months. Both physical and mental unemployment brings grave problems. Well ordered mental tasks would go far toward eliminating the monotony, loneliness and bitterness of spirit that inevitably result from idleness. Mr. MacCormick’s book is the most concrete and comprehensive plan for the education of adult prisoners yet offered; in fact, it is the only complete one.

The author states in the preface to his book, “That it would be possible, within the compass of a brief volume to record what is now being done in penal institutions, how existing educational work can be made more effective without any substantial increase in appropriations and how the present low aim can be achieved a little more successfully.” However, he does not consider this worth doing and he has knowingly and deliberately set an aim higher than any penal institution can achieve with present appropriations and present personnel.

The author recognizes the fact that the ideal program which he has set up is of necessity almost wholly a theoretical one, since no practical demonstration of effective educational methods has been, or can be, made with the inadequate data available. He states that—“It is not claimed that education provides that single formula for the solution of crime for which society is so restlessly and so fruitlessly seeking — fruitlessly because no single formula exists.” But the program is presented with the knowledge that “When the solution of crime is found, if ever, the search will have led into every field of humane knowledge, not alone into the social sciences and not alone into the terrain of any one agency, such as education . . . The tools of education, while no guaranty of character, are a powerful aid in forming or transforming it and education of prisoners offers one of the very real hopes for their rehabilitation.”

The author goes on to state that “in brief, we are not ready to make education’s efficacy in turning men from crime, the only criterion in judging the value of education for prisoners . . . If we believe in the beneficial effects of education
on man in general, we must believe in it for this particular group which differs less than the layman thinks from the ordinary run of Humanity. . . . If on no other grounds than a general resolve to offer educational opportunities to undereducated persons wherever they may be found, we recognize that our penal population constitutes a proper field for educational effort."


The appendices prepared by John Chancellor contain practical suggestions for the operation of institution libraries, sample of reading course prepared for prisoners, suggested list of text books and aids in the field of vocational education.

It is true that this unusual book sets up a program of complete and ideal standards, which may seem almost unattainable under existing conditions. However, intelligently used, this wealth of material can be applied in such manner as to lay a proper foundation on which to build from year to year, as appropriations and personnel permit—a real educational program—not mere schooling, (teaching the illiterates to read, necessary as that may be), but training the prisoners for better life in the community to which they return.

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This work affords now a complete presentation of the debates that have been going on in France, for a generation past, over the retention of the jury in criminal justice. The issue in France does not involve, as with us the heavy weight, on one side, of history and tradition; for the jury there came in with the Revolution only, less than a century and a half ago. But the popular tribunal responds there, as with us, to the democratic instinct for a share in the administration of criminal justice. Hence the critical dissection of its faults has to encounter much the same opposition of sentiment.

The author, who brings to his task a forensic experience of many years and a literary experience gained in the preparation of several other works, presents the issue thoroughly, and with that lucidity which is characteristic of most French juristic writing. His own views favor a radical reform though not an entire abolition of present practices. But this general conclusion should not in itself be deemed a judgment on the American jury, because the law and the social conditions of the French jury system differ at important points from the American system, and the jury's specific shortcomings and
virtues in France may not be paralleled in our own country.

The book, after an introduction sketching the issue as it arises in public and professional opinion, divides its treatment into three parts. Part I expounds the history and theory of jury trial in France. Part II classifies and analyzes the various criticisms. Part III sets forth the proposed reforms. We cannot, in our country, hope to appreciate with exactness the significance of the features of this institution in a people so different from us in psychology as the French. But we can at any rate try to understand the facts which the critics there urge as faults.

The jury in France came in with the Revolution, as an adaptation from the English model. The philosophers of the preceding period had promulgated an admiration of English institutions; and the popular sentiment of the Revolutionary republic demanded that the people through the jury should share in the administration of justice, as a safeguard against the oppressive magistracy of the abolished monarchy. When Napoleon sanctioned the Code of Criminal Procedure, he allowed the jury to remain, apparently because he believed that this popular institution would support him as against the displaced political elements of the old aristocracy. Under the succeeding monarchies, various amendments were made, corresponding to changes of political parties. In 1853 the final change allowed the verdict to be given by majority vote.

In Part II, the author proceeds to his "étude critique." At the outset he concedes that the jury may be aptly used for charges of political crime. He then proceeds, in Chap. I, to deal with the jury's shortcomings; and the first (which he terms "the essential defect of the modern jury") is the separation of function defined by law and fact, i.e. the jury is allowed only to consider the issue of fact, and cannot consider the law. By "law" the author here means chiefly the law of the penalty; the jury determines the facts without knowing the legal penalty attached to their findings. But as to the legal definitions of the crime charged, we do not follow the author's complaint; because we can hardly believe that the French judge fails to furnish them with instructions of law to guide them. There is here some lacuna both in the author's exposition and in our understanding of the practice.

Chapter II names, as the second defect, the mode of selection of the jury. In one way or another, the jury comes to be "an aggregation of mediocrities." One cause is the (to us) familiar one, viz., evasion of jury-duty by "the more educated citizens, who by their capacity and social status would be the best qualified." Whether the average French jury is as mediocre as the average American jury (if there is an average, which we doubt), can of course not be determined; no observer is qualified to speak comparatively. But the author's standard is obviously an exalted one; he has in mind a jury of persons skilled in judgment of evidence— a professional jury.

Chapter III has for its burden of complaint the failure of the jury system to improve with time as other elements of criminal justice have improved. Concretely, this charge seems to involve the juries' continued leniency to charges of fraud, in particular fraudulent bankruptcy, and their frequent whimsicality in acquittals. Chapter IV notes that the jury's verdict lacks any statement of its reasons,
and therefore cannot be checked for errors. Chapter V urges that the juries' verdicts do not represent public sentiment accurately; thus failing to fulfill the function which has been attributed as the principal justification of the system. Chapter VI addresses itself to the boasted independence of the jury, as a check on the magistrates' interference with civil liberties and their abuses of authority; and proceeds to minimize the value of this supposed virtue. Chapter VII deals with the supposed merit of the jury system as a means of popular education in public justice and morality. This merit also the author belittles. Finally, Chapter VIII repudiates the supposed merit that the jury is favored and demanded by public opinion.

In Part III the author arrives at his proposed remedies. The first and greatest is to "specialize" the jury; but just how this is to be done is not explained. The second consists in a revision of the code's classification of offences. It seems that in current practice a large proportion of serious crimes come to be tried as misdemeanors by magistrates only without a jury. The bearing of this reform is not obvious without a full understanding of French criminal law. The third reform is the "specialization" of the judges, apparently by restricting judges in criminal courts to that branch exclusively, and by requiring of those judges a better preparation for their task. The fourth reform consists in abolishing the "separation between fact and law," i.e. in admitting the judge to the deliberations of the jury-room; thus giving to the jury, not only a knowledge of the law's penalties, but also the assistance of the judge's skilled opinion on the evidence. It seems that in some of the Swiss cantons an analogous practice already exists. For the American problem, this measure corresponds (in part) to the proposal to restore the judge's power to comment on the evidence. The author is enthusiastic over this fourth reform. Finally, his fifth proposal is to require the verdict to be "motivated," i.e. to set forth the reasons. Just in what form or in what details this to be done, does not appear, whether it is to be by an elaborate finding of facts and law (like our chancery opinion), or by a recital of answers to specific questions (like our "special findings," usually miscalled "special verdict"), or otherwise, is not vouchsafed.

So much for this elaborate comment on the reform of the jury system. We have recited in some detail the points made by the author, because we wished our readers to have a pretty clear impression whether anything could be gained from this treatise by way of help for the solution of our American problem, pressing as it is.

Our own opinion is in the negative.

In the first place the book is not truly scientific. There is virtually no disclosure of the statistical facts affecting the various faults and remedies. The authorities of fact adduced are chiefly eminent writers on criminal law, as well as journalists and parliamentary debaters; and even such distant witnesses as Tolstoi's novels. In any one of our recent State surveys of criminal justice the chapter on juries has more concrete facts than in this entire book. The author's recital of general tendencies may be correct enough; but he has not given us the proofs.

In the second place, the treatment is partisan. The author starts with strong convictions; that is well
enough. But he constantly applies epithets denunciatory and contemptuous which indicate that he is not in a judicial frame of mind. "Illusion," "archaïque," "sottise," "mystique," "divinatoire," "incohérence," "demodé,"—there are too many and too frequent expressions of this sort to allow the reader to believe that the author has been able fairly to state the facts on the other side. In short, the book is a brief, not a judgment. And we are obliged to say this because the eminent dean emeritus of the Paris Faculty of Law, M. Larnaude, has launched the book with a preface in which he characterizes the book as having "the valuable merit of impartiality, —in the current phrase [which does not sound so French], of objectivity; the author sets forth the pro and the con with equal serenity." This recommendation was what led us to peruse the book with some hope and much particularity. And we did not discover in any marked degree the quality named by the distinguished dean.

In the third place, we rise from the book believing that our own problem is not going to be helped appreciably by studies of experience in other countries. Laws are different. Practice is different. The bar is different. Public morality and social conditions are different. In short, so much is different that no direct and valuable lessons can often be drawn from experience elsewhere with what is apparently the very same institution. And this pessimistic conclusion applies, we believe, though in less degree, to England, and not merely to France and other countries. The differences are not only so substantial on the face, but so subtle underneath the surface, that inferences are apt to be misleading. For example, the French jurist advocates letting the French jury be judges—both of law and fact, and also letting the French judge comment to the jury on the evidence. But our own best professional opinion repudiates the first of these proposals, and accepts the second one. For the American problem, the two represent conflicting principles. The same person in the United States could not hold both views. Yet in France he does. Evidently the conditions underneath are so different that the remedies cannot be equally applicable.

This is not to anathemize the study of foreign institutions. Far from it. But it is to warn us against the hope of profiting much and against the risk of believing in appearances. Each country must ultimately decide its problems of justice in the light of its own conditions.

JOHN H. WIGMORE.
Northwestern University School of Law.


This is a scholarly and useful examination of the process of county administration in Virginia. It is divided into seven parts, each of which is devoted to a specific problem. The topics covered are the problem of function, i.e. the organizing agencies for the performance of certain functions, the county library for instance; the problem of finance; the problem of area, i.e. the adoption of the county to rural areas; the problem of personnel; the problem of the physical plant, i.e. jails, schools, etc.; the problem of relationship, i.e. the relations of the county to state gov-
ernment; and the problem of management. The work is a mine of information to students of local government, being filled with statistical material skilfully arranged. There are one hundred tables some of which cover eight or ten pages.

While primarily a general work on county administration there are several admirable chapters which would interest the criminologist. Chapter III, "Public Welfare Organization," describes the structure of welfare machinery in some fourteen counties of Virginia. Chapter VII discusses the movement slowly progressing in Virginia to do away with the major powers of the customary justice of peace and to substitute a newly created type of justice—the trial justice. The appointive power rests in the hands of the circuit judge and the fee system of payment is eradicated from the office by the statutory declaration that "he shall receive no other compensation for his services" except his salary. While only a few counties have instituted this office, which by the way does not abolish the office of justice of peace, they are reported to be overwhelmingly in favor of the plan.

Another Chapter, XV, is devoted to the operation of the fee system. "An officer, such as the sheriff, would be bankrupt if he depended upon the fees he derived in enforcing the law. He must turn himself into a restaurant proprietor and cook, as the county jailor, in order to recoup his losses and by excess earnings from the jail mess secure the major part of his income." In Virginia there is, however, a maximum schedule beyond which the officials cannot retain any fees accruing from their services, and the Virginia system seems to be a compromise between payment by salary and allowing the official to keep what he may be able to collect. The "expense" accounts of the office present the most serious difficulty in administering the plan.

Chapter XVII is entitled "The Heritage of the County Jail." The jail is the distinctive penological institution of America whose utility is based upon methods thoroughly discredited. Virginia has many jails, one-fourth of all in fact, which were erected before the Civil War. Most of the remainder are totally inadequate. In eighty-three jails women prisoners are under the surveillance of men keepers. Nine of the fourteen city jails lack matrons. The failure to segregate the juveniles from the adults and the diseased from the healthy is pronounced. Sanitary conditions vary widely. But this statement appears, "The entire building usually is adapted to jeopardize the prisoners' health." The sole corrective influence afforded by the jail is the deterrent influence of incarceration behind the bars, and there "the seasoned practitioner conducts a round table on devious methods before apt pupils." These findings on the county jail substantiate the report of the National Crime Commission and the report of the hearings before the Federal Committee on Penal and Reformatory Institutions. These reports condemned the county jail as an antiquated institution. There is some tendency toward reform in Virginia in the development of the plan of maintaining city jail farms.

Other chapters contain points of great general interest but little for the criminologist. However, the entire volume represents a most able and timely study. Work in the field of local government is one of the greatest needs in the social sciences and it would be to their advantage if other states would fol-
low the lead of the Virginia Institute for Research in the Social Sciences.

Newman F. Baker.
Northwestern University School of Law.


The title of this volume is doubly appropriate in that its subject is children living at cross roads in rural districts and also children at the cross roads between opportunity for development and satisfactory adjustment in their community and neglect, maladjustment, social failure and delinquency. The book is based on the work and experience of visiting teachers in three rural counties in New Jersey, Ohio and Missouri, and was written from the study of case records and other data obtained in the prosecution of this work, at the instance and request of the National Committee on Visiting Teachers. It treats of the pioneer work of visiting teachers in these country districts, and the added difficulties involved in having none or few agencies available, in bad roads, long distances to be covered, and the prevailing isolation, ignorance and general lack of finances, and the all too frequent lack of appreciation of the advantages of an education and the extent to which country children are kept out of school on account of these causes and in order that they may perform work on the farms. There is also indicated what can often be accomplished by ingenuity, tact and patience combined with social insight, practical sense and training for seeing and solving the difficulties presented.

The book is divided into four parts. The first is entitled "The Rural Child and the Community," and contains narrative accounts of four cases setting forth the problems and difficulties involved, especially community factors, and what was done toward adjustment and solution in these cases, and a section dealing more generally with "Community Factors in Maladjustment" in rural areas. The second part, under the heading "The Rural Child at Home and in School" presents five more or less typical cases, and at the end, a consideration of "Home and School Factors in Maladjustment," indicating various differences in the situations in which the country child and city children are placed as regards both school and home life.

These two parts comprise the main portion of the volume. The cases are aptly and interestingly presented, sometimes with touching appeal, and graphically set out the problem and difficulties encountered and the results achieved, as well as failures in accomplishment. The last two parts of the book deal with "Visiting Teacher Work in a Rural Setting," stressing the multifarious tasks these workers face and discussing the difficulties of transportation, and "Group Work in School and Community."

The value and the need of a broader social program in the schools is recognized and due emphasis is given to the necessity of the home and the school intelligently working together to prevent maladjustment and to secure satisfactory adjustment of the child in the community life. The visiting teacher has an important place in such a program in linking home and school in harmonious and united effort.

This volume gives an interesting and valuable exposition of this
work and the need for it in rural communities.

HERBERT G. COCHRAN.
Juvenile and Domestic Relations Court, Norfolk, Virginia.


Miss Wilson is a novelist. She lived for many years near the border of Illinois and Wisconsin. Falling in love with an Englishman, she married him. Like women in so many countries, she followed her husband to the place where work carried him. This took her to an English prison, for her husband became governor of such a prison; thus, her nose was rubbed into prisons accidentally, so to speak. She was the stupid sort of person, she says, who had no intention of becoming interested in crime; to her law-breaking was "known, stale, uninteresting." Imagine her astonishment, then, to discover that criminals were, after all, in some fashion, human beings; she could not get over it. To a novelist, of course, this was a challenging discovery—for the raw material of novelists is human beings.

She does not, however, write about individual prisoners. Her book is of a different sort. She tells, first, the history of punishment, and then she discusses some aspects of English penal practice. At first she was going to call her book "The Punishment of Crime" and then the bright idea struck her that it ought to be called "The Crime of Punishment."

Her history of the methods used to punish criminals is hardly new, but it is told with a woman's vivacity and interpretation, and is acceptable for accuracy. It is in the last part of her book that she hits the heart of penology; England, she says, is discarding imprisonment. With considerable criticism of the United States, she declares that England has reduced the number of institutions for offenders, has decreased offenses calling for imprisonment, has lowered length of sentences and has progressively increased the amount of time which a man can earn off his sentence by good conduct. No doubt these measures do tend toward the discarding of the conventional method of imprisonment—and England's development in this regard is a challenge to every nation using incarceration. In our own country, of course, the story is quite different; we build more prisons, we lengthen sentences, we reduce "good conduct time"—and our prison populations increase.

Miss Wilson thinks England is the "most law-abiding nation in the world"—and she thinks the discarding of imprisonment has much to do with this; if anybody could prove that, he would fire a shot to be heard around the world. Nor does Miss Wilson tell us what is taking place of imprisonment. Her book seems to lend itself to the inference that crime is going down in England; that since there are fewer prisoners, there are fewer criminals. This deduction cannot be drawn.

England is using probation more than ever—and offenders who once would have been sent to prison are now placed on probation; fines, it is understood, constitute a commoner form of punishment also. Nevertheless, Miss Wilson has given us a most interesting picture of the reaction of a sensitive and intelligent woman to that most extraordinary institution, the prison.

WINTHROP D. LANE.
Croton-on-Hudson, N. Y.


The monograph by Professor Tönnies is one of a series of studies on crime in Schleswig-Holstein by him. It is a statistical study of criminals who were born out of wedlock or who before the age of twenty lost one or both parents by death. The factors of illegitimacy and orphanage are considered in relation to the types of crimes committed, the rural or urban character of the place of birth, the mobility of the criminal, his education, and his occupation. The data consist of the records of criminals committed to convict prisons or sentenced to death by the courts of Schleswig-Holstein for selected parts of the period 1874-1929. The quota of the illegitimate is approximately twice as large for prisoners as for the free population, and the quota of orphans among prisoners is even greater in proportion. The detailed analysis of the relation of illegitimacy and orphanage to the other specific factors is the important contribution of this monograph.

Dr. Gast's pamphlet contains a statistical and typological study of murder in Germany. The criminal statistics of Germany are analyzed to show murder rates by years from 1882 to 1927, the distribution of murders by provinces and by months, and the distribution of murderers by occupation, age, and sex. The typological portion of this monograph consists of descriptions of types of murders, classified by motives of gain, rage, lust, and political fanaticism. One of the most significant conclusions of the study is that murder differs decidedly from manslaughter. The trend in the murder rate has been different from the trend in the manslaughter rate. In addition, of 271 persons accused of murder in one year 113 committed suicide, of whom 24 were not liable to the death penalty because the murder had not been consummated, while of 170 persons accused of manslaughter not one committed suicide.

E. H. SUTHERLAND.
University of Chicago.


At a time when so many thoughtless persons are advocating a greater rigor in the criminal law as the proper means of bettering present day conditions and checking the increase in the homicide rate it is good to know that there are movements on foot for the abolition of the death penalty, even in first degree murder cases. It is good to learn, for instance, that there is a strongly backed effort in Massachusetts to have the Governor appoint a Commission to study the matter of capital punishment and report whether it should not be abolished—an effort that may likely prove successful owing to the shock that the public recently received when a man named Cerro escaped the electric chair by a reprieve granted within five hours of the time set for his execution, the man
being subsequently found "not guilty" of the murder for which he had been convicted, new testimony having come to light that involved another defendant. Witness also the refusal by Governor Woodring to approve bills restoring the death penalty in the State of Kansas, and the negative vote of the electorate in Michigan on the same proposition in that State.

Best of all is the stand taken by the Select Committee on Capital Punishment appointed by the British House of Commons more than a year ago. Their Report is most interesting reading, and their recommendations, if carried out, must eventually lead to the total abolition of the death penalty in England.

Most interesting are the Committee's discussion of the deterrence of the death penalty, and the deterring effects of life imprisonment, and the portions of the report having to do with the certainty of justice, so greatly to be desired, as opposed to severity of punishment, in respect of which one may well recall the words of Blackstone, quoted by the Committee:

"Sanguinary laws are a bad symptom of the distemper of any State, or at least of its weak condition."

Also the portions of the report having to do with insanity; the rules laid down in the McNaghten case; the irreparability of the death penalty, and the safety of the public; the reasons for a continuance of capital punishment, and the reasons for its abolition being stated fairly in each instance. Almost one-half of the report is devoted to a statement of the laws of countries other than Great Britain.

Its review of the laws of our American States is most enlightening. The Committee wisely refrains from drawing inferences from the homicide rates for the States and cities in which capital punishment is still in force, for the nine States which after the abolition of the death penalty have reinstated it, and the eight States in which the death penalty is no longer on the statute book. The Committee contents itself with the statement of Judge Kavanagh, who, as we know, is in favor of capital punishment, that abolition "has been justified by results in six of the eight States that have adopted and retained it."

The Committee closes its report with certain conditional recommendations which it puts forward, should Parliament decide to maintain the death penalty. These conditional recommendations are as follows:

"1. That the McNaghten rules on the subject of Insanity should be revised, so as to give fuller scope to general medical considerations, and to extend the area of criminal irresponsibility in the case of the mentally defective, and of those who labour under some distinct form of Insanity.

"2. That the Death Penalty should still, in law, apply to women on the same terms on which it applies to men; and that in this respect the Secretary of State for Home Affairs and the Secretary of State for Scotland, in tendering advice as to the exercise of the Royal Prerogative of Mercy, should continue to take each case on its merits.

"3. That inasmuch as 21 is the age when full civil responsibility is assumed, it should also be the age below which no one should be sentenced to death.

"4. That there might be a still larger exercise of the Royal Pre-
rogative, and a raising of the line that has come through precedent to mark the limit of its application; that such a raising of the line could be effected through a Resolution of the House of Commons."

While making these conditional recommendations, the Committee says that the investigations they have made warrant them in "taking a further step, and disposing of the subject in the following definite Recommendations":

"1. That a Bill be introduced and passed into the law during the present Session, providing for the Abolition of the Death Penalty for an experimental period of five years in cases tried by Civil Courts in time of peace.

"2. That meantime and forthwith a Resolution be passed by the House of Commons declaring that the Secretary of State for Home Affairs and the Secretary of State for Scotland, in tendering advice as to the exercise of the Royal Prerogative of Mercy, should recommend in each case that the Death Sentence should be commuted.

"3. In regard to the penalty that should be substituted for the Sentence of Death in the cases referred, we recommend that it be the Penalty now attached to reprieved murderers, interpreted and administered in the same way as at present."

The latest news that we have received on the subject is that the present Labor Cabinet will not introduce a Government Bill to carry out either set of Recommendations made by the Select Committee, and a private Bill will therefore have to be introduced and carried in the Commons, if the conclusions of the Committee are to be made effective through a change in the laws. This at least seems to be the present attitude of the Labor Party leaders. Francis Fisher Kane. Philadelphia, Pa.


"The police department," declared a Chicago grand jury recently, "is rotten to the core." The chief justice of the Criminal Court added point to this statement when he said: "It is a matter of common knowledge that for many years there has been a fixed scale of prices for advancement in the police department, according to the rank and salary of the office sought. A determined and persistent effort... should disclose that promotions have thus been paid for and bestowed by vice lords upon those thus promoted, like feudal barons conferring titles and emoluments upon their trusted vassals. Sums paid have been determined by the amount of profits derived from criminal operations in certain districts."

The present volume presents an authentic but far from pretty picture of such conditions—of police working side by side with bootleggers and bandits for the protection of organized vice and crime; of law enforcement agencies handicapped by the sinister forces of crooked politics; of inefficient subordinates and helpless superiors; of bad matters made still worse by faulty organization and improper administrative procedure.

But the main purpose of this survey is not to compile specific instances of conditions which are already generally known. Instead, it is designed to present a complete picture of the organization and
work of Chicago's police department, together with recommendations. This it does very effectively.


The final chapter is a summary of recommendations, and represents the modern trend in police administration. Most of these recommendations are now considered axiomatic by leaders in the field. There are, however, a few which may be classed as debatable—notably the suggestion that the influence of the Civil Service Commission be confined to narrow limits or destroyed altogether." The reviewer has no fault to find with this proposal, but wonders how it will be accepted by the professional proponents of a formal merit system.

Although this volume is a detailed analysis of Chicago conditions, and contains a great quantity of facts and recommendations of purely local significance, it does not lose sight of the general reader. Significant references to other cities are included for comparative purposes, and underlying principles are constantly emphasized. The style is good—astonishingly good. When one pauses to consider the wealth of detailed local data that must be included. This work is really something more than a picture of Chicago's police; it is an important contribution to the literature of American police administration.

AUSTIN F. MACDONALD.
University of California.

BOYS IN TROUBLE. A STUDY OF ADOLESCENT CRIME AND ITS TREATMENT. By L. Le Mesurier.

There is something mysterious about "the public". It is fairly easy to arouse it to an appreciation of injustice and inhumane treatment, but when it comes to directing its sympathies and translating its feeling for others into constructive action, it is a different matter. The whole spirit of Mrs. Le Mesurier's book, as I catch it, is to give an honest exposition of the situation which exists in England in the care and training of delinquent youth. She makes no radical or dramatic statements, and no bid for maudlin sympathy, but merely tells things as she sees them in a clear and graphic fashion. The last line of the book sums up the challenge: "Let the public answer."

This book and others of its type are far more constructive agents in the direction of public opinion than an Oliver Twist by Charles Dickens or a Youth in Hell by Albert Bein. In these dramatic tales, the authors have succeeded in arousing public opinion (this was eminently true in the case of Oliver Twist), but having aroused public opinion they make no suggestions as to what steps the public should take and while railing against the institution as a method of caring for children they do not give to their readers
any fundamental principles of child care, or any clear cut discussion of the causes of dependency and delinquency. As one closes these books nothing has been added to one's scientific knowledge and no inkling given of the historical and traditional situations and attitudes which have built up the systems so heartily condemned.

Mrs. Le Mesurier has done something which is much sounder educationally. If she has condemned any existing procedures or institutions, it is only because she has first set up certain sound principles of child care and scientific treatment and in measuring these by such a pattern found them wanting.

The American authors, Seba Eldridge and Walter Lippman, have discussed the "Phantom Public" in their books. They, together with James Harvey Robinson—The Mind In The Making—are agreed that the hope of the world insofar as our progress in improving the social order is concerned is in sound, consistent, ever continuing education—education of youth and education of the adult; an unending revelation of situations as they exist to all individuals who make up the public with suggested remedies and treatment.

Recent events in America would tend to show that although The Public will stand for much of graft and injustice when once aroused they are quite thorough and painstaking in getting to the root of the difficulty.

I feel that Mrs. Le Mesurier's book is a distinct contribution to the causes of crime and delinquency and a very definite step in sound public education. The author's treatment of delinquency and its causation is particularly fine.

I for one would not have believed that any plan of women visitors on a voluntary basis would have been a successful experiment. Every part of Mrs. Le Mesurier's book is so honest that when the description of the visiting plan is given, the reader has no doubt that it is as described, that is, as successful as is humanly possible.

Practically all of the fundamental problems discussed by the author are duplicated in this country. The situations of the boy's courts, destructive influences surrounding detention, the need of more probation personnel, the overcrowding of some of the institutions for young men, the inclusion of the feeble-minded in institutions with those more normal. All of these strike a responsive chord in reformatory circles in this country, and all demand attention. Perhaps two procedures which America has worked out to a somewhat further extent is the transfer of young men from one institution to another when the need arises, and the more inclusive movement now afoot for the professional training of institution personnel.

"Boys in Trouble" includes a thoughtful introduction by Alexander Paterson, H. M. Commissioner of Prisons in England. It is heartily recommended to educators, leaders in the institution field, judges, probation officers, and to everyone who is interested in the sane, sound scientific treatment of the young man who has gone wrong.

Leon C. Faulkner.
Children's Village,
Dobbs Ferry, N. Y.


The title page carries the heading "Early Criminal Codes of Illinois
and Their Relation to the Common Law of England with a Brief on Forms of Illinois Indictments and Information in Criminal Cases and on Search and Seizure." This ambitious title indicates the contents: Part I, an essay in some eighty-five pages attempting to cover the history of English Criminal Law and connect it with the development of the criminal law in Illinois; Part II, the Brief on Forms of Indictment covering some 161 pages (every other page left blank), and containing hundreds of short summaries of criminal cases and the holding "good" or "bad"; and Part III, a similar treatment of search and seizure in sixteen pages. There is a table of cases and a very good index.

As to the value of the book—it may be useful to the busy prosecutor but the author attempts too much within so small a space. It is, perhaps, worse than useless to throw into such a book the topics of "moots," "ordeals," "benefit of clergy," and "deodands." It is difficult to find any excuse or justification for the intrusion of such relics of the past into a work of so few pages. Far better is the presence of the Illinois Criminal Code of 1819, and other criminal statutes of 1827, 1833, and 1845 within the general mixture of topics. A very useful group of citations to Illinois cases on indictments is presented in the second part. There lies the chief value of the book.

Newman F. Baker.
Northwestern University
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This volume contains a number of articles of more or less direct bearing on criminological questions. Among them we note in particular an address by Mr. George W. Wick-ersham on Law Enforcement, and the following papers: Surveys of Criminal Justice, Felix Frankfurter; New Light on Juvenile Courts and Probation, Frederick A. Moran; Punishment versus Treatment of Offenders, George W. Kirchwey and A. Warren Stearns; The Prison in the Twentieth Century, Walter N. Thayer, Jr., and Thorsten Sellin; Detention of Deportees, Jane Perry Clark; and The Legal Background and the New Legislation (concerning deportation), Peter F. Snyder.

Thorsten Sellin.


The "Underworld of Paris" is full of thrilling and true stories of crime and criminals taken from the official records on file in the French Judiciary archives.

In selecting the cases which are included in this interesting book, Mr. Morain used rare discrimination and presents to the reader not only the entire gamut of major crimes, but also the technique of the French detectives who are charged with the responsibility of investigating crimes and apprehending criminals.

The several chapters dealing with crimes and criminals will undoubtedly appeal to that large group of detective story readers who are seeking thrills; but chapters one and two should and will undoubtedly be read by every criminologist and peace officer who is interested in the science and art of criminal investigation.

August Vollmer.
PAGES 319-320 ARE INTENTIONALLY OMITTED