THE GUILTY MIND: PSYCHIATRY AND THE
LAW OF HOMICIDE. By John Biggs, Jr. New
York, Harcourt, Brace and Company, 1955,
Pp. 236. $4.50.
This is an Isaac Ray Award book. The
author, Chief Judge of the Third Judicial
Court of the United States, was chosen for
this award because of his efforts to effect a
better understanding between lawyers and
psychiatrists. Since this well-organized and
well-written book is not riddled with the
private language and technical terminology of
either law or psychiatry, other specialists in
human behavior and interested laymen as
well as lawyers and psychiatrists can secure
from it an appreciation of the problems of
psychiatry in relation to law and the problems
of law in relation to psychiatry.
Certain of his reflections on the professions
of law and psychiatry seem to set the stage for
the book. The profession of law: "The law
schools of the country and the lawyers and we
judges have spent too little time in the adopt-
ing of techniques for improving the human
race as distinguished from punishing it." "To
the average lawyer, as to the average layman,
criminals are in a separate category from all
other people. The thought that a criminal is a
person very much like ourselves, a person who
may be mentally ill or who has been subjected
to pressures of life that have proved insur-
mountable, has not been presented to the
average lawyer or to the average citizen." "Even
after an individual has committed a
crime he remains a person." "Many judges are
inclined to regard psychiatry as some form of
disreputable black art." "I (the author) do
not mean to imply for a moment that the
judgment of the psychiatrist is to be substi-
tuted for that of the judge or for that of the
jury." The profession of psychiatry: "... it
is necessary to be selective in choosing those
experts whose opinions frequently influence de-
cisions as to whether a criminal shall be
executed or shall be committed to an institu-
tion..." "... many psychiatrists have not
had the experience or training that qualifies
them to give an expert opinion in the court-
room." "... psychiatry is still in its infancy." "There is no universally recognized standard
by which the ability of a psychiatrist can be
tested by the courts, and the psychiatric prof-
ession as a whole is both unorganized and
diffident in this respect."
Beginning with materials regarding primiti-
ve man and ending with materials as re-
cent as 1955, the emergence of the concept of
crime, particularly that of homicide is traced.
The development of differential management
of the accused and of the adjudged is traced.
The emergence of notions of criminal respon-
sibility is followed and its refinement into dif-
ferent degrees and qualities is depicted par-
ticularly with regard to homicide.
Although the pre-legal and the legal struc-
ture for viewing homicide are emphasized, note
is made of accompanying developments in the
study of human behavior. The inconsistencies
along the way between the requirements of
the various legal structures and contemporane-
ous knowledge of human behavior are noted
along with their effect on developing legal
structure. Particular attention is paid to the
immediate series of trials that led to the
M'Naghten rules and to the conditions that
led to their being questioned in terms of their
legal, sociological, and psychiatric connections.
Several very recent cases are cited and dis-
cussed to illustrate the great divergence be-
tween psychiatry and the law today that leads
to injustice by creating confusion.
The book is concluded with a statement of
and an evaluation of trends toward effecting
a more realistic connection between law and
psychiatry. Recommendations for managing
those who commit crimes other than homicide
are made with some specific criticisms of
aspects of our current treatment system that
seeks something other than rehabilitation or
that seeks rehabilitation with a set of dis-
proved guiding principles. The author seeks a
closer correlation between established theory and practice in the management of felons.

**Alfred C. Schnur**

Ohio State University


The publisher has entrusted the introduction to the new edition of these two classics of American sociology to Cooley's pupil and nephew, at present Professor of Sociology at Ann Arbor, where Cooley himself lived and taught the best part of his life.

Cooley's interests and readings, as is well known, were as much outside the pale of academic psychology as inside. Goethe, Thoreau, James, De Tocqueville, Brice were among the wellsprings of his sociology.

Cooley's ideas about crime are embodied mainly in the second of the above mentioned books, p. 405 ff. Cooley envisages what we would call today the psychopathic crime, i.e. the criminal actions committed for lack of conscience, stability, vacillation in judgment, ineffectual control and mental disintegration called degeneracy by him. But he has also understanding for those sociological factors which were later stressed so much by E. H. Sutherland and his school. Says Cooley: "A boy who runs away from school, plunders freightcars, breaks windows, and the like, may do these things merely from suggestion and emulation—just as other boys under other influences turn their energies into athletics and the activities of Boy Scouts—without being exceptional in any way unless as to the sort of 'bunch' he runs with."

We should be grateful to the publisher for having made available Cooley's works again to a larger group of readers.

**W. G. Eliasberg**

New York City


This volume is written by two capable individuals whose understanding and frame of reference should be of help to interested laymen and professional workers. Mr. Chute was for many years Executive Director of the National Probation Association (now National Probation and Parole Association) and also acted as its Vice President and as a member of its Board of Trustees. At the time of his death in 1953, the book was not yet completed. Marjorie Bell, until 1953 the Assistant Director of the National Probation and Parole Association and editor of its magazine, Focus, took over and completed the manuscript.

This book tells about the development of the idea of probation and presents its implications for the penal systems of the various States and for the Federal Government.

Over one hundred years ago a Boston shoemaker, John Augustus, was able to persuade the court to allow him to assume the responsibility for a drunkard instead of sending him to jail. This appears to be the first recorded instance of probation. His endeavors were sufficiently successful so that in 1878 the Massachusetts Legislature adopted the first probation law.

Gradually, the idea developed for a Federal Probation Act. Much hostility and resentment had to be overcome before the Act became a reality. Mr. Chute played a vital role in the passing of the bill. On March 4, 1925, the first federal probation law was on the statute books.

The stimulating introduction by Roscoe Pound plus the chapter entitled "My Six Probationers" by Presiding Judge Louis Goldstein of New York are added features of an already readable and worthwhile book. A contribution of this nature is certainly most welcome.

**Arthur Lerner**

Los Angeles, California