

1914

Reviews and Criticisms

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Recommended Citation

Reviews and Criticisms, 4 J. Am. Inst. Crim. L. & Criminology 780 (May 1913 to March 1914)

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REVIEWS AND CRITICISMS.

DIE BESTREBUNGEN ZUR REFORM DES IRRENWESENS. MATERIAL ZU EINEM REICHES-IRRENGESETZ. FUER LAIEN UND AERZTE. Von Dr. Bernh. Beyer. Halle a. C., Carl Marhold, 1912.

Strange as it may seem, German psychiatry has been greatly troubled by vicious and insidious onslaughts by antipsychiatric agitators, especially when the Reichstag had to take up a discussion of a general law concerning the care and the legal status of the insane. The wide range given to non-medical nature healers in Germany and the animosity of but partly cured ex-patients and reform cranks have created a literature which could hardly be duplicated in any other country. Beyer does in this volume what the American Medical Association has done in its analysis and publication of quackery: he reviews the antipsychiatric pamphlets, such as E. F. Mueller's "Three Months in an Asylum without Cause," "Put under Guardianship without Justification," "Alienists on the wrong Track," and the like. He gives an analysis of the author's life and grievance, and points out how, for instance, the blind legal usage of such words as "demented" unnecessarily insults and excites the patients and distorts the verdicts given by the physician, how such notions as one's having to be "ripe or fit for the asylum" create a misleading standpoint, especially if Mueller assumes that hospital treatment should be resorted to only "where the person is dangerous to the community and shows maniacal outbursts." It is true that Beyer found that many physicians were so terrorized that they did not want to furnish their material because even when the ex-patient had published a mass of facts and statements himself, they did not feel as if they could be safe against legal prosecution for betrayal of the professional secret. But he has gone as carefully as possible into all the accessible cases of claims of "unjust incarcerations."

The analysis (p. 106-396) of cases of "unjustified incarceration" covers twenty-five supposedly well known instances and furnishes a wealth of most startling material, characterizing the uncritical claims of the reports. Pages 397-602 are devoted to a report and analysis of the debates and interpellations in legislative bodies. The next chapter gives an account of several societies for the "reform of lunacy laws." The result of the whole inquiry is that so far not a single case of unlawful internation in an asylum has been demonstrated beyond doubt; that the entire agitation is maintained by a small number of persons who are in more or less pronounced opposition to scientific medicine, and who are backed up by pamphlets of ex-patients; that, on the other hand, psychiatrists have not taken sufficient pains to clear up the misstatement; that a great share of the press is apt to stand up for the need of reform and to exploit statements of alarmists and of actual abuses such as were described in certain lay institutions which were equally condemned by the professional alienist. Beyer believes that in the interest of the patients, of the psychiatrists, and of the public, a uniform imperial law would be a great desideratum.

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The perusal of the book gives many suggestions which might deserve reiteration in the United States. Whether a federal law could or should be thought of is, however, a great question. It will probably be best to work on the local improvement of our state legislation for a time until sufficiently good patterns shall be clearly enough formulated and supported by wide enough strata of population before any general rules should be decided upon. In the meantime the collection of cases which cause public unrest and misconception cannot be made too carefully and cannot be put before the people too painstakingly. Psychiatrists have done too little along these lines to give the lawyers and the public a chance to get familiar with the facts in the notorious criminal trials and *habeas corpus* cases. To those interested in this task, Beyer's book might well be a model and an inspiration.

Johns Hopkins University.

ADOLF MEYER.

THE THEORY OF SCHIZOPHRENIC NEGATIVISM. By Professor *E. Bleuler*, Zurich. Nervous and Mental Disease Monograph Series. No. 11. New York, 1912.

Negativism is a term applied to a certain range of reactions in which the patient appears to have an automatic or semi-automatic blocking of the normal response or even a tendency to do the reverse of what is expected under the circumstances, and even of what he himself may want to do.

The blocking is seen most clearly and most systematically in the negativistic stupor or pseudostupor of catatonia.

It is doubtful whether the term really picks out the essential feature or merely the most striking negative after effect. The mere fact of negation itself in so many normal ways, too, that the discussion has a sense only as part of the *pathology of choice*, or then as a very specialized topic of psychiatry.

The study made by Bleuler appeared not as a monograph, but as a series of articles which takes for granted a knowledge of the author's remarkable book on Dementia Praecox, and on what he calls "autism" (see also Am. J. of Insanity, Special number forming an appendix to Vol. 69), the uncritical type of reasoning and inferences characteristic of the child and of the insane. The technical character of the discussion of the role of ambitendency, ambivalency, the schizophrenic splitting of the psyche and the lack of clearness and imperfect logic of the schizophrenic thoughts, and of the various theories of negativism presuppose a thorough knowledge of the concrete material of Dementia Praecox, and it renders this number of the excellent series of but limited interest to any but the investigator in psychopathology.

Johns Hopkins University.

ADOLF MEYER.

THE CRIMINAL AND THE COMMUNITY. By *James Devon*, Medical Officer of H. M. Prison at Glasgow; with an introduction by Prof. A. F. Murison, LL. D., London. John Lane, the Bodley Head, New York. John Lane Company, 1912, pp. XIII + 348.

At this time, when we are receiving such numerous, albeit excellent

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literature on the genetic phase of the social problem, it is well that we should take a look at the situation from the economic and political standpoint, as Dr. Devon ably advises us in his splendid book on the "Criminal and the Community."

It is Dr. Devon's opinion that the treatment of the criminal is not a medical but a social problem; that he is not an entity like a plant or an animal, but a personality, and as such we should always consider him when we try to devise means for his reform. Crime is a relative term, after all, inasmuch as what may be wrong in the city is quite proper in the country, and things that are right at one time may be wrong at another. We are, therefore, apt to be led into error if we base our knowledge of the criminal on figures only, for averages mislead. We must study each wrongdoer separately, we must delve into his past career, and learn everything about him and the conditions under which he was brought up, before we finally decide what to do with him.

It is a pity that Dr. Devon dismisses the subject of "Heredity and Crime" so summarily. He devotes only five pages to it. His investigations, extending over a period of sixteen years, lead him to conclude that the vast majority of criminals are not born but made by their environment. There is no evidence to show that if the children of criminals were reared under proper conditions they, too, would be criminals, in such cases where the experiment has been tried the contrary has been the result.

Insanity may be responsible for every variety of crime—from embezzlement to murder. Several cases are cited which are very interesting. Insanity is especially dangerous in its incipient stages, and inasmuch as it is as often the result of misconduct as the cause thereof, we have all the more reason for directing our attention to the social and economic environment of the individual in his formative years.

This charmingly written and stimulating book is divided into three parts, the first of which is devoted to a "Study of the Criminal;" the second treats of "Common Factors in the Causation of Crime," and the third considers "The Treatment of the Criminal."

The general reader will find the first and second parts of chief interest, though the third which chiefly describes the Glasgow system of treating the law breaker, contains enough information and wise comments to make its perusal for comparative purposes well worth while.

The chapter on "Poverty, Destitution, Overcrowding and Crime" is extremely instructive. Dr. Devon knows what he is talking about when it comes to the subject of poverty, for, as we are told in the introduction, and as he himself asserts, his early life had been cast among the laboring class. Hence he knows the poor; his knowledge of them has been derived at first hand, not from books, or occasional slum excursions, still less from Aristotelian politics. The majority of persons in prison are there, we are told, because of their poverty. And poverty leads to drink more often than drink to poverty, because it is the best sort of amusement the poor can get for their scanty money; and drink, of course, leads to many offenses, great as well as small. Nevertheless,

there is no definite ratio between the amount of poverty and the amount of crime; rather does a positive ratio exist between density of population and crime. For, taken people who are equally destitute, those of them who live in the more crowded quarters will be more subject to crime, (1) because overcrowding handicaps personal decency; (2) it provides more material for offenses against the person; (3) it provides no opportunity for rational recreation; (4) in the crowded district the individual is less known, there is no intensive friendship, consequently he is less apt to come under the checking influence which is brought to bear upon would be wrongdoers in rural neighborhoods. Hence, crime is largely a by-product of city life. "It might be mitigated if we were more public spirited," says Dr. Devon, "but it will always be an evil crying out against us, so long as we permit conditions to exist which shut men into dens under circumstances that make decent communion and fellowship among them difficult or impossible, and compel them to remain there till they can pay a ransom to the man who holds up the land for his profit or his pleasure."

Dr. Devon is not a Socialist, but he arraigns our present economic conditions in unmistakable terms, with much force of logic, and with much justice. The only way to reform is to strike at the root of the evil, and the root of the evil is poverty or the fear of poverty. In this he is quite right, for, on the one hand, it is the fear of poverty, the fear of being "pushed to the wall" that makes the rich man squeeze the poor for more riches; and, on the other, it is the heart-breaking, nerve-wrecking life of toil and monotony that causes hundreds of men and women to swerve from the path of propriety and take to the road of theft, gambling and vice. It is lighter to make a living that way, although life is shortened thereby.

More laws will not eradicate crime, nor will punishment reform the criminal. The author reasons very conclusively on this point. If only part of the money that is spent on the prison system were employed to straighten out the lives of the people from whose midst the prisoners come; if they were only given better and more commodious homes, a lengthier and more practical education; if the legal, the medical and legislative talent that is devoted to the punishment of the delinquent were only used to educate the parents how to bring up their children—then our prisons would not be half as full as they are now. In the words of the author, "With the improvement in the social condition of the people, with the increase in the minimum standard of living, with the abolition, or even the mitigation of destitution, the whole complexion of things would be altered."

As Dr. Devon's reasoning is based on actual experience and on facts, his book is a real contribution to the literature bearing on the social problem. It is the kind of book that begets books. It is written in a popular style, but it contains much academic wisdom; and though it may have been intended for the general reader, the scholar will not fail to profit by it.

Harvard University.

GUSTAVE A. FEINGOLD.

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DAS MORALISCHE FÜHLEN UND BEGREIFEN BEI IMBEZILLEN UND BEI KRIMINELLEN DEGENERIERTEN. Von *Dr. med Hermann*, Juristische-psychiatrische Grenzfragen VIII Band, 4-5 Heft Carl Marhold Verlagsbuchhandlung, 1912. pp. 90, Bibliography of 58 Titles.

This contribution to the "Moral-Insanity Question" insists that the disagreement is primarily one of terminology. "Schwachsinn," in the hands of one psychiatrist means intellectual defect; in the hands of another, emotional disturbance, and sometimes the lines are sharply drawn between them, but more often not. By some, moral lapses are included under this term, by others they are excluded. The use of the term is so variable that confusion arises.

The administration and extension of the laws requires a more satisfactory definition which may be in part at least contributed by a clinical examination of patients with a rather wide range of defect. An opportunity for such an examination came in connection with the exclusion of certain types of insane from the institution at Marzig. Twenty-nine cases of feeble-minded and degenerates, ranging in mentality from idiocy to normality have been examined by a test scheme which appears at the end of this monograph. Drawing largely from Ziehen, Cimbäl, Vierecke, Masselon, Bourdon and others, an opportunity is given each patient to show his grade of intelligence, his familiarity with ethical concepts, his knowledge of the court procedure and criminal law, his emotional reaction, illustrative stories and pictures, and his own life story. In connection with the above a rigid Intelligenz-prüfung tested his range and scope of information, his powers of observation, his attention and discriminative ability. A word association test was included but yielded nothing of significance.

The purpose of the test is to discover the mental status in each patient, all of whom had been convicted of moral delinquency. A variety of intellectual defects were found, and also a variety of emotional disturbances; but a number of patients showed no evidence of mental weakness either in the intellectual or affective aspect, at the time of the examination Hermann notes the fact that when the whole nature is delicately balanced through the lack of firmly set habits, an emotional situation might call forth a reaction which would not be shown in the examination. This would be particularly true in epileptics and imbeciles. Possibly a refinement of the tests which would carry the examination beyond the merely clinical level of examination might contribute more complete information.

The conclusion that moral lapses are not to be included in insanity, nor yet in feeble-mindedness, seem drawn rather from Dr. Hermann's large and varied experience than from the results of the examination of the 29 cases. He expresses the hope that more attention may be paid to the teachable cases in a detention school.

University of Illinois.

A. H. SUTHERLAND.

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FREUD'S THEORIES OF THE NEUROSES. By Dr. Edward Hitschmann. Authorized Translation by Dr. C. R. Payne. With an introduction by Ernest Jones. Nervous and Mental Disease Monograph Series, No. 17, pp. 154. \$2.00.

The general interest in Freud's theories warrants the publication of a comprehensive and concise account of them. The gradual growth of the theories themselves, the scattered nature of the bibliography, the slow accumulation of confirmatory evidence from various sources renders indispensable, for all readers except the specialist, some succinct and authoritative statement of the facts and hypotheses known as "Freudian." This task has been undertaken and, on the whole, successfully, by Dr. Hitschmann. The author writes in the assured tone of one who accepts as demonstrated the general tenability of Freud's psychology. He is also seriously at pains to correct erroneous impressions, to rebut adverse evidence and to place his subject matter in the most favorable light. The results of his endeavors are an interesting and valuable book.

The sources of Freud's ideas are traced to Charcot with whom Freud worked in 1885-1886, and to Breuer with whom he published, as joint author, the "Studies in Hysteria" (1895). Charcot first demonstrated that hysterical paralysis could be induced artificially by hypnosis. Breuer first showed that when the memories of the psychic-traumatic states which caused the hysteria were recalled in hypnoidal states, the hysterical symptoms disappeared. In this observation of Breuer lay the germ of the *cathartic method* of treating functional nervous conditions for which Freud has become famous.

Freud's general theory of the neuroses is novel and suggestive. Perhaps the most original feature is the importance which is attached to *the infantile sexual life*. Certainly this aspect of his work has excited most discussion and criticism. On the basis of this factor, a distinction is made between the true neuroses and the psychoneuroses. The true neuroses are neurasthenia and the anxiety-neurosis. Their cause lies in the *present* abnormal condition of the sexual life of the individual. In the psycho-neuroses viz., hysteria and obsessions, the causative factors belong to the sexual life of the long *past* period of childhood. Freud's chief contributions have been made to the latter group. Evidence has not been slow in appearing to show the general correctness of Freud's contentions. The old notion that the infant was non-sexual until the age of puberty, when it suddenly changed, has conclusively been shown to be false. The adolescent period is still for Freud an important epoch in the sexual life of the individual, but the act of sucking, and the delight in being fondled, are undoubtedly expressions of the sexual instinct in the infant. In normal individuals, this instinct, which has its roots in the earliest life of the infant, is controlled by social, intellectual and aesthetic motives. In persons of neurotic disposition, on the other hand, the sexual instinct abnormally develops in infancy, with the result that it is repressed and traumatized by the exigencies of social life. This repression leads to the psychic dissociation of the sexual memories, which express themselves in obses-

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sions, paralysis and other hysteric phenomena. Freud's theory presupposes the *subconscious*, which constitutes, perhaps, the most suggestive element of his work. The reader interested in this phase of the discussion must be referred to the book itself. Since the waking life constantly demands compliance with the accepted standards and criteria, the submerged, subconscious life of the neurotic individual cannot bring itself to expression while the subject is awake. During sleep, however, the inhibitions and restraints imposed by social life are removed. At this time, therefore, the subconscious life is most active and expresses itself in *dreams*. Here again, space does not permit an exposition of the interesting, if somewhat unconvincing theory of dreams. The theory is chiefly unsatisfactory because its elaborate system of symbolism and interpretation does not admit of scientific proof. Since the causes of the psycho-neuroses are subconscious, it follows that special methods must be devised for their treatment. These methods are the methods of *psycho-analysis* and *dream analysis*. To each of these subjects, chapters are devoted in the book.

University of Chicago.

H. C. STEVENS.

PROBLEMS OF THE ROMAN CRIMINAL LAW. By *James Leigh Strachan-Davidson*. Oxford University Press, Edinburgh, 1912. 2 vols. Pp. XXI, 245, 287.

This book, as the author tells us in the preface, developed out of a criticism of Mommsen's "Romishes Strafrecht," published in the "English Historical Review" for April, 1902. It is not unnatural, therefore, that Mommsen's work is presupposed as a point of departure in the discussion of all the questions with which the book deals. The book is essentially a "critique," not alone of Mommsen's theories, however, but also of those of other scholars, such as Danz, Geib, Girard, Greenidge, Maine, Wlassak and Zumpt, which are passed in review and the controversial attitude is maintained throughout. The author disclaims any attempt at a systematic account of the Roman criminal law and states that he is "thus enabled to concentrate attention on certain definite problems and difficulties lying thickly along the main lines of the subject, which seem to call urgently for solution." There is, however, a general plan of grouping of subjects. The consideration of religion as a source of law is first taken up under which is mainly discussed quotations relating to the death penalty—whether it developed from human sacrifice—and why one who had committed a capital offense was regarded as a "*homo sacer*," a consecrated or devoted man. Criminal law and the family and self-help as a source of law are next discussed, followed by chapters on the "Legis Actio Sacramenti" and the formulary system. The magistrate as criminal judge, appeals to the people and capital trials before the people are next considered. Perhaps the most interesting questions are those relating to the development of trial by jury, including the trials by special commission, capital trials before jury courts and the procedure in jury trials. Finally, there are chapters on the criminal law under the principate.

The method of work, that is the critical, has of course obvious dis-

advantages, and renders it difficult to say much in review of the book because it essentially consists of the author's estimates of the conflicting theories. To the special student of the subject it is of great interest and value and some of the questions discussed, such as, for instance, the origin of jury trials, have important bearings on the general legal theory. The summaries of the views of continental scholars contained in the book are extremely servicable to the English student. The author shows critical ability and linguistic scholarship of a high order in his treatment of the texts as well as in the comparison of available material so far as it is found in the written sources. To the present reviewer, however, it seems that many of the author's views are weakened by his general tendency to base his discussions too largely on modern legal notions, to carry positive legislation in the modern sense too far back into less developed social conditions and to fail to allow enough for the difference between later and earlier ideas of underlying forms of social organization and custom. This is a matter of some importance in an endeavor to correctly apprehend some of the legal institutions of the earlier periods in particular, since the meagreness of the written evidence necessitates framing the inferences to be drawn with references, in large degree, to our knowledge of the general social relations of the period. For example, in his discussion of whether the right of the state to punish was derived from the power of the "paterfamilias" over his household the author seems to identify the "king" with the "state" and refers to the form of social organization at the period of the "kings" as a "monarchy." These terms so used are misleading for they have a definite modern significance and it is well known that the "rex" of early Rome was nothing like a monarch in the modern sense, his functions being military and religious and not civil; nor was the "state," if it be proper to use that term at all in referring to a form of social organization that is not yet political, anything like what we call a monarchy, but rather what may perhaps be most nearly described in modern terminology as a military democracy, though that is inexact.

Again in his discussion of the question of appeal to the people, that is to the assembly of the people or comitia, to decide capital cases the author maintains that "the power of the people to decide is never represented as having two different sources, but always as springing from the various laws Valerian, Porcian or Sempronian which assert the right of the individual to appeal against the action of the magistrate," and severely criticizes Maine for calling attention to the similarity of capital trials before the comitia and the transaction of other business by it of a nature which would now be called legislative. The "lex Valeria" dates from the first year of the Republic, but the comitia had been doing business at least as far back as the time of Romulus. It never originated measures of any kind, that being the function of the senate, but adopted or rejected those presented to it. The nature of its jurisdiction over capital cases therefore results from the general scope of its powers and is not inconsistent with the point made by Maine.

In the special field which it covers, however, the book may well be regarded as indispensable to the student of the subject.

Warren, Pa.

EDWARD LINDSEY.

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DIE TODESSTRAFE. By *Dr. M. Liepmann*, Professor of Law in Kiel, Berlin. J. Guttentag, Berlin, 1912. Pp. 220.

In this book the author sets himself the task of answering the question of whether or not the death penalty is to be retained in the future penal codes of Germany and Austria. His answer is an unqualified, "no." This conclusion, however, is reached only after a long and painstaking examination of the chief arguments for and against the death penalty. The book is, therefore, not alone of use to Germans and Austrians, but to all criminologists and statesmen.

The first chapter is given over to a statement of the question and an outline of the problem. One does not need to read long before becoming aware of the author's nationality. The German fear that something might be left out makes him spend twenty-five pages on this introduction.

In the second chapter, the intimidating effect of the death penalty is considered. The German characteristic mentioned above is here an asset, and the careful investigation of the data bearing on the subject makes the work of high scientific value. His conclusions may be stated somewhat as follows: Psychology teaches us that society adjusts itself to shocking penalties. It becomes brutal, and consequently individuals fear severe penalties no more than milder ones. The fact that executions are now mostly secret shows that men are aware of this effect. Furthermore, there are many countries where the death penalty does not exist, and murders are not more frequent here than elsewhere. Statistics of many countries are given in support of this, and in general add weight to the argument.

"But," say the advocates, "the indispensableness of the death penalty is shown by the fact that those countries which have done away with it have in the majority of cases been compelled to reestablish it." The examination of this argument constitutes the third chapter. While admitting that many countries have re-introduced the death penalty, the author takes the ground that the explanation is to be sought in the social and political conditions of the periods and not in the proven need of this method of stemming crime. Each instance of this sort is examined, and while in the nature of the case the study is not exhaustive, enough evidence is adduced to furnish a fair basis for his opinion.

The fourth chapter is largely statistical in nature. It opens with a survey of the states in which the death penalty no longer exists. Then follows a statistical description of the use made of the death penalty in those states where it still prevails. He shows that even in these latter states very little use is made of it.

The danger of judicial error and its meaning is the title of the fifth chapter. He considers first such matters as the influence of the press, the passion of the crowd, the excitement of the community, auto suggestion, etc., showing how all these make for errors of one sort or another. Actual examples of serious errors are given (cited in most instances from Loeffler). Finally he points out that neither confessions, witnesses, specialists, nor circumstantial evidence furnish any guarantee that judicial errors will not occur. When they do occur they cause an irremedial wrong and make justice seem a farce.

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The sixth and last chapter deals with those sentenced for life. He seeks to find out the effect of such a sentence on individuals, and whether it, too, might be changed to advantage. The material for such study he obtained from the answers to a questionnaire which he sent to a number of prisons. The mental effect of such a sentence is given much consideration. His conclusion seems to be that the possibility of freedom ought to be open to every prisoner.

In an epilogue, the growth of sentiment in Germany against the death penalty is shown to have been rapid, and points out that there is good reason for believing that in a few years the death penalty will be a thing of the past.

The book is convincing, the more so because the author does not appeal to sentimentality. It is the work of a level-headed professor of law. It has had considerable influence already, and will, I am sure, have more.

Swarthmore College.

LOUIS N. ROBINSON.

CRIMES, CRIMINALS AND THE CAMORRA. By *Arthur Train*. Charles Scribner's Sons, New York, 1912. \$1.75.

In this volume Mr. Train explains in detail the way in which the police department and the district attorney's office in New York carry on their work.

The book is divided into three parts, as suggested in the title. The first part begins with the chapter entitled "The Pleasant Fiction of the Presumption of Innocence," which is a discussion of the Anglo-Saxon theory of criminal law as opposed to the French theory. Then there follows a chapter on preparing a criminal case for trial, and one on sensationalism in jury trials. The motives that lead to the commission of murder are discussed in the part of the book entitled "Criminals." The work of the detectives comes up for discussion also, and in the third part of the book, entitled "The Camorra," he offers a study of the Camorra in Italy, including an account of the trial of the Camorra at Viterbo. The volume contains a great deal of information that is of high value to the everyday citizen. Mr. Train's wide experience in the criminal law fits him admirably for writing just such a book as this.

Northwestern University.

ROBERT H. GAULT.

CRIME AND ITS REPRESSION. By *Prof. Dr. Gustav Aschaffenburg*. Translated by Adelbert Albrecht. With an introduction by Arthur C. Train. Modern Criminal Science Series No. 6. Little, Brown & Co., Boston, 1913. Pp. 332, \$4.50.

In this volume the author has based his conclusions on a wide study of psychology, statistics, and forensic medicine. Among the general factors in the production of criminals that he discusses at length are race, religion, occupation, alcohol, prostitution, gambling, superstition and poverty. The foregoing obviously are social factors. Among the individual factors are parentage, training, education, age, sex, domestic status, and physical and mental condition of offenders. Each of these he discusses with considerable detail.

There is no specific inheritance of a criminal disposition *per se*. Weakness of body and mind is inherited and indirectly favors the development of a criminal in so far as it decreases the resistance of the individual under certain circumstances in which he may be placed.

At some length the author discusses education as a preventive of crime. In this connection he quite sensibly points to the fact that education alone in the sense of fitness to engage in a gainful occupation or profession, is not a guarantee of honest living. In the section in which he discusses the age factor, for instance, he shows this: that when youths under 18 years of age are employed at gainful occupations in the shops and factories, the crime of thieving diminishes, while on the other hand, other crimes do not diminish. They increase. This statement he bases upon German statistics. Since 1892 the industrial activity of minors in Germany has increased, but during the same period there has occurred a tremendous increase in juvenile crime; aggravated assault and battery has increased 123 per cent per 100,000 juveniles; breach of the peace, 128.6 per cent; insult, 105 per cent; resisting an officer, 50 per cent; fraud and embezzlement, 40 per cent (p. 149). The youth who is employed and earning weekly pay is put into the position in which he can enjoy life, as he understands that term, and consequently he goes about to enjoy it. On this point the author is at variance with Von Liszt. This is an argument that will doubtless be of some interest in our own country, where we are very properly urging the development of vocational education in our public schools. It is easy to be over-optimistic on the subject of vocational education as a preventive of crime; at any rate it is easy to be over-optimistic with respect to an early decrease of crime resulting from vocational education and consequent fitness to engage in gainful occupations. As to the ultimate effect, there can be no question; but here, as elsewhere, we must patiently allow sufficient time for knowledge and practice to work themselves into the ideals of successive generations.

On the whole, the author shows a psychological insight into the effect of court trials upon juveniles. When the machinery of the state, as represented in a court, has taken cognizance of the acts of a delinquent youth, many a youngster so noticed, judges himself to be somewhat of a hero and he is—other things equal—the more likely to seek another opportunity for satisfying his ego. On the other hand, there is nothing heroic about being quietly turned over to the hands of a probation officer, who follows the youth with parental zeal. Other things equal, therefore, in this case there is no particular incentive to repeat the experience.

Probably the majority of criminals, at any rate the criminals under 21 years of age, could not complete the grammar course. At any rate they do not do so. But at the same time the mere completion of an ordinary grammar school course can have no appreciable effect upon the volume of crime. It may easily affect the quality of crimes committed, but we are not justified in expecting more than this. Professor Aschaffenburg is undoubtedly quite right in making this point. In support of it he points out that since 1875 illiteracy in Germany has fallen from 2.37 per cent to 0.02 per cent in 1908. But at the

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same time the number of convictions has increased more rapidly than the population even as regards those crimes, the legal judgments of which have not altered in all these years (p. 137). The fact of the matter is that the sharp decrease in illiteracy has gone hand in hand with elevation of all the educational planes of the commonwealth. So that from decade to decade the social difficulties of the various elements of the population remain about constant. Inasfar as one individual or group is lifted up more rapidly than those about him his wants increase more rapidly than theirs. If his ability to satisfy his wants is not co-ordinately increased his social difficulties grow apace and consequently unusually heavy temptation ensues. A resisting wall of inhibitions in the shape of "oughts" and "ought nots"—ethical ideals—must be diligently sought through our educational processes. Here we are embarrassed because the majority of delinquents, as pointed out above, have not completed the grammar schools (*Volksschule*). In our country approximately one-half of the school population leaves school on completion of the fifth grade or earlier. The required inhibitions can not, in the nature of the case, have been established at that time. This line of argument is merely suggested in the volume under review in connection with sexual crimes among children (p. 145). It is equally applicable, and deserves development and emphasis in connection with juvenile crime in general. "A closed phalanx of prohibitions and warnings," to use Aschaffenburg's phrase, must be superimposed upon every other prophylactic measure before we shall have adequate protection against crime. But these "prohibitions and warnings" must have time to be wrought into the warp and woof of characters in the course of formation. Parental influences, unfortunately, in perhaps most instances, can not be counted on to accomplish this delicate task. Ultimately it may have to be accomplished through the extension of state guardianship over minors.

Professor Aschaffenburg expresses without reserve his confidence in the principle of indeterminate sentence, and cites illustrations of its operation in several countries—omitting in this instance, as in every other, reference to the United States of America. Americans would be glad to find in this excellent volume, from its distinguished author, some constructive criticism of the indeterminate sentence, probation and parole, the Juvenile Court, and prisoners' aid societies as they are found in the State.

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HAND-BOOK OF THE MENTAL HYGIENE MOVEMENT AND EXHIBIT. The National Committee for Mental Hygiene, 50 Union Square, New York City, 1913. Pp. 25, with 31 charts, post paid, 20c.

The object of the mental hygiene exhibit is twofold. First, to call attention to some sources of information with respect to the sources of physical and mental energy, to the measurement of physical and mental activity, the development of prejudices of creed or race and the development of fixed ideas. In the second place, to present the immediate needs of a campaign directed to an attack upon the most important and difficult problems confronting humanity. The problems of mental

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hygiene are problems of adjustment and re-adjustment. The difference between sanity and insanity is essentially a difference of balance among the activities of men. It is a matter of degree rather than of kind. If the individual's capacity for re-adjustment on meeting new conditions be not sorely overtaxed, the equilibrium may be restored. But if the change to relationships among human activity surpass the capacity for readjustment, it may result in those unusual forms of thought, feeling or behavior which are designated as insanity.

The outline of the mental hygiene movement includes the following topics: First, prevention; secondly, treatment. Prevention may be attained through eugenics—positive or constructive—(education), negative or restrictive (legislation). It may be secured through medical and general education aimed at the development of good mental habits and taking cognizance of the fact that all our activities are deeply rooted in the practical issues of life. Prevention may be secured, also, through that form of social service that issues in securing the adjustment of social and family difficulties and through the giving of advice and aid in effecting re-adjustment to those who have already suffered mental disorders. Movements for social and industrial betterment and for co-operation between all existing agencies which aim to control forms of illness and injury which may lead to mental disorders are among the general measures of prevention.

Treatment may be effected through provision for an early diagnosis, improvements in methods of admission and commitment of the insane, systems for the public care of the insane and mentally deficient, the improvement of institutional provisions, through such special means as improved facilities for the training of physicians in this work, encouragement of research, better conditions for nurses, etc.

The mental hygiene exhibit, comprising 31 charts, shows in the first section the nervous system as the mechanism of adjustment. The second section presents statistical information in the form of charts, maps and models, indicating the number of persons with mental disorders in institutions for the insane and the number of the mentally deficient in various states and foreign countries. In this section the cost of caring for the insane, the economic loss through mental diseases and the apparent increase in the occurrence of mental diseases are presented also. The third section deals with such controllable causes of mental disease and deficiency as immigration. The fourth section deals with the treatment of those who suffer from mental disorders or defects. A series of photographs emphasize the contrast between asylum care and modern hospital methods of treatment. In the fifth section there is set forth particularly the subject of mental deficiency, and in the sixth and last section the subject of prevention of the disorders of adjustment is taken up. The work and plans of other organizations available for work in mental hygiene, such as the National Committee for Mental Hygiene and the allied state societies and the committee for mental hygiene are indicated in a series of charts.

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THE CAGED MAN. By *E. Stagg Whitin*. Proceedings of the Acedemy of Political Science in the State of New York. Vol. 3, No. 4. July, 1913. Pp., including index, 136.

The wayfaring man who glances at the title of this volume in the advertising pages of our magazines, etc., might very naturally think that here is a book describing, probably in a racy manner, the life history of a man who has been for years caged up in an office, where from day to day he has eked out a scanty existence. It might suggest to him the autobiography of an elevator boy, or an account of the daily history of a convict, who has spent his years in a cage and who at last is freed and is now regaling a sentimental public with "the story of my life in prison," mingling pathos and humor. It might indeed, mean any one of a dozen other things. Imagine the prospective reader's shock when he opens the volume, after having made the purchase, to find therein a compilation of legal provisions with reference to the treatment of prisoners in every state and territory of our national domain.

An immense amount of labor has been expended in making this compilation, which does not lend itself easily to a review. The table of contents includes the following titles which indicate a classification of data as the author found it. First, "What is the status of the prisoner?" Secondly, "Why is he confined?" (Ambiguous title, under which we find the following sub-titles: To work off a fine and costs, satisfy the sentence—fixed or indeterminate—awaiting capital punishment.) Thirdly, "How may he be punished?" Fourthly, "How may he be worked?" (Under this topic we find a compilation of provisions with reference to leasing, powers of labor, etc.) Fifthly, "How is he maintained?" (Ambiguous again, but the subject matter here includes provisions for bunking, for food and for clothing.) Sixthly, "How is he cared for?" This has reference to provisions for health, religious and other education, wage rewards, merit marks, etc. Seventhly, "Who can set him free?" Eighthly, "What specific disabilities are caused by a prison sentence?"

A cursory examination of the data under the above headings indicates a considerable variation in our state legislation with reference to prisoners. The volume ought to be of distinct service in fostering uniformity of legislation. Obviously, however, for this purpose it needs to be kept up to date.

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GRUNDZUGE DER FORENSISCHEN PSYCHOLOGIE. Von *Prof. Dr. Karl Marbe*. C. H. Beck, Munchen, 1913, pp. 120, m. 4.

THE PSYCHOLOGY OF INSANITY. By *Bernard Hart*. University Press, Cambridge, Eng. (Manuals of Science and Literature), 1912, pp. 172, 60 cents.

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THE BRYCE MEETING. Addresses by *Prof. S. Mc Lindsay, President Nicholas Murray Butler*, and *James Bryce*, Proc. of Amer. Acad. of Political Science, New York City. Vol. III, No. 3, 1913, pp. 9.

THE STUDY OF THE CAUSES OF JUVENILE DELINQUENCY. By *Edith Spaulding*, M. D. From the Boston Medical and Surgical Journal, July 3, 1913, pp. 7-13.

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PRISON SCHOOLS. By *A. C. Hill*, U. S. Bureau of Education, Bul. 1913, No. 27, pp. 47.

CONFERENCE ON THE RELATION OF LAW TO SOCIAL NEEDS. By *William Ernest Hocking*. Reprinted from *The Journal of Philosophy, Psychology and Scientific Methods*, Vol. X, No. 19, Sept. 11, 1913, pp. 512-528.

JURISPRUDENCE AS A PHILOSOPHICAL DISCIPLINE. By *Morris R. Cohen*. Reprinted from *The Journal of Philosophy, Psychology and Scientific Methods*, Vol. X, No. 9, April 24, 1913, pp. 225-232.

JUDICIAL SETTLEMENT OF INTERNATIONAL DISPUTES, No. 13, INTERNATIONAL CONTRACTUAL CLAIMS AND THEIR SETTLEMENT. By *Edwin M. Borchard*. American Society for Judicial Settlement of International Disputes, Baltimore, August, 1913, pp. 59.

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