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## Reviews and Criticisms

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## REVIEWS AND CRITICISMS.

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CESARE LOMBROSO; STORIA DELLA VITA E DELLE OPERE NARRATA DALLA FIGLIA. (CAESAR LOMBROSO; STORY OF HIS LIFE AND HIS WORK WRITTEN BY HIS DAUGHTER). By *Gina Lombroso-Ferrero*. Bocca, Turin, Italy, 1915. Pp. 435 with numerous photographs and illustrations.

Cesare Lombroso was born in Verona, Italy, November 6th, 1835.

He was the son of Argonne Lombroso and Zefora Levi who were wealthy Hebrews coming of distinguished and ancient lineage. His parents lived with his maternal grandfather until this relative died. At the time of his grandfather's death his parents were visiting his mother's relatives at Cheiri. Cesare Lombroso who was then five years old was then intrusted to the care of his uncle, David Levi, with whom he remained three years.

David Levi taught him to read and write, gave him lessons in poetry and instilled into his childish mind thoughts and ambitions concerning liberty and politics which had a marked influence on Lombroso's character throughout his life. David Levi was especially interested in social and political questions and was a member of Mazzini's Society of "Young Italy".

His grandfather's death left his parents in reduced circumstances. They were forced to give up much of their former mode of living and were compelled to take a small villa near Verona. After living with his uncle, David Levi, for three years he returned to his parents who sent him to a grammar school near their home. After completing his common school studies, he studied Latin, Greek, history, geography and mathematics under the tutelage of a Jesuit priest. He found mathematics an extremely difficult study and only by the greatest amount of effort did he succeed in this subject.

Cesare Lombroso was a very timid, sensitive and affectionate child; he did not care much for the company of other children and much preferred to wander alone through fields and woods reading aloud from a book. His first boyhood friend proved to be a great disappointment—a book which Lombroso was very fond of reading was lost and it was afterwards recovered at a second hand bookstore. It had been stolen by his friend and sold to the bookseller. It is said that this discovery was such a shock to the sensitive Cesare that it made him ill. The morbid thoughts of this act are credited with having stimulated Lombroso to discover the real cause of crime.

At the age of fifteen he began studying with Professor Sandri, a famous Veronese botanist. He was at this time very much interested in political subjects and agriculture and he wrote a "History of the Roman Empire" and "Ancient Roman Agriculture." These treatises revealed the nature of his mentality and his broad grasp and comprehension of the realities of life that were then rampant in Italy.

His early mental maturity is not so surprising when we consider his mental endowments, early training, and the period of political activity which existed at the time of his boyhood. Lombroso claims to have realized his individual personality at the age of four and his psychological self before he reached the age of fifteen.

When about twenty years of age he became acquainted with Paolo Marzolo, an accomplished scholar and prominent medical authority. Their friendship proved to be an inspiring influence that set the spark to his latent powers. In 1860 he was ready to enter the University of Pavia; this University being closed on account of the Revolution he joined the Literary Society of Verona which possessed a fine library and there he spent much time in study.

The University reopened in 1862. Lombroso entered as a medical student. He was guided in his choice by the advice of his dear friend Marzolo and Dr. Panizza, a noted surgeon of Pavia. He would have preferred history or literature and his mother wanted him to study law. He made many influential friends at the University and among them were de Mauri and Mantegazza; de Mauri was the Emperor's librarian and one of the greatest writers and scholars of his day. Mantegazza taught him physiology and was the first to arouse his interest in the study of the brain and central nervous system.

He contributed a chapter to Mantegazza's book, "Physiology of Pleasure". This work done by Lombroso at the age of twenty-one was exceedingly comprehensive, scientific and mature for one so young in years.

After studying medicine for three years he had cultivated no special love for it. He used it merely as a foundation for broad culture and intellectual attainment. While still at Pavia he wrote an article on "The Relation of the Mind and Genital Organs of Animals" and at Padua he wrote a thesis on "The Works and Life of Cardano" which was by far the most important work he had done since he had written his "History of Rome". This last writing he dedicated to de Mauri and it was the nucleus for his later work, "Genius and Folly."

After a while Lombroso realized that medicine was a science with intrinsic worth for itself, and realizing its value he began to study it enthusiastically with a view in mind to do good for the sake of doing good. This motto he adopted for the regulation of his life. He then began the study of Mental Alienation and Cretinism with the hope of discovering the causes and cure of these pathological conditions. Wishing to study these conditions he left the University of Vienna where he had been studying and returned to the University of Pavia in Italy. In the course of his researches on Cretinism he traveled throughout Italy, wherever its traces were found, seeking its origin and cure. He spent four years on this work and drew many conclusions from many observations which were found to be correct by scientific and clinical research. His discoveries created a revolution in the study of hygiene and psychiatry. He graduated from the University of Pavia with highest honors in 1858. After graduating he returned to Verona.

The current political strife ended in war in 1859 and he felt it his duty to enlist. Although he wept at the thought of giving up his studies to become a soldier, he went to Milan and enlisted. He was appointed medical aid to the Sanitary Corps of Piedmont, to serve during war time only. Here he took up his duties in July, 1859. While serving there he discovered that cotton soaked in alcohol prevented infection after amputations. For this he was awarded two medals. It was his intention to retire from the service at the end of the campaign in 1859 but he was induced to remain and was promoted to the office of doctor of a battalion of the second class. At the end of the war he began the anthropological study of the soldiers in the army, compiling data on their origin, size, weight and cranial measurements, etc., and became so expert that he could tell at a glance where a man came from. He continued his studies on psychiatry and wrote one article. He was promoted in 1861, to a battalion of the first class. Army life did not appeal to him. He was anxious to return to civil life and to lecture on subjects of interest to him.

In 1860, he wrote to Masserani, President of the Society of Sciences and Letters in Milan, asking him to arrange a date for the discussion of three subjects, the relationship of genius to crime, the multiplicity of the human race, and the Italian race. Masserani was not very enthusiastic and delayed setting a definite date. In 1861, Lombroso wrote to Dr. Panizza, Rector of the University of Pavia, asking him to persuade Masserani to set a date. Panizza, instead of doing this, wrote inviting Lombroso to direct a course of psychiatry at the University. This was greater than Lombroso had hoped for.

During this period he was still connected with the military. His regiment was ordered to Calabria and anxious to study a new race he went with it. He began there a study of the methods of hygiene and medical practice used in the different parts of the country, which extended over three years. He sought the causes of evils and their remedies. In 1863, he sent out letters to the doctors throughout the country asking them to co-operate with him in getting laws passed to regulate the system of hygiene in Italy. He obtained a transfer, in the fall, to the Military Hospital at Pavia, in order to take up his lectures there. Upon his arrival, he found that the course was not regularly instituted and that he would be unable to start. He was invited to give one lecture at the University. The next fall the course was legally instituted and he began a course on mental maladies and anthropology and wrote a book entitled "Genius and Folly." In 1863, he began his study of discriminating between criminal and normal passions. He decided that the laws of Psychiatry should be applied to this study. At the end of the scholastic year he was recalled to his regiment in Genoa. Military duties conflicted with his numerous studies to such an extent that in November, 1865, he resigned from the army. This was the end of the first and happiest period of his life.

He returned to civil life under very trying circumstances. For a period of seven months he was barely able to eke out an existence with

his earnings. He received a very small income from the civil hospital at Pavia to which he had been appointed Doctor in Chief, but his services at the University and a large part of his practice was free, and he was forced to add to his income by writing articles for Magazines.

He published, at this time, his book "Legal treatment of Mental Alienation" in which he put all his force. The book was well received in France, Germany and Austria. De Mauri had him elected a member of the Imperial academy at Marseilles, Dr. Fraenkel, of Berlin, offered to translate the book into German, and Prof. Hirsch, of Vienna, wrote urging him to continue the work. In Italy, however, it was differently received. He was attacked and criticised on all sides. He met at this time Madame Taddei, a benevolent lady of Pavia, who assisted him freely in his work as his secretary, and helped him financially until the crisis had passed. He added the study of the effect of astral bodies on the human mind to his course and wrote an article on this subject. He received 600 lire for this article and 1,200 lire for his book on mental maladies. This put him out of want.

In the Spring of 1866, another war broke out with Austria and he returned to the army. He was very active in this campaign in suppressing an epidemic of cholera, for which he received special honorable mention by the government. At the end of the campaign, that fall, he returned to civil life.

He resumed writing for magazines and was the principal contributor to Mantegazza's "L' Igea." He and Mantegazza quarreled about an article and their friendship was broken off.

He took up the study of Pellagra, its cause and cure. This disease was very prevalent throughout the country. He spent a long time experimenting with the theories advanced as the cause of the disease and found the cause to be in the use of blighted corn. He then wrote the Government asking them to prohibit the sale of this corn. He wrote many articles on the subject and made many experiments to find the inoculating germ which caused the spread of the disease. He was made a Chevalier of the order of the "Cross of the Crown of Italy" as a special reward from the Government, in recognition of his work on this disease.

He was married in 1870.

His attention was now devoted entirely to the study of mental alienation and Psychiatry. His articles on the subject attracted so much attention that in 1871, the council of Pisaro invited him to take charge of the Asylum there. This gave him the position of leading alienist in Italy. He accepted and took up his duties there in December of that year.

At Pisaro, Lombroso found for the only time in his scientific career, full co-operation and scope to do the work that he desired. He was able to make experiments on the inmates and criminals in the community, and to compile statistics. His writings on the subject was brought to the attention of the Ministry with the result that Mr. Scalia, one of the deputies, proposed that a national bureau for regulation of criminals be opened and that Lombroso be put at the head of it.

In 1872, an attack on his theory of the cause of pellagra was directed against him by Dr. Lussano, Professor of Physiology at the University of Pavia. A great controversy followed. Lombroso, aided by Duprea, a noted chemist, was victorious. Enthused by this victory, he decided to return to Pavia. He felt the need of the stimulating effect of his scholars. His return was untimely. The recent controversy with Lussano had left many hard feelings and he was very coldly received.

He was a candidate for the Prize offered by the Royal Academy of Lombardy, for the best scientific work. This prize was awarded by the Riberian Assembly, composed of many of the leading scientists of Italy. They decided that his work on Pellagra had not gone far enough, and, although he presented his proofs they decided to reserve decision until their next meeting, two years distant. In the interim, a great dispute was carried on through the country. Many experiments were performed. The Assembly at its second session decided that Lombroso's proofs were not satisfactory but he was supported by Dr. Allardini of Brescia, who had repeated and confirmed all his experiments and decisions. Finally, he was nominated Special Professor of Medical practice at the University of Turin. This infuriated Lombroso, who was very anxious to have the chair of Mental Maladies then vacant at that University. He refused to accept the post and decided to remain at Pavia. He called together the First Congress on Pellagra and opened a course on that subject at the University of Milan, in 1872. He published in 1873 his *Legal Diagnosis of Delinquents* and opened a free course at the University of Pavia in experimental study of the anthropology of delinquent man. In 1874, he was given the Chair of Medical Practice at the University of Pavia and made many innovations in the teaching of this subject.

His students grew in such large numbers that he wrote to the directors of the asylums at Reggio, Tamburino and Morselli asking them to cooperate with him in publishing a journal of psychiatry and medical practice. They were not very enthusiastic and only one volume was ever published. He was very anxious to have the chair of Mental Maladies. In 1876, he was still appointed as regular professor—instead of special of Medical Practice at the University of Turin. He was very coldly received on his arrival there and could obtain no aid from the directors or state in carrying out his work. He was forced to do all his experimenting in his private rooms which were very small. In 1877, he was offered the directorship of the asylum at Levi, but he declined it, preferring to teach. His position was at this time bettered. He was appointed Special Doctor to the Province of Turin, the Council gave him permission to open a criminal hospital for his research, and voted him 600 lire to open a laboratory. He also continued his work on Pellagra, writing many articles on this subject. His work was confirmed by Prof. Piffard of New York. He was offered 20,000 lire, by L'Erba of Milan, for the use of his name in manufacturing a specific, based on his experiments, for the cure of Pellagra. He refused, but wrote a full explanation of the cure and remedies used and presented it at The World's Exposition, in Paris.

He was made an honorary member of the Society of Hygiene, of Paris. He was now forty years of age and happy because he did this act for humanity and thereby contributed to the betterment of his country.

He published, in 1878, a new edition of "Delinquent Man" with chapters dealing with criminal punishments, etc. This edition had great success in France and Germany, and North and South America. Lawyers and statesmen took up the study and many reform laws were passed, based on its teachings which greatly improve jurisprudence. In 1879, he wrote a book on the growth of crime in Italy and how to prevent it. This was also adopted as a standard in Europe and America, and students and offers of help in this work came to him from all parts of the world. Enrico Ferri, who afterwards became his firm friend and champion, was one of these students.

Lombroso had now risen from an obscure Professor to be the head of a new school of criminology, and famous through the world. Although he was at this time very popular and famous; so many controversies arose over his theories that he felt himself to be surrounded by enemies. He lost his father and mother, in 1880, and in 1882, he lost a son.

The first National Congress of Criminal Anthropology, in Italy, was held in 1884, during the National Exposition of Turin. It was attended by all the leading scientists of the country. A new penal code, the result of this congress, was drawn up in 1888. Lombroso objected to the code as it was drafted, claiming that it was not broad enough. He predicted that it would be followed by a wide spread of criminals, a growth of crime, and would cause confusion in the administration of asylums and prisons.

He wrote many arguments in favor of the changes in the new code he proposed, and sought in every way politically to defeat the passage of the original bill which was entirely too narrow in its conceptions. In spite of his efforts, the code was passed in the original draft. This was a great blow to him, and a setback to his doctrines in Italy.

Incorrect translations of his first edition of "Delinquent Man" had been published in France. Lombroso, without rectifying the mistakes by a new translation, attacked the translators and brought about a quarrel with his adherents there. In August 1889, the Congress of Criminal Anthropology was held in Paris. After several days of discussion, it was decided not to accept some of Lombroso's doctrines. He vigorously defended them, and spoke with such asperity that a quarrel ensued, resulting in a break with the French scientists.

A financial crisis, which swept over Italy in 1889, left him in very straightened financial circumstances and he was again forced to resort to writing articles for newspapers and magazines as a means of livelihood. He wrote many articles for the "Nacion" of Buenos Aires, and "L'Italia" of Montevideo, on many different subjects: Art, psychology, literature, etc., in which he displayed his great versatility and wide knowledge.

He revised his works in 1880, dividing them into three groups;

medical, literary and criminal, and added a book on decadent politics. He had never given up his ambitions to be the head of a school of psychiatry, and in 1900, the Ministry established this school at the University and gave him the chair. He chose Luigi Roncoroni as his assistant. He now had more time for research work and resumed his work on fermented corn and its relation to Pellagra. He also wrote with the aid of Guglielmo Ferrero, a study of delinquent woman. He was appointed inspector of the Asylums of Italy, in 1890. This was a great aid to him in his researches.

Becoming interested in Spiritualism he was invited at this time to witness a spiritualistic seance that Eusapia Palladino was holding. Although he had always, before this, fought against spiritualistic beliefs he became quite enthusiastic over her work and became one of her great friends. Meanwhile a great reaction was going on in France in favor of his theories. But, although he wrote new articles on the subject and answered some of the questions that arose, he would not be placated. The third Congress of Criminal Anthropology was held in Brussels, in August 1892. Dr. Semal, director of the asylums of Mons, was appointed president. Dr. Semal had made many experiments relative to Lombroso's theories, had found them to be well founded and he was supported by the work of several other Belgian scientists of note. Manouvrier, the French alienist, who had led the opposition against Lombroso in Paris felt himself discredited and refused to attend as did Lombroso, although Dr. Semal journeyed to Turin to invite and persuade him to do so and he refused. The Congress was only saved from failure by the great endeavors of Dr. Semal and a few others. The French School was represented by a few of its adherents but the Lombrosian theories were well supported and he was completely vindicated for his reverses in Paris. Many adherents arose in France after this congress, and he resumed writing for the French newspapers and magazines. It was decided to hold the next congress at Geneva.

A commercial crisis, in which many of the banks failed and exchange dropped very low, brought great confusion in the country. Many political societies were formed for political betterment, and a group of Lombroso's pupils became the nucleus of the International Socialist Society. They were joined by many Idealists and reformers. The Government fought the movement, arresting and imprisoning all the leaders. Lombroso did not agree with all the doctrines and tried to prevent some of his most noted followers from joining the society. The movement was a great menace to his school as many of its exponents became embroiled in political strife.

At this most critical time in the history of the school, Lombroso's assistant who had been with him over eight years, was appointed to a professorship at the University of Sienna. He was very fortunate in filling his place with Mario Carrara, who became a valuable ally in his work. With his support Lombroso managed by writing letters and articles to stem the crisis. The school grew and a course in Criminology was instituted in many of the leading Universities. Writers of note throughout the world wrote on the subject.



Soon after the growth of socialism, a new propaganda, Anarchism, was started by a few young Italian-emigrants, with Santa Caserio at the head. Lombroso wrote denouncing this doctrine, and devoted a chapter to it in his second edition of "Political Crimes."

The antisemitic feeling in Russia, Austria and Germany caused many Jews to emigrate from those countries to America. Lombroso sympathised with his race and wrote a book on "Antisemitism."

He wrote at Hoepli's request, a small manual on graphology. Through an error in compilation three pages of a book written by a dentist in Rouen, were included in the manual. The dentist wrote to Hoepli threatening a law suit for the theft of his work. Hoepli wrote to Lombroso, who without investigating the matter wrote a very cross reply which resulted in a quarrel. After investigating, he found the pages and consulted a lawyer. The lawyer advised him to keep quiet and the affair would soon be forgotten. But the dispute ended in a law suit and Lombroso was sentenced to pay the dentist 400 lire.

He exerted his influence to introduce, in Turin, a new system of schools which had been started in Milan, and which later developed into the free public school system.

The 4th Congress of Criminal Anthropology was held at Geneva, in 1896. It was another battlefield between the French School and the Lombrosian and the Lombrosian won.

Lombroso and several of the Italian Scientists attended. The victory of his theories at this congress initiated their adoption in the penal codes of many countries. He published a new edition of his "Genius," in 1894, and wrote a sequel "Genius and Degeneration" in 1898 and 1899. He found a warm supporter of his theories in Max Nordau, who wrote a book and dedicated it to Lombroso. He was invited to attend the medical Congress at Moscow in 1897, and he received a great ovation and many honors were shown him on his journey to and fro. He made a large collection of skulls, letters, work, and criminal paraphernalia and he and Carrara had converted his quarters into a museum of criminology.

In 1889 he entered the political field. The socialist party had reorganized and he became a member. He was elected a member of the Common Council but withdrew disgusted with the failure of his efforts for reform. His theories were gradually spreading all over the world. Many Italian scientists, forced to emigrate on account of political persecution, disseminated his ideas in their new countries. The breach between the French and Italian schools gradually healed. Experiments were made all over the world and at the 5th Congress of Criminal Anthropology, he was the hero of the day. At the Pellagrolical Congress, in Bologna, it was shown that his work on Pellagra had reduced the mortality of that disease. New laws were passed relating to this disease based on his work.

After he retired from the political field he gave all his attention to the study of genius and crime, and attended and assisted at many of the scientific congresses. The Congress of Criminal Anthropology was held at Turin, in 1906. It was decided to make it the occasion of

honoring Lombroso. Delegates attended from all parts of the world. Letters were sent to him from all parts and messages were sent him by the King and members of the Royal family. A medal was struck in his honor and the workers of the socialist party presented him with a bust of Galigula. Lombroso was overwhelmed by the demonstration. Finally age and arteriosclerosis enfeebled him. He spent his last year studying spiritualism and writing articles on many diverse subjects. He felt considerable bitterness over the fact that disputes continually arose over his theories on Pellagra, but decided that it would be useless to answer them. He passed away peacefully on October 18, 1909.

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MENTAL EXAMINATION OF JUVENILE DELINQUENTS. By *Thomas H. Haines* (Director of Ohio Bureau of Juvenile Research, Columbus). Publication No. 7, Ohio Board of Administration, Dec., 1915. Pp. 15.

Dr. Thomas H. Haines here reports some results of his study of 1000 young boys and girls, seen at the Bureau of Juvenile Research, Columbus, Ohio. In this report he emphasizes several points well worth stressing. One of these is that in any investigation of the causes of delinquency, a psychological study should be added to the physical examination. Secondly, that, as regards mental examination, it is not sufficient merely to learn whether or not the delinquent is feeble-minded. Equally as important is an effort to determine motives underlying behavior. Dr. Haines then discusses the methods for making mental diagnoses, and shows the inadequacy of the "Binet-Simon" tests for the study of adolescents.

The 1000 cases reported on—671 boys and 329 girls—were tested by the "Binet-Simon" scale, and likewise by the "Yerkes-Bridges Point Scale," and the findings according to the two were compared. It was found that, judged by the "Binet-Simon" scale, 57% were feeble-minded; by the "Yerkes-Bridges," 29%. The author then points out his reasons for believing the latter figures more reliable. Eliminating some few doubtful cases, he concludes that 24% of the 1000 cases are undoubtedly feeble-minded and in need of permanent segregation.

The study, as a whole, shows a very rational attitude toward the entire question of diagnosis of defectiveness and the social implications. It is recognized that follow-up work is necessary in order to ascertain whether all those who are below par mentally are likewise social failures. Again, it is recognized that our scales for measuring intelligence give us no clue to the emotional and volitional life. Dr. Haines seems rather hopeful that sometime in the future there may be available means of measuring such factors as love and hate, as well as persistency in striving for a goal. It would seem doubtful whether we shall be able to measure such subtle and complex aspects of life by psychological tests, at least for a long time. Granting this, these

factors must be taken into consideration in the study of delinquent careers by means other than psychological tests.

We do not know that Dr. Haines is justified in assuming that the delinquent who is feeble-minded is consequently irresponsible. This correlation is one that remains to be proved. Nor can we altogether agree with his analysis of the "Yerkes-Bridges" scale, when he states that it "selects a few typical lines of mental activity, such as memory, association, discrimination, perception, suggestibility, constructive imagination, and logical thinking." We believe that this is rather too inclusive, and that for the testing of all these special abilities other supplementary tests must be used.

However, on the whole, the study is a very careful and much needed one. The relationship of mental defect to delinquency is a question that is much discussed, and just such careful investigations are needed to answer it. The fact that in these 1000 cases feeble-mindedness was found to the extent of 24% must be viewed in the light of one additional consideration: namely, that the group studied is a selected one and does not represent delinquents in general. We should expect a greater percentage of feeble-minded among these cases, sent to the Bureau of Juvenile Research either because they need special study, or because they are to be placed in institutions, than in an unselected group.

Psychopathic Institute, Chicago.      AUGUSTA F. BRONNER.

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TRANSACTIONS OF THE COMMONWEALTH CLUB OF CALIFORNIA—THE STATE'S DELINQUENTS. Vol. X, No. 2, March, 1915, pp. 147.

The Commonwealth Club of California reports its activities in this pamphlet issued March, 1915. The "Section on Delinquency" reports upon the causes of delinquency and methods of prevention; upon the treatment of juvenile delinquents; upon misdemeanants and petty offenders. The causes of delinquency are given as first, the abuse of alcoholic beverages; second, physical and mental deficiency; third, bad environment, including poverty, improper housing conditions, crowded surroundings, and lack of home training.

Various recommendations are suggested to meet these conditions. It is urged also that steps be taken to improve the conditions obtaining in county jails. The need for more reformatories in the state of California is pointed out, and various changes in the management of penal and reformatory institutions are urged.

Psychopathic Institute, Chicago.      AUGUSTA F. BRONNER.

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LEGAL RIGHTS OF CIVIL SERVANTS IN THE CITY OF NEW YORK. By George H. Stover. (Municipal Research, No. 66. October, 1915). Published by New York Bureau of Municipal Research, 202 pages. Price \$1.00.

George H. Stover, Assistant Corporation Counsel of the City of New York has rendered a service of distinct importance to the members of the uniformed police and fire forces and to those professionally or theoretically interested in municipal government by the preparation

and the publication of his treatise on "The Legal Rights of Civil Servants in the City of New York."

The treatise contains a clearly expressed and well arranged exposition of the legal principles governing the appointment, removal, reinstatement, compensation and pensions of policemen, firemen and other civil employees in the City of New York. By means of its unusually excellent arrangement of text and its full citation of cases in the footnotes, it constitutes a reference book for desk use which will enable every member of the rank and file to understand his legal rights and every officer to know what the law requires of him in his dealings with employees. Although the practicing lawyer and the student of municipal science will not feel the want of an index to this volume acutely because of the logical arrangement of its text, the value of this treatise as a handy book of reference would have been materially increased by the addition of a well prepared guide to its contents.

Every policeman, fireman and civil servant in the City of New York should read this volume carefully in order that he may fully understand his legal rights and be at all times in a position to protect them. Every administrative officer in the city service should not only master its contents but also have it at all times conveniently at hand in order that he may overlook no necessary legal procedure in his dealings with his employees. And every municipality should seek to obtain at the earliest practicable date an equally well written treatise on the legal rights of its own civil servants, since there are few factors of greater importance in maintaining the efficiency of policemen, firemen and civil servants than a clear understanding by officers and employees of the legal rights of all.

LEONHARD FELIX FULD.

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BOYHOOD AND LAWLESSNESS. By *Pauline Goldmark*, and THE NEGLECTED GIRL, by *Ruth S. True*. West Side Studies. Conducted under the auspices of the Russell Sage Foundation. Two volumes in one. Pages 199 and 143 respectively. N. Y., Survey Associates. \$2.00.

This is one of those excellent researches which are being made by the Russell Sage Foundation on the West Side of New York City, particularly in a section of the West Side which has its center on 42d Street about five blocks from Fifth Avenue. As one goes in that direction from Fifth Avenue, one is impressed with the sudden transition from an appearance of opulence to every indication of poverty. This is a kind of "back bay" into which the weaker elements of an older population drifted while the stronger forged out northerly in the direction in which the metropolis has within recent decades grown so rapidly. The social atmosphere in this region is one that has developed through decades of lawlessness and neglect which overwhelms all who live within it—German, Irish and all. The racial make-up of the region suggests a cosmopolitan community. Of sixty-seven American born fathers of whom information was

available, twenty-eight were German, twenty-one Irish, fifteen American, and three English. The parentage of seventy-three American born mothers was: twenty-eight German, twenty-five Irish, eighteen American, two English. It goes without saying that the only play ground for the boys in this region is the filthy street itself. With the restrictions upon playing in the streets all who know anything of city life are familiar. The facilities for free play, and consequently for the normal exercise of the play instinct, are practically nil. Here are all sorts of opportunities for drifting into anti-social habits. Thievery comes to be encouraged, "Johnny is a good boy; he keeps the coal and the wood box full nearly all the time. I don't have to buy none." This represents the typical attitude of many mothers within the region. Most of the arrests within this section of the city are for trivial causes, notwithstanding the fact that every corner of the region seethes with the most awful crimes. The problem of juvenile delinquency in these streets is believed by the author to be largely the product of conditions that are dangerous to youth in the homes and on the streets. Consequently the dealing with the boy through the court and the reformatory is only a touching up of the finished product, and it has nothing at all to do with the source of his offending. It is futile to allow the youngster to return to these surroundings in which he has grown up, for to do so is to submit him again to the very stimuli that have produced in him the unfavorable reactions which have occasioned his offending and arrest.

As one reads a study of this sort, it can hardly fail to be borne in upon one that just such conditions as prevail here are the ones that are adapted to develop those habits and dispositions in young and old alike which soon become second nature, and criminal nature at that. One is tempted to ask how can it be otherwise. If we but recall what we know, what we think we know, with reference to the formation of habits in every day life, it seems inevitable that living in the midst of the surroundings which are described here by the author, and reacting to them day in and day out would in time create just those habits or dispositions that make the confirmed delinquent. In this day, furthermore, of emphasis upon the feeble-minded character of our delinquent population, the careful student must be tempted at every turn, not only to accept the force of the argument that crime is bred from feeble-mindedness, but to supplement this argument by another; namely, that what shows up as feeble-mindedness under an, at any rate superficial, psychological examination may be, not a native feeble-mindedness, but what for all practical purposes is equivalent to it; namely, a second nature or a disposition, or a bundle of habits that, in the course of years, have grown up in consequence of repeated reactions to such situations as are described in this book.

In the appendix to this volume we find a number of tables—sixteen in all—in which we find statistics relating to the sources from which the names of 294 boys studied in this work were obtained, the ages of the boys, the length of residence in the district of 183 families from which these boys descended; the status of the mothers; the

conjugal relations of parents; relief records; the duration of relief; court disposition, truancy records, etc.

The volume is characterized by one noteworthy feature, which, unhappily, is not found in many studies of the sort. It is an exceedingly readable report. More than that it is presented in a fascinating literary style. One who undertakes to read it will prove this to his own satisfaction.

The second part of this volume, entitled "The Neglected Girl," is a study of the same area in New York's West Side. The author of this section emphasizes at the end of the introductory chapter the necessity for remaking the conditions in the midst of which these girls live as an indispensable condition for the remaking of the girls themselves. The worry and the strain of insecurity in the poverty-stricken homes renders the girl apathetic, careless, and stolid, or querulous and neurotic. Perhaps she takes to drink. Drinking is rife on the West Side. It is the easy and familiar escape from worry and discouragement.

The school record of these girls is not encouraging. They quickly change from one school to another. The dropping back a grade is often a signal for such a change, which is easily effected. This weakens the school's authority, but, after all, it would be of doubtful wisdom to restrict this freedom. It is often the only thing that a truant officer can do to prevent a girl from dropping school altogether and going into a hopeless occupation at an early age.

The difficulty of the boy in the crowded street which he meets in satisfying his instinct for play is enhanced in the case of the girl. Her first earned money is spent on collars and ties, lace, walking sticks, sun shades, cigarettes, in all of which she is instinctively revolting against the narrow, limited, friendless homes in which many of them find themselves. This expression is a moving out toward romance, toward the realization of beauty that has become a need, a need that has lain dormant and unsuspected. It is not vulgar, excepting as any other instinctive expression is vulgar. The best way to help these girls is to strengthen the best elements of the homes. Here her recreation can be safe-guarded. We may improve her schooling, regulate her working conditions. But yet these girls are not to be regarded as so many individuals; they are units in a community, and this community is itself a unit in a larger whole. Whatever, therefore, can lighten and beautify the grimy district or release intense pressure on family comfort will give her a better chance.

One of the saddest aspects of the whole situation in the crowded city, as far as the girl is concerned, is this: It inevitably comes to pass, wherever there is a congested population, that here a little and there a little an inroad on personal decency must occur. Here a little and there a little the barrier behind which the individual protects himself or herself is broken down—insensibly, it may be, but yet broken. The transition in the direction of complete freedom from restraint is insensibly accomplished, and before the girl knows it she has drifted into a life of shame which is infinitely harder to recover

from because of the atmosphere in which she has grown up and which has contributed to her condition.

Another thing that is borne in upon the reader of this book, and other studies of this sort, is this: that the size of the family bears a very direct relation to the depths of poverty, and therefore of failure in self-protection, to which the family sinks. It is the usual story that there are six or eight or ten children in homes that can support in decency but one or two at the most. Just as the author of the section on Boyhood and Lawlessness found it surprising that a boy could live in the streets referred to on the West Side in New York without becoming criminal, so we say of the girl, how astonishing it is that one can live in the midst of such surroundings as these described without becoming seriously smirched.

This volume on the Neglected Girl deserves mention also because of the clear—one might say artistic—style in which it is set forth.

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#### THE ANNUAL REPORT OF THE MUNICIPAL COURT OF BOSTON, 1915.

The annual report of the Municipal Court of Boston has just been published. It is the purpose here to briefly review it.

So many new social and economic problems are arising today in our large cities, which are not common to the less populous parts of the country, that a need is felt for specialized courts, adapted to deal with the new conditions. To this end most of the large cities of the United States have, within recent years, been granted the necessary power by Legislatures, to establish municipal courts. It is unfortunate that in organizing these courts, but little regard has been paid to uniformity. No two of them have the same jurisdiction or the same procedure. While the problems to be dealt with are substantially the same, yet the methods of attacking these problems, through the courts, are widely different.

Boston has had a municipal court for many years, but the jurisdiction and procedure of that court have changed from time to time to meet the needs of a growing city with a population of three quarter's of a million inhabitants. As at present constituted, thirteen judges preside over the court. They are classified as, one Chief Justice, eight associate judges and four special judges. It has concurrent jurisdiction with the superior court in all actions in tort, contract and replevin, where the amount involved does not exceed \$2,000.00. In addition it has an Appellate Division, which is presided over by three judges, chosen by the Chief Justice, from the body of the judges.

Prior to 1912 an appeal might be taken from the judgments of the Municipal Court in every case. Such appeal entirely vacated the judgment below, and operated in the same manner as an appeal from the judgment of a Justice of the Peace. The case had to be tried *de novo*, in the Appellate Court. The result of this was most unsatisfactory, no real progress being made in disposing of the litigation. Forty per cent of the findings of the trial court were appealed. In 1912 the law was changed, to provide that, when the plaintiff brought

a suit in the Municipal Court, which he might have brought in the Superior Court, he thereby waived both his right to a trial by jury, and his right to an appeal. The defendant, upon entering his appearance, has the right to remove the case to the Superior Court and to a jury trial by giving a bond in the sum of \$100.00 to secure the payment of the costs. It is shown that this system is not altogether satisfactory. A defendant who desires delay has only to remove the case to the Superior Court, and demand a trial by jury.

The total number of civil cases tried in the court for the year 1914 was 15,173; for the year 1915, about 16,000. The average judgment entered was \$100.53. The total judgments \$961,604.00.

The published report for 1915 leaves very much to be desired by one who would know more about the real workings of the court. Nothing is said about the character of the pleadings or of the procedure by which this work was accomplished. Nothing is said about the length of the delays between the filing and the disposition of a case.

On the criminal side of the court the report is still less satisfactory. Instead of the writer dealing with the work as it is, and making a correct detailed report of what was done, he uses much space in telling what might have been accomplished if the court were differently constituted. Too much space is devoted in praise of the principle of probation and not enough to a detailed report of the work of the probation department. Too much to an argument for specialized courts, and not enough to the work accomplished by these courts. Too much about the advantages of the medical and psychological department, and not enough to show how that department is conducted and by what methods its medical director, was able to learn that only 90 out of 946 persons examined, were mentally normal.

The report shows that for the year 1915, 54,778 persons were brought before the court charged with some offense. Of this number 38,851, or two-thirds of the whole, were arrested for drunkenness. 25,124 of these were released by the probation officers at the place of custody, and were never taken to the court.

The tenth annual report of the Police Commissioners of Boston, for the year ending November 30, 1915, shows that during that year 88,762 arrests were made in Boston. Just how it comes about that the Police Report shows 33,984 more arrests were made during the year than were brought before the Municipal Court, the writer does not know. It is evident, however, that the Municipal Court of Boston does not even, in the first instance, handle all the criminal business of that city. To one on the outside, the plan adopted in Boston of allowing probation officers to release on probation a large per cent of those arrested for drunkenness, without having such persons arraigned in court, seems most excellent. No good can come, and much harm often results from dragging the ordinary man or woman, who has imbibed too freely, into court. The usual drunkard of this kind is not a hobo, but generally one who has a job and who is otherwise a fairly good citizen. On occasion he imbibes too freely and is unable to care for himself. No good can come from taking him into court and there fining him, for this only further deprives his family of



the things they sorely need. In most cases one arrest is enough for a man. By allowing the probation officer to release him as soon as he is able to go to his home or place of business, it often happens that a job which he would otherwise lose, remains secure. By this plan, also, a large amount of time is saved to the police department and the court, which may be spent to much greater advantage.

It is to be regretted that the annual report of the Court does not give more details of this work, that we might know with what success it has been accomplished. If it has worked satisfactorily in Boston, other large cities ought to follow a similar program.

The report says that during the last year interpreters have been appointed for the criminal courts, and suggests that this is an improvement over the old system. Nothing, however, is said about the number of these interpreters, or in what way they have changed previous conditions. A hint is given of an evil, which other courts have recognized, and which, it is suggested, has in a measure lessened the value of the work of interpreters. It is that such official interpreters sometimes impose upon ignorant litigants, by pretending to speak for the court, in matters touching the issuance, or refusal, of warrants, and in many other matters, thereby often misleading such litigants by corruptly pledging in advance the Court's decisions. The subject of official interpreters has been one that has vexed other courts similarly situated, and we would know more of Boston's experiment on this line.

The report also comments upon the inadvisability of conferring upon judges the power to appoint a large number of clerks, probation officers, etc., and very properly concludes that all such appointments should be made by civil service examination. Judges are peculiarly unfitted to exercise the appointive power in matters of this kind. They are presumed to be out of politics, yet this is the worst kind of politics. Few judges indeed there are, who are able entirely to overlook the pressing demands of political leaders to appoint those whom they designate.

The report reviews the work of the probation department, but is exceedingly meager as to detail. Nothing is shown as to how many probationers are assigned to each officer, or what success the court has had in helping and correcting those brought before it, charged with offenses. The probation system is still on trial, and it is exceedingly important that vital and reliable statistics be gathered and published touching every branch of this work. There is no doubt of the wisdom of the principle of probation; but in the administration of probation laws, much is still to be learned.

The report of the medical and psychological work of the court made by Dr. V. V. Anderson is significant, and of much value to those interested in this new field of endeavor. The report states that in the two years of the operation of this department, 949 persons, who appeared before the court charged with some offense, were examined touching their sanity. Of this number 85 were found to be insane, 357 feeble-minded, 168 afflicted with nervous disorders of some sort, 100 subnormal in mentality, 40 epileptics, 48 alchoholics, 58 had

criminalistic tendencies, and 90 were mentally normal. By the same report it is shown that in the two years covered by this report, 109,600 persons were brought before the Municipal Court of Boston. It seems, however, that only those whose conduct led the court or probation officers to believe that they were mentally deficient, were sent to the psychopathic department for examination. The report says on this subject:

"Only those who were considered difficult problem cases by the court and probation officers, have received examination."

If we assume that the judges and probation officers sent all cases coming under their observation, which presented evidence of mental abnormality, to the psychopathic department for examination, then it follows from Dr. Anderson's report that less than one per cent of the persons arrested and brought before the Municipal Court of Boston, could be classified as feeble-minded or in any way mentally deficient. Dr. Anderson has well said:

"Slipshod methods of diagnosis can only lead to immature decisions and though impressive to the lay mind, must inevitably lose the confidence of the intelligent court."

The Doctor is to be commended for his report. It is a plain, unexaggerated statement, dealing with a problem of much importance.

The report does not deal extensively with the general subject of crime in the City of Boston. It shows, however, that in 1915 the Municipal Court had before it but 11 cases of murder. The report of the Police Commissioner of Boston, for the same year, shows that 19 persons were arrested for murder and 48 for manslaughter. In comparison with other large cities of the United States, this is a very low record for Boston. In the same year there were arraigned in the Municipal Court of Chicago 100 persons charged with murder and 42 with manslaughter.

The Police Commissioner's report, however, for Boston in the year 1915 presents some startling figures. It shows that 88,762 arrests were made. Placing the population of Boston at 750,000, and measuring the crime of the city by the number of its arrests, this is the worst record presented by any large city in the United States. Chicago has a reputation for crime which has far outrun its borders, yet in 1915, the total arrests in Chicago were less than 120,000. Chicago's population is two million five hundred thousand inhabitants. Measured by arrests, Boston has more than twice as much crime as Chicago. Of course, the number of arrests in a city is not a certain measurement of crime. One city may enforce its laws more strictly than another, but all in all this is about as fair a way to determine the observance of the law as any other. It would seem from the report that either Boston has altogether too much crime, or her policemen are making entirely too many arrests.

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MARIO PAGANO, CRIMINALISTA (MARIO PAGANO, CRIMINALIST).

By Dr. Jur. Marcello Finzi, Professor of Penal Law at the University of Ferrara. Fratelli Bocca, 1915. pp. 142.

Dr. Finzi has done well to write this new page on a man little known abroad and on a period of Italian history that has not yet attracted much attention on the part of foreign students. When we speak of the philosophic and scientific movement that preceded the French Revolution we generally take for granted that that movement was purely a French affair and that the rest of Europe received the good and the evil of the French Revolution as a generous gift of the most enlightened country of Europe. This is not exactly so, especially for Italy. The movement of philosophic, scientific, sociological and political thought that took place in that country during the eighteenth century is of the highest importance; and its stupendous soundness is proven by the fact that all over Italy, scores of years before the French Revolution, social, political, legislative reforms had peacefully secured to the people most of the advantages that 1789 secured through revolutions and bloodshed to the rest of Europe.

Mario Pagano, both writer and judge, was one of the men who powerfully helped Italy in her social and scientific advancement. His first book on criminal questions was "Considerations on the criminal trial." The government of the Kingdom of Naples, seeing that criminality was increasing while the penal tribunals seemed unsatisfactory from every point of view, charged Mario Pagano, already a famous jurist, with an investigation of the whole question and with practical suggestions of reform. The "Considerations" which embody these suggestions is a marvel of keen study of the most minute intricacies of the penal procedure of the Kingdom and of wise propositions of reform. The leading principles are: (1) Limitation of the unbounded freedom of the judges; (2) Equality of rights granted to the accuser and to the accused; (3) Exclusion from the trial of the magistrate who investigated the case; (4) Assistance of the lawyer to the accused during the investigation; (5) Abolition of torture as a means of getting evidence; (6) Abolition of every secret procedure and of personal jurisdictions; (7) Simplification of the whole field of criminal procedure.

His suggestions were not radical nor impractical, and yet they were revolutionary; the result was immediately seen as soon as his ideas were embodied in legislative reforms. Another splendid contribution to the progress of penal science and penal law is represented by his "Logics of Probabilities Applied to Criminal Trials," in which is to be found in the clearest and most striking way, all that we know now about the questions of *evidence* in penal problems.

Mario Pagano's "Principles of the Penal Code" is another most valuable contribution to criminology. It would be impossible to go through all the important points that he makes. Suffice it to say that we find in it perfectly developed the German theory of punishment considered as a *Gegen-Motiv*, and that his ideas of civil liberty are as sound and as modern as if they had been written nowadays.

Mario Pagano had the great privilege of being able to transform

his theoretical principles into practice when he became a member of the government of the Republic of Naples and was charged with the drafting of a constitution.

After a close study Mario Pagano appears to deserve as much credit as Gaetano Filangieri and Cesare Beccaria, although their contemporaries did not think so. The two latter were sociologists, much more than jurists, and dealt with general principles; so that their writings were easy to understand and secured the hearty approval of the lay people; while Pagano was a jurist and a deep and thorough connoisseur of the detail of criminal law and procedure, and wrote books in which sentiment has little place and which can be understood only by the initiated. So that his contribution to the advancement of criminology was more substantial, if even less appreciated by the common people. Besides this, Beccaria and Filangieri drew much of their knowledge from French sources, Montesquieu above all, while Pagano got his inspiration from the study of Roman law and the long and glorious list of Italian jurists.

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VITTORIO RACCA.

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PATHOLOGICAL LYING, ACCUSATION AND SWINDLING. By *William Healy and Mary Tenney Healey*. Criminal Science Monograph No 1. Little Brown and Company, Boston, 1915, pp 178.

In the past two years or so the science of criminology has become enriched by a good many valuable contributions, foremost among which are two books which must be looked upon as probably the most noteworthy criminologic studies of modern times. We are referring to Goring's "English Convict" and Healy's "Individual Delinquent." The one a summary of one of the most stupendous pieces of scientific statistical research, represents twelve years of its author's labors and is a fitting landmark for the separation of the statistical method of approach to the problem of criminology from the new individualistic analysis of criminal behavior. Both books have received ample attention at the hands of the professional as well as the lay press, and we shall refrain from discussing them further. But anyone who has read Healy's remarkable contribution must have felt that this careful and unbiased investigator is eminently the one criminologist to whom all of us must look for further enlightenment upon this all-important phase of modern civilization.

This expectation has been in part justified by the book before us. The thorough analyses of the anomalous individuals who form the material for the present volume are a revelation in research into human behavior, and one feels convinced that a careful reading of the extremely interesting life histories therein recorded must lead to a saner and more enlightened viewing of the problem of the criminal. As one

primarily interested in delinquents who for some reason have come within the purview of the psychiatrist, the reviewer might harbor some differences of opinion concerning some of the author's conclusions. As one of these might be mentioned the author's insistence that the term "pathological lying" should be reserved for normal individuals who engage in pathological lying. Pathological lying is a pathological mental trait, an habituation, and it is difficult to view it as part of the makeup of a normal individual. The reviewer is mindful, however, of the difference between Dr. Healy's material and that found in hospitals for the insane, and his conclusions must of necessity differ in some respects. The authors of this very valuable contribution as well as the promoters of this new Criminal Science Monograph Series are to be congratulated upon the very happy beginning of this venture. May it meet with lasting success.

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CAUSES AND CURES OF CRIME. *By Thomas Speed Mosby.* C. V. Mosby Co., St. Louis.

The author of this very instructive little volume, brimful of very valuable information, needs no introduction to those interested in criminologic subjects. His other essays on various phases of criminology have been widely read and appreciated, and the present volume has met with the same enviable fate.

While it has been some time since the appearance of this book, the reviewer could not refrain from making it the subject of review, and thus calling attention again to this little mine of information.

The reviewer has had frequent occasion to refer to this book, and the more intimate his acquaintance has become with it the more respect has he gained for the author's erudition and scholarship and for the reliability of his facts.

The book is divided into three parts, and as it views the problem of crime as the great social disease, the respective parts deal with its etiology, prophylaxis and therapeutics. Throughout one is struck with the author's thorough grasp of the subject and the broad-minded humanistic attitude with which he handles it.

We take great pleasure in recommending the book very highly to all interested in this important subject.

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