

1920

Reviews and Criticisms

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Recommended Citation

Reviews and Criticisms, 11 J. Am. Inst. Crim. L. & Criminology 144 (May 1920 to February 1921)

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REVIEWS AND CRITICISMS

JUSTICE AND THE POOR. By *Reginald Heber Smith*. (The Carnegie Foundation for the Advancement of Teaching, Bulletin No. 13.) New York City, 1919. Pp. xiv + 271.

This volume, which began as a study of the claim of legal aid societies to the support of private benevolence, has taken its place in a series of inquiries into the subject of legal education in course of preparation by the Carnegie Foundation, under the general charge of Mr. Alfred Z. Reed. The first of the series, published before the war, was the brilliant report by Professor Josef Redlich upon the case method of teaching. In this study it is pointed out that, while freedom and equality of justice are the ideal of the governmental organization set up in all our states, as evidenced by the various bills of rights and other constitutional provisions, owing to such defects as delay, the court costs and court fees, and the expense of employing counsel, a denial of justice is the common result of an appeal by a poor man to a court of justice. As the writer visited all the legal aid societies in the country in preparation of this report, he has accumulated a great mass of evidence not only as to the nature of these defects, but as to the very great effect they produce on the minds of those who suffer the resulting injustice, and particularly upon the foreign-born in the community, who are at a peculiar disadvantage and who rarely understand the source of their undoing. That influence, manifesting itself in preventable unrest, justifiable dissatisfaction and social bitterness, is important at a time when inevitable distress and conflict between economic and social groups are a source of wide concern.

In discussing these defects, generally characteristic of the administration of justice, it was, as President Pritchett points out, found impossible to consider legal aid societies without taking into account other agencies developed to render the "administration of justice direct, simple, and accessible to rich and poor alike," and the study therefore deals with small claims courts, devices for bringing about conciliation and arbitration, domestic relations courts, the use of administrative officials, the assignment of counsel, the use of the public defender, and legal aid organizations. A chapter is devoted to each of these devices, and a brief summary of the author's estimate of the value of each may not be out of place. The first five are characterized by dispatch; the first three render the use of the attorney unnecessary; the last two reduce his importance and his cost. The last four recognize the necessity of his services and attempt in different methods to provide those services.

1. The *small claims court*, with power to handle wage claims and miscellaneous small debts, of which the essential features are low costs, perhaps none, absence of formal pleadings, direct examination

of parties and witnesses by a trained judge, the presence of an official to assist parties, the possibility of payment on the instalment plan, the application of the principle of trusteeship when there are several creditors, discretionary power over ejectment proceedings, and the policy of conciliation could, and, in the writer's judgment, should be, established in every large city. By such a development over a wide territorial range, one-fourth of the existing denial of justice might, in the opinion of the author, be removed.

2. *Conciliation and arbitration.* The practice of attempting to bring about conciliation should, as has been said, characterize the small claims courts, where one exists; but there are other fields than that within the jurisdiction of such courts where that object could appropriately be sought and devices toward that end developed. This practice, with that of arbitration, which will probably develop but slowly, does away with the function of the attorney, and so with the cost of lawyers' fees.

3. *Domestic relations courts.* Family disputes constitute the second of the four great classes of cases among the poor, the other, besides wage claims and miscellaneous small debts, being actions for personal injury. In these controversies the writer thinks the substantive law reasonably sufficient. There are, however, many questions in substantive law on which there is wide difference of opinion. Whether desertion should be constituted a felony or a misdemeanor, the status of children born out of wedlock, and the provision that should be made for such children, are questions illustrating wide differences of opinion as to the substance of the legislation to be enacted. And besides these differences, great confusion results from the diffusion of such various remedies as exist among many courts. In Cleveland, for example, family cases may come before any one of eighteen judges (p. 74). The unification of jurisdiction and specialization of judges is therefore widely recognized as necessary. The territorial expansion of domestic relation courts will, in the opinion of the writer, go on rapidly. The increase in the jurisdiction and unification in one court so as to bring together all domestic disputes, especially so as to bridge the gap between civil and criminal cases, will probably occur much more slowly.

4. A chapter is devoted to the subject of administrative tribunals such as those administering workmen's compensation acts and of the Interstate Commerce Commission. The first of these is now found in most states; the second is important rather in showing the possibility of increasing the efficiency of court action than in bearing upon the problem of the poor litigant.

Of the various devices for supplying the services of the attorney, a steady development of the administrative tribunal may be looked for with the increasing complexity of the modern state; the assignment of counsel to the poor suitor is an ancient right of the judges so rarely taken advantage of that the existence of the right is sometimes denied; the creation of the office of public defender in criminal cases is, in the opinion of the writer, the best method for securing

freedom and equality of justice for poor persons charged with serious crimes.

"It is a complete solution of the difficulties in the existing administration of the criminal law which have placed poor prisoners at a serious disadvantage, and it remedies some of the most glaring abuses which have brought the criminal law into disrepute. . . . Since 1914 the idea has spread very generally throughout the country, and has made more headway in legislatures and in the community at large than the proposed reforms in court reorganization and simplification of procedure. . . . It is not unlikely that the superior court defender will become recognized in the near future as an integral part in the administration of criminal justice. In the east the initiative is more likely to come from private than from public sources. If the legal aid societies possess the requisite vision and strength, they may be expected to extend their work into the criminal field and establish departments which will afford to the poor who are accused of serious offenses the services of a skillful, well-equipped, and honest defender" (p. 127).

5. *The Legal Aid Society.* This is, however, in the opinion of the writer, the "greatest remedial agency." Its function is "to furnish counsel to poor persons; to undertake their cases when no other assistance elsewhere is available" (p. 129). The increase in the number of these societies has been very rapid during the past few years. In 1914 there were 28 such societies; in 1917, 41, besides four public defender's offices. Moreover, in 19 other cities organization was under way at that time. These 41 societies had provided attorneys for 1,133,700 persons, at a cost of \$1,573,733. And these figures do not include organizations which furnish legal aid, together with other among their services, although not limited to that form of activity. The Immigrants' Protective League of Chicago, for example, has found it necessary to devote a large share of its activities to services connected with legal protection, as do the Massachusetts and California immigrant commissions. These legal aid societies work often in closest co-operation, if not in organic relation, to the charitable societies of the community, and are therefore instruments for uncovering the extent to which maladministration of justice may itself prove a source of poverty. They may serve as agencies for uncovering the practices of lawyers who dishonor their profession, and they provide excellent opportunities for a "true practice" under wise direction for the law student or young practitioner, and may thus fill a gap in the educational scheme pointed out by Professor Redlich. Perhaps their greatest service may be in the discovery of the weaknesses characterizing the court practices and their leadership in legislation or in the adoption of new policies looking toward the removal of those weaknesses. Certainly the strengthening of these agencies would result in wider good-will underlying the institutions, but often wholly inarticulate and unperceived.

Attention has frequently been called in these columns to certain weaknesses in the administration of justice particularly affecting the

non-English-speaking members of the community. The provision of the honest and efficient interpreter, the development of the probation and investigational service, the establishment of the psychopathic clinic, all these devices characterize an effort to individualize not merely the delinquent, to use Dr. Healy's term, but every suitor and every defendant to whom the community, through the court, is responsible. The study under consideration furnishes material for the consideration and information of members of the bar, both actual and prospective, and is both evidence of the need for socializing justice and itself an aid in the accomplishment of that end. With such bodies of material before them, showing, in the words of Mr. Root, that, while "the highest obligation of government is to secure justice for those who, because they are poor and weak and friendless, find it hard to maintain their own rights"—that duty has not been very satisfactorily performed and that "the rapid growth of great cities, the enormous masses of immigrants (many of them ignorant of our language), and the greatly increased complications of life have created conditions under which the provisions for obtaining justice which were formerly sufficient are sufficient no longer" (p. ix), the members of the bar, the instructors in law schools and the possessors of large wealth and generous benevolence will co-operate to set in order the "temple of justice." As Mr. Smith and Mr. Root point out, there will be necessary a great yielding to the passion for justice and a will to follow in paths already pointed out, and, indeed, entered upon by leaders in the profession, conspicuous among whom perhaps may be named the brilliant dean of the Harvard Law School, Professor Roscoe Pound, of whom the author makes frequent mention and to whom frequent tribute is paid, and the distinguished jurist and publicist, who, as dean, administers the affairs of the Northwestern University Law School and has been a valiant supporter of the Chicago Legal Aid Society—John H. Wigmore.

To recognize the importance of the legal aid society in the performance of these various services is, however, not to claim that the removal of the present defects of our administration of justice is finally to be chiefly accomplished by the use of philanthropic funds. Rather, by leading to the establishment of agencies with an educational content and to the creation of instrumentalities that are part of the court, a true adaptation to modern needs will be brought about.

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DER KREIG UND DIE KRIMINALITÄT DER JUGENDLICHEN (The War and the Criminality of Youth). *Von Dr. Albert Hellwig, Amtsrichter, Halle a. d. S., 1916. 8vo., pp. 282.*

This is a very remarkable book. The foreword was written at the Village of Harcy in the Ardennes, March 16, 1916. The industrious author utilized a six weeks' rest period behind the lines to study and work over material that he had been laboriously collecting in the interstices of strenuous field service. *A Nachwort* was written after

a month's service at Verdun, on the eve of retirement for a short period into rest quarters. The author explains that the first three or four months of the war demanded all the energies of the citizen-soldiers of the German state, but after the stalemate of trench warfare set in, old habits and interests reasserted themselves in individual soldiers. Dr. Hellwig's interest in criminology led him to a study of the subject of crime and the war. An *Amtsrichter* in civil life, Dr. Hellwig had interested himself in the causes of juvenile delinquency and before the war had published two books on the subject.¹ Unable to study this subject in all its aspects, he decided to confine himself to a special phase of it—the influence of the war upon juvenile criminality. With the assistance of friends at home, he began carefully to collect newspaper clippings and magazine articles on the subject, an unusually large number of which has been published in Germany and Austria. In the early months of 1915 Dr. Hellwig began writing to various judges asking their assistance in collecting materials relating to "crime and the war"; and later he sent a questionnaire to numerous judges and police magistrates. He also published a notice of his inquiry in the *Zeitschrift für die gesamte Strafrechtswissenschaft*. As a result of these efforts, this "sociologist in arms," as he might be called, collected the rich store of material which forms the basis of this volume.

Dr. Hellwig's purpose in preparing the present study is declared to be two-fold: to contribute to the *Kulturgeschichte* of the war and of crime, and also to set forth the problem of juvenile criminality as influenced by the war in order to call attention to the necessity for remedial measures. The book is divided into four parts: (1) The forms of juvenile criminality during the war; (2) the causes of war criminality; (3) remedial measures; (4) the probable development of juvenile criminality after the war.

Inevitably the American reader is primarily interested in the first two parts, since here are given the author's array of facts as to the extent and causes of the demoralization of the youth of Germany; while the third and fourth parts are only speculative, and, at this late date, of little interest.

In the first months of the war, statistics from the juvenile courts show a decrease in criminality, but Dr. Hellwig rightly questions whether this decrease may not have been more apparent than real. So also the definite increases reported by the courts after the first months of war, except in small cities and rural districts. In those first war months people were absorbed in the great events which were going forward. Small events of the daily life which once seemed important were now unnoticed—mere trifles. Later as the burdens, anxieties, and sorrows of war came home to people, they became nervous, irritable, oversensitive to small offenses, insistent about making trivial complaints against children. Throughout the whole period, however,

¹See *Schundfilme; Ihr Wesen, ihre Gefahren und ihre Bekämpfung*, von Dr. Albert Hellwig (Halle, 1911), and by the same author *Kind und Kino Langensalza*, 1914.

and affecting earlier as well as later figures, was the reduction of the police force and the resulting increase in the proportion of undiscovered crime. The relative criminality of children in the town and country, of boys and girls, and of children in the different age groups is discussed with painstaking thoroughness on the basis of the available statistics. In general, children in the large cities suffered most, and, among these, boys probably suffered more than girls, and the twelve to fourteen year old boys were most affected. For older boys, particularly those in the age group sixteen to eighteen, statistics show a falling off, for many of these ages joined the colors as volunteers.

The increased criminality in the cities is explained as due to the fact that there was a great influx of juveniles to large cities in search of high wages, and there was often disappointment and a drifting into bad ways as a result. Moreover, in the small towns and in country districts, there was more employment for children and more supervision, even eight-year-olds took care of the horse or the cow, whereas in the cities the children ran wild, the girls ran after the recruits or the wounded, and the boys formed marauding gangs.

The chief causes of the increased delinquency may be briefly summarized as follows: From the very beginning of the war home life was demoralized by the withdrawal of the fathers for the army and the neglect of their homes and children by the mothers who were obliged to go out of their homes to work. Thousands and thousands of women who had never worked before had to go out to work because, with soldiers' allowances which covered only the barest needs, they could not keep their households even approximately near the old standard. Shelters for children whose mothers had gone to work were not popular with children over twelve, and these children loafed on the streets. Moreover, in the German family, the father ruled the boys often through fear, and the mother was not able to command the same respect. The older boys got completely out of hand. Many welfare workers reported to Dr. Hellwig of complaints from mothers of their inability to manage their children who would not go to school, but roamed the streets, where there was so much to interest them—soldiers going to the station decked with flowers on the one hand, on the other the attractions of making friends with the wounded, from whom they could get stories. "Since his father left home, he has been a bad boy," was said by many mothers.

All unconsciously, Dr. Hellwig gives us a picture of children left to the care of women in a nation that had no respect for women. For what happened in the homes also happened in the schools when male teachers were withdrawn for war or war work and women teachers were substituted. As might be expected, in Germany women teachers were "not able to maintain discipline." Thus the sudden lifting of the iron hand from children who had been subjected to a severely repressive system of discipline both at home and at school led to demoralization. Half-grown boys left to their mothers and to women teachers, for whom they had little or no respect, soon became disobedient and lawless. Similarly apprentices whose masters went to war and

who were left often to help the wife of the master carry on the business, soon broke the terms of their apprenticeship and ran away.

The German school system soon became terribly demoralized. The teaching staff were reduced and the hours shortened. In numerous places an orderly system of education no longer existed. In country districts a teacher who came over from a neighboring district for a few hours for the most necessary instruction was a twice or thrice burdened man, who could not possibly do what a teacher should do for his pupils. Complaint is also made of the numerous school holidays that were unwisely provided by the authorities, such as the frequent interruptions of school for the celebration of victories. We are told that thousands and thousands of German children were receiving a broken education and that the whole German youth from six to fourteen were unfavorably influenced by the diminution of school training which existed from the very beginning of the war. Moreover, it is said, there was to be counted not only the loss in *Wissen und Kennen*, but also the loss of character and training in ethics and morals for which education is responsible.

Economic causes of increased delinquency are also discussed. When the war began, many businesses were suddenly closed, and there was a great deal of unemployment, especially among the children. Later new industries developed, and the labor market became more favorable. But the unemployment during the early months of the war led to many cases of delinquency, and later, when work was more plentiful, it was frequently work that was demoralizing to the children. Elsa von Liszt, chief welfare worker at the Berlin juvenile court, tells how her wards suffered at first from lack of work, and how they were exposed to temptation. Older boys, long out of probation, came back with their parents asking for work.

Later the great increase in wages to the young in war industries also became in turn demoralizing. Boys stopped school because they could earn such high wages, but they became too independent and wished to spend immediately what they had earned. Relations between mother and son were strained. Some boys left home and took a room of their own to shirk all family responsibilities, and gradually they sank down to evil living. Thus unduly high wages often furnished more conditions for a loose life than no wages.

Girls suffered especially from unemployment and were dismissed in large numbers from places of service with families who were giving up servants to economize, and from other peace-time trades. From the very beginning of the war, we are told, when it was generally believed that war was having an ennobling effect on the young, came reports of immorality among young women and girls. Of special interest is the following account, which is taken from a report of the St. Johann's Asylum, in Bernburg:

When the war broke out, we expected our work to decline because the means of support would be lacking, and we also thought that there could not be so many girls guilty of conduct which would bring them to an institution—the seriousness of the times, the spirit of lofty sacrifices, and self-denial would lead to work and good conduct. On the contrary,

we found immorality and wantonness increased instead of diminished. Institutions for girls filled up as those for boys were emptied. In the garrison cities, the great numbers of men, the tedium and inactivity of life in hospitals, and those invalided, the retrenchment in households which led to the dismissal of servant girls, the unemployment in many lines of work for women and girls, idleness, love of pleasure, the emotional excitement of the times with the nerve-distracting news, joyful news of victory, heart-breaking news of casualties, threatened diminution of means of subsistence, all led to the grievous appearance of growing immorality in the great times of noble deeds and highest moral strength.

Similar testimony came to Dr. Hellwig from other places. Elsa V. Liszt wrote:

We have among girls a great increase in immorality that does not appear in statistics. The young girls were seized by the unrest of the times, especially at the beginning of the war, they left their places of service and employment and went to the great cities and lost all self-control so far as the soldiers were concerned. Immorality increased most where large bodies of troops were concentrated. From various parts of Germany accounts of immorality connected with unemployment of girls.

A further cause of delinquency among children was the kaiser's general amnesty of August 4, 1914. Strange indeed to an American is Dr. Hellwig's account of the way in which the *Allerhöchste Gnaden-erlass* spread demoralization among the juveniles affected by it. Juvenile Court judges and workers in general agreed as to the bad consequences of the indiscriminate "pardoning" of juveniles who did not understand the true significance of the *Allerhöchsten Gnade Akte*. Children who had been removed with difficulty from unsuitable homes found themselves suddenly free to return to them; children who had laboriously been making "restitution" to those whom they had injured now held themselves free to discontinue their efforts; parents notified probation officers to cease calling on their wards—in fact, a general state of bewilderment and confusion resulted which was definitely harmful in its influence on the children affected.

A further source of difficulty in Germany was what Dr. Hellwig describes as the well-intentioned but ill-considered taking over of training schools for hospitals and similar purposes. Thus child welfare institutions, at a time when there was the greatest need of them, were very gravely reduced. Members of their staffs were drawn into the war and the institutions themselves very unwisely and evidently, in many cases, unnecessarily, turned into hospitals. Homes for girls, for example, were transformed into hospitals, and the girls turned loose. A great reform school in Zellendorf was turned into a hospital and several hundred difficult children set free. In general, Dr. Hellwig suggests that the private welfare organizations were guilty of an attitude that he describes as "hospital mania." The heads of many institutions thought their first duty was to give their institutions to the Red Cross, when there was no necessity and incalculable harm was done.

The most interesting sections of this very interesting book are, however, those that deal with the increase in criminality as a result of

what may perhaps be described as the psychological effects of the war. Dr. Hellwig holds, for example, that it is unwise to fill the children with hate against the enemy peoples. Relating to children the cruelties of the Russians in East Prussia, of the *Franc-tireurs* in Belgium and Northern France and the atrocities committed by the colored troops of the French and British armies is warned against as damaging to the souls of the young. To an American reader it is, of course, a little bewildering to find that this apparently honest and careful scholar who had accompanied the German armies to France seems to be unaware of the fact that the German armies had not behaved with entire propriety in France and Belgium and had shocked the world by their atrocities.

It is conceded that it is right to believe that such deeds as Germany's armies committed should be held up to the young as shameful, but unfortunately the child cannot distinguish between scorn and hate; and hate and feelings of revenge, if stirred in the child, may lead him to indulge the same feelings toward his personal enemies. But unfortunately the German children lived in the closest and most constant contact with the horrors of war. An immense amount of what are well described as poisonous *Kriegsschund-literatur und Kriegsschund-films* seem to have been on the market in Germany from the very beginning of the war. What are described as the overexciting, bloody pictures, both of the films and the books, were overstimulating to the juvenile imagination. In spite of the fact that many of the older German youth were in the field as *freiwillige*, nevertheless deeds of violence had increased by 1916 to such an extent that they were attributed to the brutalizing effect of the news from the war as a cause. Young people eagerly devoured the bloody reports from the battle fronts. It is said that the children who are so influenced by the war are the lower grade children, who sooner or later would have found their way into criminal paths. But Dr. Hellwig says it is by no means certain, even of such children, that the influence of the war was not to lead them to more horrible crimes than they would otherwise have committed. The surfeiting of youth with the horrors and atrocities of war must be fatal. It is true that the connection between a brutal deed and the effect of the events or descriptions of events of the war is seldom so clear that it can be positively identified.

Nevertheless, he cites some interesting cases. For example, there is a case from Berlin of two brothers, aged eight and twelve, who burglarized a house and ruthlessly destroyed its contents. They found little money in the house and then apparently in rage cut up the bedding, broke up the clock and a large mirror, tore up clothing, threw shoes in the fire, tore up photographs and finally poured many bottles of raspberry juice over the scene of devastation. In this case, Dr. Hellwig thinks the children were influenced by the stories of the disgraceful deeds of the Russians in East Prussia!

Cases of murders committed by children and young persons are also cited from Munich (p. 122-125) and from Zurich (pp. 125-...). The latter case is especially interesting. In this city, in a neutral

country, two boys were discussing the war and atrocities, and the fact that in war one could murder without being punished for it. One of the boys often said of different persons, "He ought to have a bullet in his head." It is pointed out that murder in time of war is glorified by state and church. This inevitably affects a morally weak nature, and the picturing of atrocities is brutalizing.

On the whole even as early as the time when this book was published (1916) thoughtful Germans like Dr. Hellwig were apparently agreed that there has been a certain brutalizing of the children as a result of the war. Dr. Hellwig devotes a long section (pp. 88-132) to what he calls the *starkere Erregung der Phantasie* and he shows how the war was everywhere present to the German child. He heard of the war at school, he read of it in the newspapers, he saw pictures of it in the shop windows, he saw the war at his *Kino*, he read war stories, he played war games on the streets and often with dangerous weapons, he devised an imitation of the requisition in enemy countries and an epidemic of stealing developed, he heard of the war and nothing but the war at home. Scarcely a family but had at least one of its members in the field to write back of his real or alleged experiences. Many children tried to reach the seat of war. They stole money to get to the front, where they hoped to become child heroes. They stole to buy uniforms, iron crosses, weapons. Children disappeared from home and were later apprehended making their way to the front, east or west, often stealing on the way. The newspapers contained many accounts of young boys and even girls who succeeded in reaching the seat of war. Sometimes the stories of child heroes were false, but Dr. Hellwig reports having himself seen a fourteen-year-old boy in the autumn of 1914 who was making himself useful to an artillery munition column of the third army corps by all sorts of small services. Apparently a considerable number of children did either reach the front or get near it who should have been in school and not in an army camp.

On the whole, this description of social conditions in Germany is more revealing than the stories of the generals and the statesmen who controlled the destinies of the nation. Here is a picture of the German soul and what the war did to it. To this well-informed and painstaking German author it is clear that what he described in 1915-1916 as the great events of the past year had not gone by without influencing the children of the nation. The peculiarly imitative instinct of youth had, as he says, brought it to this, that youth is wilder, longing for adventure, and drifts easily into criminal paths.

The book should, of course, be compared with Mr. Cecil Leeson's *The Child and the War* (London, 1916) for a striking contrast between English and German conditions so far as they promoted juvenile delinquency. Some of the causes of increased delinquency in Germany were present, also in England, such as the absence of fathers and mothers, unemployment or undesirable employment, diminished school facilities, and in England were added also the misery of dark streets and Zeppelin raids. But the great contrast between the two countries

lies in the fact that the war was an obsession with the whole German nation. People were emotionally unstrung with the excitement and high hopes of spectacular victories, the shock of ghastly losses, the poison of the hate epidemic. All this reacted upon the children, and it would appear therefore that juvenile delinquency had been greatly increased in Germany by the emotional shock of the war.

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EDITH ABBOTT.

UBER DIE GEWOHNlichen LEBEN WICHTIGSTE GEISTESKRANKHEIT JUGENDIRRESEIN (On the Insanity of Youth: The Most Important Mental Disease in Everyday Life) Dementia Praecox (Kraepelin), Schizophrenie (Bleuler), Paraphrenie (Mann Freud), Zweisinn (Bresler), für Ärzte, Juristen und Erzieher Von Nervenarzt in Friedrichroda i. Thür.

The author holds with Bleuler that "Schizophrenia is the most common and yet the most important of the adolescent psychoses."

This view, he claims, is strongly supported by the recent experiences with the war psychoses, among which there was a large number of schizophrenia.

"If this fact is not generally known, it is because schizophrenia is not usually recognized, but is called hysteria, neurasthenia, neuro-psychosis, or nerve-trouble."

"Yet, schizophrenia presents, in many instances, definite characteristics and signs of splitting of consciousness long before the least symptoms suggestive of dementia are at all apparent. These characteristics of splitting of consciousness are: Passion, capriciousness, vacillation, sensitiveness, loss of energy, fickleness, aimlessness, irascibility, perverseness or eccentricity, untrustworthiness or unreliability."

"These personalities include an array of peculiar characters: persons who are uncertain of the procedure of their work, puzzling behavior, tempestuous individuals, inclination to retirement, unhealthy repressions and impulses, compulsive behavior, anxiety states. Finally, also, so-called problematic natures, dual natures, persons who are hard to deal with or to satisfy, queer persons, climbers, idlers, pedantic individuals, self-sufficient, opinionated persons, fantastic persons, fanatics, ne'er-do-wells, schemers, inventors, 'geniuses,' tramps, beggars, drunkards, prostitutes, and many other persons with peculiar, unusual leanings."

"Frequently sudden changes in the disposition occur in either to apparently normal, even-tempered individuals. The husband finds the wife's changed behavior unbearable, or the wife complains: 'I dislike my husband. He is entirely changed. The least little thing makes him angry.'"

"Among students, too, occur changes in character, which indicate that pathological conditions are taking place, such as laziness, indolence, incapability, inattention, lack of concentration, thoughtlessness, flightiness, frivolousness, prejudice, sudden blushing, diseased impudence, 'bad habits,' and many other general peculiarities."

"All these undesirable eccentricities and other known and unknown phenomena, such as wishes and ambitions, frequently interfering with social life, are due to a splitting of personality, which, for the lack of a better expression, Bleuler calls 'Schizophrenia.'"

Schizophrenia of Bleuler, the author thinks, is the same as "Zweisinn"—two-fold mind of Bresler. Further:

"Only primitive peoples and children are not schizophrenic. But the moment the accusing finger is pointed at the child when it tells the first lie, it becomes schizophrenic. He also becomes dissatisfied with the world against which he develops a grudge for making him whatever he is—an artist or a criminal. If he is disinclined or unable to be either, he develops a neurosis or a psychosis. The criminal declares war upon human society. To him brutality is only a means of self-defense, which he justifies."

"The neurotics," on the other hand, dissatisfied as are all complex personalities, declares war on himself. Often he takes to the "worry-killer" alcohol, morphine, or a chronic neurosis. In either case, schizophrenia should be considered a disease—a mental suffering."

"As in dementia praecox, schizophrenia is divided in the following forms: 1, paranoid; 2, catatonic; 3, hebephrenic; 4, simple, uncomplicated schizophrenia, and 5, the periodic form. The condition may come on very slowly or suddenly. The symptoms are variable in form and in intensity, ranging from a mere depression to a violent insanity."

"'Gloominess,' 'dammerzustand,' is a condition brought about by the war, which was observed to be very common among the men. According to Bleuler, it is a reaction to a psychic trauma in mildly schizophrenic personalities. Gloominess is a state of insanity resulting from a misinterpretation of and a maladjustment to war environment. Like in hysteria, wishes, hopes and fears are day dreams which find their fulfillment symbolically in gloom. It is manifested by a momentary or prolonged period of a mental 'haze,' lasting from one minute to a month or years. The prolonged periods have lucid intervals, during which the patient is fully conscious. Frequently he wanders away from his post as if in a state of epileptic equivalent. This wandering occurs often even among either—to most loyal army officers, who suddenly start from their positions. The increasing number of such cases led physicians to study the situation. The condition was recognized as 'willenssperrung'—compelling will. The wandering happened not under circumstances of 'fear of the enemy,' but under conditions where men who otherwise held out well under a rain of bullets, and, suddenly, left the trenches without a further thought of post of duty. Striking contradictions such as these should lead courts-martial to recognize 'gloom-state' and 'wandering' as a disease condition—a mental disorder. Contradiction is a characteristic in schizophrenia. The hardships of war, exposure, underfeeding, worry, excitement, and exhaustion serve to intensify the condition."

"Schizophrenia, which must be regarded as a disease, is divided in two varieties: 1, Schizophrenic changes in the personality which

show nervous disease without mental changes; 2, previously existing schizophrenic conditions which begin to show unmistakable mental disease with specific brain changes. The two should not be confounded. The latter is to be known as schizophrenia Bleuler; the former is more in accord with what is known as schizothym. Schizothymic personalities are those who feel life heavily weighing on their shoulders; they feel themselves personally hurt at the least provocation; their life is tempestuous; they are intraspective; they become cultists of all kinds, they are impressionable, easily influenced by literature. They are faddists, honor seekers, striving to be admitted to higher social strata, though they are unable to discard their former environmental mannerisms and habits, no matter how objectionable they may be. They always try to propound 'something new.' The long war has made innumerable schizothymic personalities, although they are by no means uncommon in civil life. An aggravated case of schizothymy will lead to schizophrenia."

The author is quoted at a greater length than is usual for review purposes, in order to show the mechanism of a split-up personality, which, as it goes through life, may become a problem and even a burden to itself and to society. Jurists and physicians alike should engage in the study of this subject.

Students of psychology and psychiatry know that, barring congenital mental disability, traits of character in individuals making up human society are made rather than born. Conduct is "home made," though not "made to order"; for while every mother desires that her child be normal, frank and free from guile, guilt and duplicity, yet not every mother can or knows how to make an environment which should impress the child with all that is true and wholesome, and to exclude from it the forces which tend to warp the child's easily swayed mind.

The growing child receives impressions and forms concepts upon which its mind constructs some kind of ideas which prompt or compel it to act. Being without experience, the child acts as it may. Parents and teachers should be ready to direct these acts in a way as to make the youth feel that his intention was to do just what and how they expect him to do and what they call right. But, too often, the youngster is chided, threatened or punished. There is a conflict. The compelling will, or mind, is opposed by force. Impressed by the physical powers of his superiors, whom he fears for the first time, the youngster finds refuge in inactivity, or lack of co-ordinate, decisive action—he becomes nervous. From that moment on the youth's consciousness is stirred up. His mind is split up. He is no more a whole, complete personality, but one of conflicts. He becomes schizophrenic.

In the course of time, in order to prevent or meet repeated onslaughts, he further, unconsciously, but by his compelling mind, divides himself and begins to lead a secret, dual life, the consequences of which he fears continually. This fear, as we know, may prompt or even compel any form of criminality, from truancy to suicide.

Thus mental disorders bear to criminality the relation of cause

and effect. A normal, well-directed, well-controlled mind is an adjustable, fit and social mind. A misdirected, uncontrolled, fragmental mind is a misfit, unadjustable, unsocial or anti-social, criminal mind.

This being true of the normal but unguided mind, it is more so true of the individual who sets out upon the journey of life with a congenital mental defect. He is not "a born criminal," but a mind which cannot conceive of the unity of the social structure. The infantile form of this type of mind is the peaceful, harmless form. The precocious, resisting, aggressive form furnishes personalities which are a menace to the peace and order which society, by common consent, seeks to maintain by uniform, equitable laws for normal individuals.

Physicians, whenever they are brought in touch with abnormal personalities, strive to differentiate between organic and functional mental disabilities. The treatment is essentially different. Jurists, too, should recognize the effectiveness of psychologic and psychiatric diagnostic skill in determining the degree of mental insufficiency in persons whom they seek to benefit by the application of the law. Indeed, it should be generally recognized that most cases of human conflict are the result of misapprehension. Truly has the ancient Greek poet said:

"Only from calm control and sanity unstirred

Cometh true weal, the goal of every man's desire."

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JUSTIZIRRTUMER. By *Dr. Albert Hellwig*, Amtsrichter in Frankfurt A. Oder. 12mo. Minden (Westfalen) Im Verlage von J. C. C. Bruns, 1914, 315 pages.

This unusually interesting and searching study of errors of justice depicts facts and a type of judicial mind that would deserve a wide study in this country. In one murder case cited by the author, the influence of public opinion led to a life sentence for the accused, which two years later, by the confession of the real criminal, was proved to be a miscarriage of justice. The unjustly accused man had given evidence pointing to the real murderer, but public opinion overruled the evidence. The thoroughness of the investigation controlling the veracity of the confession is very interesting.

Other cases dealing with false confessions leading to adjudication show how unsafe apparently full and vivid self-incriminating accounts can be and how strongly the court has to become the protector of the accused against his or her own statement under oath.

It would be difficult to give an account of the contents of the book without going into the details of concrete facts, methods of procedure and a discussion of what the chances would have been under our methods of jurisdiction. One thing is certain, that it would be a most meritorious opportunity for our JOURNAL to maintain a division for a review of such cases in its columns.

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ADOLF MEYER.

THE PSYCHOLOGY OF THE CRIMINAL. By *B. Pollitz*. Second edition. (From *Natur und Geistes Welt* 248.) B. C. Taubner, Leipzig and Berlin, 1916. Pages 128. 1.50 marks.

The second edition of this little volume was prepared by the author while he was in military service in the field. It is a very brief statement of the fundamentals of the psychology of the criminal. It is conservative in that the author does not emphasize the alleged mental inferiority of criminals at the expense of other factors which are casually related to the development of the criminal. In the criminal population he says, "Indeed we do not find a large proportion of persons who are suffering from mental diseases in the sense in which the term 'mental diseases' is used by the alienists." On the other hand, it is the border line group, composed of what we call the victims of psychopathic constitution, who fall into the habits of the criminal. Untoward social factors, in his judgment, go a long way toward developing those mental peculiarities, habitual attitudes of hostility toward social order, etc., that are so frequently interpreted as signs of natural mental defect.

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ROBERT H. GAULT.

HISTORY OF ECONOMIC LEGISLATION IN IOWA. By *Ivan L. Pollock*. Iowa City, Iowa. The State Historical Society of Iowa. 1918. Pp. 386.

This book is one of a series of monographs, edited by Professor B. T. Shambaugh, under the title *Iowa Economic History Series*. Although Mr. Pollock confines his attention strictly to a review of the economic legislation of Iowa, the material offered will be of interest to all students of the social sciences. As might be expected in a study emanating from such a source, the work gives evidence of careful and scholarly treatment. Mr. Pollock discusses some thirteen topics, devoting a chapter to each: Transportation, Corporations, Insurance Legislation, Banking, Labor Legislation and similar subjects are dealt with, the history of legislation in each field being traced from the beginning. There is a detailed list of references, and a complete index is provided, making the book a splendid work of reference.

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D. T. HOWARD.