

Fall 1926

Reviews and Criticisms

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>



Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Reviews and Criticisms, 17 Am. Inst. Crim. L. & Criminology 463 (1926-1927)

This Book Review is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

REVIEWS AND CRITICISMS

THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE: MAY 1926

Publication Office, Rumford Press Building, Concord, New Hampshire.
Editorial Office, 39th & Woodland Avenue, Philadelphia, Pa.

MODERN CRIME: ITS PREVENTION AND PUNISHMENT

This number of the "Annals" contains some forty-three different articles by government officials, college professors, and others whose lives have brought them into touch with problems of criminology and given them the right to speak with authority on the subjects discussed. Most of the papers were read by their authors at a recent meeting of the Academy. They have now been assembled under the headings: Modern Tendencies in Crime, Judicial Procedure and Modern Crime, The Prevention of Modern Crime, and Punishment as a Means of Crime Prevention. To describe the papers in detail would extend the present article far beyond the limits of a book review, and we must content ourselves with a selection of the principal subjects discussed, and a brief summary of what the authors of the papers have to say.

HAS THERE BEEN A CRIME WAVE?

Dr. Ellen C. Potter, Director of Public Welfare of the State of Pennsylvania, reminds us that an increase in the number of commitments during a given period does not necessarily mean a corresponding increase in crime. The increase may be due to other causes. The police may have been more vigilant, the courts more strict in their enforcement of the law. The judges may have imposed more prison sentences than previously. Or it may have been that the legislature created a number of new offenses, and that they are reflected in the increased total of commitments. If, however, one may use the number of prison commitments as the test for the period from 1910 to 1923, it is clear that we were not on the crest of a crime wave in the latter year. The figures of the United States Census Reports show that the ratio of commitments to population actually decreased between the years 1910-1923. The decrease amounted to 37 per cent during the thirteen years.

But how is it if one carries the examination back a longer period? Dr. C. V. Dunn, the former president of Spokane University

in an article on "The Church and Crime in the United States," gives us the following table as the result of an examination of the Census Reports carried back to 1850, as respects the number of prisoners in our jails and penitentiaries.

| Year | Prisoners to 100,000 Population |
|------------------------|------------------------------------|
| 1850 | 25.0 |
| 1890 | 106.7 |
| 1904 | 100.6 |
| 1908 (estimated) | 166.8 |
| 1912 | 140.0 |
| 1922 | 150.0 |

These figures show that the ratio of the number of persons actually in prison to the total population of the country was six times as great in 1922 as it was in 1850. And according to the report of the Special Committee of the American Bar Association in 1923, the prison population during the period from 1910 to 1923 increased faster than the general population of the country. During the thirteen years in question the prison population increased 16.3 per cent, and the entire population increased only 14.9 per cent.

As respects Pennsylvania, Dr. Potter carries the figures back to 1875, as regards commitments to jails and penitentiaries, and the figures show a falling off in commitments of 39 per cent per 100,000 population. Of course, the average citizen does not stop to reflect upon the rapid increase in population. He does not realize that the population of Pennsylvania has increased 118 per cent in the last fifty years.

Dr. Potter tells us of an examination which she made of the files of the "Philadelphia Inquirer" and the "Public Ledger" in order to determine whether less space proportionately was given by these journals to criminal news some fifty years ago than at the present time, and, curiously enough, she found that more was given. But there were two marked differences in the criminal news as reported fifty years ago. It was largely local; there were no press agencies to furnish daily reports of serious crimes from all parts of the country. Consequently the editor had a smaller number of offenses to pick and choose from, and lesser crimes, even petty misdemeanors, found their way into his columns. And most of the criminal news was under such colorless headings as "At the Central," "The Coroner's Business," "Court of Oyer and Terminer—Judges Biddle and Penrose"—mere

reports of the proceedings in the courts. If a serious offence, a murder for example, was reported separately, the story was told in an utterly unsensational manner without the electrifying headlines of today. Of course, under these circumstances the criminal news now makes a stronger impress on the mind.

Dr. Potter would have us remember that the total of the defendants at any time before our courts, or in our prisons, includes a large number of persons who have been previously arrested. It is not as though an entirely new set of individuals were daily passing through the judicial machine. In Massachusetts it was found in 1922 that at least fifty per cent of the inmates of the prisons had previously served an average of six sentences. And in Pennsylvania in 1923 no less than 40.9 per cent of the persons committed to prison had been there before. Fifteen per cent confessed to ten or more previous sentences! A moderate estimate for the entire United States would place the proportion of recidivists at present at 33 per cent. "We may well liken our criminal machinery," says Dr. Potter, "to a mechanically driven fountain which ejects its waters into the air only that they may fall back into the basin to be pumped into the air once more."

Nevertheless it is true that crime is increasing with frightful rapidity. Neither can we deny the appalling gaps between the number of crimes reported and the number of arrests, between the number of arrests and the number of convictions. The precise figures are unimportant; we have quite enough to prove to us the seriousness of the situation. Crime in this country *is* increasing faster than population. Dr. William Draper Lewis puts the matter very forcibly in an article in the volume we are reviewing, when he says that it matters not whether we can or cannot prove that the amount of serious crime is five or ten times greater in the United States than it is in Great Britain, or that the chances of detection and punishment are as much as one to six in England, and only one to twelve in the United States. The fact remains that on the whole there is a vastly greater amount of crime in the United States than in other countries "whose social and economic conditions are not essentially different from our own, while our administration of criminal justice, whether tested as machinery for crime prevention, or crime detection, or crime conviction, is grossly inadequate to meet present conditions. The assertion that the administration of criminal justice in the United States is a failure is the assertion of a fact." (Page 86 of the volume under review.)

INCREASE IN MURDER IN THE UNITED STATES

Dr. Hoffman of the Prudential Life Insurance Company gives us his figures on this subject. He says that according to the Census Reports our homicide death rate rose from 5.1 per 100,000 in 1900 to 11.0 in 1925. It doubled in twenty-five years. Results of a questionnaire sent out to seventy-seven cities, selected without respect to population, showed a marked increase in the years 1924 and 1925. In Chicago homicides rose during these years from 509 to 563; in Detroit from 211 to 243; in Cleveland from 97 to 127; and in New Orleans from 135 to 154. In Philadelphia the figures mounted from 149 to 192, although as Dr. Hoffman says, there was in that city "a most spectacular effort" at crime reduction. In Cleveland the public had had the benefit of a Criminal Law Survey, in Chicago the authorities had the assistance of a Crimes Commission. At present we have no less than 12,000 murders a year in the United States, with not more than 4,000 defendants convicted. The Special Committee of the Bar Association in the report already referred to, declared that, "the criminal situation in the United States, so far as crimes of violence are concerned, is worse than in any other civilized country."

IS MURDER INCREASING IN EUROPE?

Dr. Thorsten Sellin of the University of Pennsylvania gives us the results of a study which he made of the murder rate from 1900-1923 in four of the belligerent nations,—England and Wales, France, Germany, and Italy, and five of the neutral nations,—Sweden, Norway, Finland, Denmark, and Holland. Apparently the war had no effect whatever on the murder rates of the neutral nations studied. In the case of the belligerents there was an apparent decrease in homicides during the first years of the war—a decrease explainable by the withdrawal of a large part of the population from civil life. "What really occurred," says Dr. Sellin, "was the transfer of the criminal from the civil to the military sphere," and while the change in his environment may have proved a temporary bar to his activity, it was soon removed, as can be seen by an examination of the French criminal statistics." In that country the murder rate was low in 1914 and 1915, the first years of the war, but it rose in 1916 almost to the ante-war level of 1911. Demobilization saw a great increase in the murder rates of all the four belligerents studied with the exception of England and Wales, but Dr. Sellin thinks that the increase was due to economic distress which the countries suffered. This hypothesis is as reasonable,

he says, as the theory that the increase was due to a spirit of lawlessness engendered by the war. He points out that in England and Wales the murder rate in previous times of economic distress exceeded that of the demobilization period.

IMMIGRATION AND CRIME

Carl Kelsey of the University of Pennsylvania, in an interesting article on this subject, declares that there is no reason to believe that our immigrants have themselves contributed unduly to the amount of crime in this country, although it is a fact that the crime rate among the children of immigrants is higher than among the children of the native-born. He quotes the figures given us by Hourwich showing that convictions in the State of New York did not increase proportionately with population when the latter was being swollen by the tide of foreign immigration. For instance, from 1850 to 1860, the foreign-born part of the population was increased through immigration, but the annual number of convictions fell. On the other hand, from 1870-1880, when the number of immigrants fell off, the annual number of convictions rose. Dr. Kelsey also refers to Dr. Laughlin's survey in 1923 of the foreign-born in penal institutions, and the criticism that it elicited. In the institutions examined it appeared that the native-born whites contributed 88.44 per cent of their quota, the blacks 234.86 per cent of theirs, and the foreign-born whites only 65.44 per cent of theirs. "One can but wonder," says Dr. Kelsey, "if this means that the majority of immigrants come here with characters well established which they maintain in spite of the great change in conditions of life." It is interesting that the white children born here, both of whose parents were of foreign birth, filled but 90.29 of their quota, while those with one native and one foreign-born parent exceeded their quota and furnished 132.88 per cent. (P. 169.) Dr. Kelsey says he would be glad to know what it was that caused the additional amount of crime in the group last mentioned. In summing up the evidence he says he remains "very skeptical of any difference in the nature of the races now here in so far as tendency to crime is concerned." "The immigrant appears to us as a convenient scapegoat, and we have not neglected the opportunity" to make him one. (P. 171.)

Dr. Kelsey stresses the evils resulting from unenforceable laws, which create "a moral hazard for all concerned." As respects the immigrant, their effects are particularly unfortunate. He sees such laws evaded; he becomes accustomed to the petty graft around him; he

"gets on to" the facts, and learns, as he thinks, how he can buy immunity. He notes that a Chinese gambling-joint is raided; while a friend, who has become a waiter in a prominent club, tells him that gambling is unchecked within its walls. "He witnesses the current hypocrisy with regard to intoxicating liquors. He becomes satisfied that all officials are grafting, and that the public asks only for a certain semblance of decency in outward appearance." Of course he loses his respect for law. (P. 172.)

Dr. Hoffman shares Dr. Kelsey's skepticism as to the any greater criminality among the foreign-born. "Statistics are not available," he says, "that permit of a critical judgment as to whether criminality is relatively more common among the foreign-born or the native-born of foreign descent than among those native-born of native stock. Available statistics of this kind have to be dealt with in an extremely cautious manner since racial prejudice, particularly in the case of the negro, counts for many convictions which, if they involved a white person, would most likely have led to dismissal. The same is true of orientals who are frequently dealt with in an extremely harsh manner." (P. 23.)

BOOTLEGGING, STOCK-SWINDLING AND OTHER FRAUDS

There are several articles describing particular forms of crime. Perhaps the best is that by Joseph K. Willing, one of the assistant district attorneys for Philadelphia. He describes bootlegging as it is now carried on in that city, and anyone who cares to post himself as to recent developments in the business will do well to read his paper. Dr. William D. Gordon, Secretary of Banking for Pennsylvania, tells us of the irregularities recently exposed in the conduct of building and loan associations in that state; H. J. Kenner, of the Better Business Bureau of New York, describes the war that is being waged against stock swindlers, and Postmaster General New tells us of the work done by his department to check the fraudulent use of the mails. Chief City Magistrate McAdoo of New York contributes an interesting article on mechanical aids to crime, among which he mentions, of course, the automobile. Revolvers, he says, are as frequently to be seen in the pockets of criminals as lead pencils in the pockets of ordinary persons. He would have the law proscribe the carrying of pistols, so as to put persons possessing them on the defensive both as to character and intentions. An outlaw with a pistol "has no more right to be at large and out of jail than a mad wolf in a big city." (P. 63.)

REGULATION OF FIREARMS

Major Lynn G. Adams of the Pennsylvania State Police warns us not to expect too much from legislation, restricting merely the sale of pistols. The sawed-off shotgun is often employed in holdups, and lately we have had the machine-gun of actual warfare used in several cities. As this review is going to press the newspapers are filled with the accounts of a one-sided battle fought out with machine-guns with terrible effect in the streets of Elizabeth, New Jersey. Chicago no longer has a monopoly of the "machine-gun artist." We have had him in New York and other eastern cities.

There should, of course, be a law in every state regulating the sale and ownership of deadly weapons. There should also be a Federal Act regulating interstate traffic for without such supplementary legislation a State law is of little use. Witness the situation in New York where there is a strict state law already in effect, and firearms are secured from neighboring states. Major Adams gives us a copy of a bill submitted to the Pennsylvania legislature in 1923, and which for some reason or other failed of enactment. If one may be allowed a criticism of it, we would suggest that the sections in the bill directed at the foreign-born are quite unnecessary. We have already too many laws that discriminate against the alien and punish him more harshly than the citizen.

Many other contributors to the volume before us emphasize the importance of firearms legislation. Dr. Hoffman says that a proper restriction of the sale of firearms would undoubtedly reduce our homicide rate.

CAPITAL PUNISHMENT

It is interesting to note that the only time that capital punishment is mentioned in the volume before us, it is with disfavor. Dr. Hoffman bluntly says that it has proved a failure; that it is an obstacle in the way of convictions; that it is a relic of barbarism out of harmony with civilization. Many states in which capital punishment still prevails have higher murder rates than states where it has been abolished. "A league has been formed for the abolition of capital punishment, and it is hoped that its efforts may be successful." There are undoubtedly many district attorneys who would agree with Dr. Hoffman in thinking that the community would be better protected if capital punishment were abolished. Nevertheless, we like the answer recently given us by Felix Frankfurter, when he said that he was opposed to capital punishment for *undemonstrable* reasons.

REFORMS IN PROCEDURE

The reforms stressed in the volume before us are briefly as follows: the placing of magistrates under a chief executive, the shortening of proceedings, particularly by the abolition of the Grand Jury, or the curtailment of its functions; the substitution in minor cases of trial by judges for trial by jury; the improvement of the personnel of juries; the allowing of comment upon the failure of the defendant to take the stand; allowing the judge to comment generally upon the evidence; an acceptance of the plea of insanity only in clear cases; the elimination of technicalities; a proper restriction of the right to appeal.

Dean Mikell of the Pennsylvania Law School, in a short but interesting article, speaks of the various reforms in procedure that have been so largely discussed by the Bar, and which by this time have doubtless become familiar to readers of the "Journal." He says that most of the proposed reforms will be embodied in the model code of criminal procedure, which is being hammered out by the American Law Institute. He suggests that there is no reason why the reforms in question should be delayed until we have before us the reports of the "surveys" undertaken in various parts of the country, for the proposed changes relate solely to matters of procedure, and are intended to correct evils that no one seriously denies. The evidence as respects them is to be found in the printed reports on the shelves of our law libraries.

Robert P. Shick of the Philadelphia Bar points to what has been done in Canada, Michigan, Maryland, and New York, in the practical working out of procedural and administrative reforms. Referring to the reorganization of the magisterial system in New York under a chief magistrate, Mr. Shick points out that "magistrates and justices of the peace should be made distinctly officers of the judicial arm of government and subject to the control and supervision of the courts, or of an executive and administrative head. . . . The Supreme Courts interpret the uniform static rule of law as established by the legislatures, but provisions should be made for a control of the current administration of that law." (P. 119.)

Professor Justin Miller of the University of Minnesota says it is easy to see that during earlier stages of the criminal proceeding when large numbers of defendants are being handled a defective mesh in the net may let out a large number of fish. During the later stages the loss in number is less, and the probability of guilt on the part of those who escape is greater. (P. 97.) It is hard to say where

there is most need of reform. Professor Miller's thought is that we should "get out repairmen to work all along the line."

Alan Johnstone, Jr., of the Baltimore Crimes Commission says that the Maryland system, under which the accused is allowed to elect whether he shall be tried by a jury or a judge alone, has resulted in ninety per cent of the cases coming before the courts being disposed of without juries. The result, he says, is eminently satisfactory. It is, we are told, a fact that colored defendants in Baltimore generally ask to be tried by a judge alone. They prefer a white judge than a white jury. Judge Edwin O. Lewis of Philadelphia speaks of the enormous amount of time that is being wasted by the courts of that city in the trial of trivial cases. Juries of twelve men, paid at the rate of \$4.00 a day, a judge, and ten to fifteen court officials are required to try cases that might just as well be disposed of by a competent magistrate. Lately there has been a veritable flood of liquor cases unloosed upon the Court of Quarter Sessions in his city.

Professor Clarence N. Callender of the University of Pennsylvania dwells upon the lengths to which our courts have gone in straining the Bill of Rights in favor of defendants and against the state. That there is a strong current moving against the tide of reform in these matters is evidenced by the bill that was introduced at the last session of Congress, and which mercifully failed to pass, which would have changed the present Federal practice and prevented all judicial comment on the evidence in criminal cases. The public still needs enlightenment on the matter of judicial responsibility.

Professor Callender emphasizes the importance of having good jurymen, and yet how little thought most of us give to the matter. We stress the importance of the juror's serving, and thunder against his being excused. But we entirely overlook the necessity of placing only good names in the wheel. We deem it sufficient to provide that the panel shall be made up from the list of voters, trusting to Providence and the turn of the wheel that the jurors selected will have the requisite intelligence and conscientiousness. The solution of the problem is, of course, to put only good names *in* the wheel, so that none but good ones will come *out*. (P. 111.) Then it would make no difference if men *were* excused. Professor Callender concludes his article with Dean Wigmore's words: "Of course, jury trial *as is*, works badly. Of course, jury trial, as now managed, is inefficient. Of course, it exudes an aroma of repulsion to the citizen, of shame to the legal profession, and of doubt to the chambered student of political science.

But is that a good and sufficient reason for abolishing trial by jury? No more than our mishandling of a perfectly good watch is a reason for discarding the watch—or watches in general—if it or they can be mended. The true thing to be done about trial by jury is to ‘MEND IT.’” (P. 112.)

IMPRISONMENT—PAROLE—PROBATION

Dr. Lewis N. Robinson, of Swarthmore College, contributes a valuable article on “The Content of Punishment.” It is not pleasant reading; it bids us consider what actually happens when a particular man is “punished”—i. e., when he is fined or sent to prison. If the man is fined, and he is too poor to pay the fine, the court is supposed to take the man’s poverty into account, and not let him suffer because of it. But, as a matter of fact, the man is often sent to prison to work out his fine. This may be “imprisonment for debt,” but as the public is the creditor we see nothing wrong in it. If the man goes to prison, he goes to the county jail, the workhouse, the house of correction, a reformatory, or, in grave cases, to the state penitentiary. In a few cases, where murder in the first degree has been committed, the man goes to his death, after a period of waiting. If he is a youth, and the case is not a serious one, he may be put on what we call “probation.” And a prison term is often cut short by what we are pleased to call “parole.” The county jail is a “hell hole of iniquity.” “Good enough, you will say, for the rascals, it will teach them better. They will learn not to commit crimes. On the contrary, they will learn how to commit crimes, and ‘that’ as Kipling says, ‘is another story’.”

Our penitentiaries are generally better, but our penitentiaries are far from what they ought to be. Those of the South are largely slave colonies, where everything is subordinated to getting as much as possible out of a prisoner in the way of work—often for a contractor, without anything being done to send the prisoner back, after his release, a lessened danger to the community. The penitentiaries of the North are like “medieval castles, built not to protect the people of the surrounding country from the attack of neighboring lords and barons, but to protect them from those who dwell inside.” Unfortunately, as Dr. Robinson observes, the defense machinery is often “turned inside and directed on those within.”

And what is “parole,” as actually carried out? It should be the preparation of the prisoner for his return to ordinary life, and “a definite, concrete, continuous assistance” of the prisoner after he leaves

prison. As a matter of fact, it is not either of these things, for in nine-tenths of our states little or nothing is done within the prison or penitentiary to prepare the prisoner for his life outside, and nothing, or practically nothing, is done for him after he has been released. Idle, under these conditions, is it to expect that the prisoner will go out a better man—a man more likely to obey the law. And yet this is precisely what we do. After a third, or other fraction of his term, we turn a man loose if he has been a good prisoner and obeyed the rules. We think that it's this way the community is protected and a criminal reformed.

And yet there are signs of improvement in the conduct of our prisons. Witness two articles at the end of the volume we are reviewing which describe the various wage-payment schemes already in operation in the prisons of several of our states and the plan already under way for an interstate disposal of prison products. The articles are by Dr. L. D. Weyland, of William Jewell College, and E. Stagg Whitin, Director of the National Committee on Prisons and Prison Labor. Dr. Weyland quotes the chairman of the New York Board as saying that the wage-payment system inaugurated in the prison of New York has given the inmates a new outlook on life. Insubordination is disappearing and men who soldiered on the job and made a point of performing no more work than necessary are now making every effort to increase production. Men for whom there is no work available are even manoeuvring to get themselves assigned to industries. (P. 260.) Director Whitin's article is equally encouraging. He shows how the "state use" system is entirely practicable if the sales to institutions are made across state lines.

Dr. Leon Stern, former Chief Probation Officer of the Municipal Court of Philadelphia and now connected with the Pennsylvania Prison Society, tells us that in most of the counties of Pennsylvania probation is not taken seriously. At least, there is no attempt to carry it out effectively. Incompetent men and women are appointed probation officers, or if competent persons are appointed, they are not given the time or facilities for properly following-up the minors for whom they are responsible. In one county Dr. Stern talked to a probation officer who had had 385 liquor offenders turned over to him in addition to the children he was supposed to follow-up and care for. The adult probationers came before him on a Saturday night. He was not expected to hunt them up, he being charged mainly with the collection of the

finest that had been imposed upon them. This is a sample of the examinations conducted by him:

"Come in, Mike. Are you working?" "Yes."

"Are you home with your family?" "Yes."

"Are you drinking any?" "No."

"Do you make any hooch?" "No."

And then—seemingly on a sudden inspiration:

"If you are not making any hooch, are you selling any?" "No."

"Have you got your money for the fine?" "Yes."

"All right, here's your receipt. Now be good. Good-bye."

"Good-bye."

A kindly enough dialogue, one would say, but not altogether satisfying to one who would like to see a strict enforcement of the Volstead Act. And one must also confess that the probation officer in question, with his 385 liquor charges on his hands, was hardly likely to discharge his other duties satisfactorily. Probation, if only to be measurably successful, requires—we will all admit—something quite different.

THE LACK OF CRIMINAL STATISTICS

Running through the articles are repeated references to the need of reliable statistics. We are told that our State statistics are neither accurate nor comprehensive, and that the Federal government does little more than give us the number of homicides. As to other offenses, there is little or no country-wide information, and what facts we have must be taken from "grab-bag sources." (Judge Hallam, p. 125.)

Dr. J. M. Rubinow, of the Jewish Welfare Society of Philadelphia, reminds us that we must start with a uniform crime nomenclature, and then provide for blanks to be sent out from a central agency—to police captains, district attorneys, magistrates, court clerks, and the superintendents of penal institutions. Then there must be tabulation and analysis—the work to be done by the central bureau. Completeness will be unattainable, but this need not deter us. "Even the best soap claims to be only 99.44 per cent pure." Only in this manner can we get to our starting ground—the statistics of crime and punishment. Then later we can go on to statistics of the criminal. We are a long way from the facts at present.

THE PREVENTION OF MODERN CRIME—THE FAMILY

Professor Viva B. Boothe, of Elmira College, in an article on "Criminality and the Home," accepts the current opinion, that the American home is losing its hold upon the child. As she puts it, "The place of the home in the formation of conduct standards is becoming less and less prominent, and the conscious inculcation of social standards is being left to the state and to systems of education outside the home. Whether or not there is more or less criminality as the result of the failure of the home to fulfill its former functions, cannot be determined with exactness, but there is some evidence to indicate that the present organization in many homes is not conducive to the development of satisfactory standards of conduct, and that, in part at least, the lack of supervision in the home is responsible for a large share of juvenile delinquency and even misconduct in adult life." (P. 195.) This would seem to go without the saying of it—to be a bit platitudinous. But in stating "the evidence" as to the number of poor and bad homes, and their effect upon the children in them, Dr. Boothe's paper is very interesting.

"Schideler," says Dr. Boothe, "has estimated that 25 per cent of all the children in the United States live in homes broken by death, divorce or separation, but that the studies of groups of delinquents show that from 40 to 70 per cent of them come from such homes. Miss Johnson reported that 52 per cent of the children with conduct difficulties came from broken homes, as contrasted with 25 per cent of the children not having conduct difficulties. There seems to be some evidence that the broken home is a greater factor in producing delinquency among girls than among boys, especially if the home has suffered the loss of the father."

Child labor is one of the common accompaniments of the broken home, or of poor home conditions, and there is always a disproportionate amount of delinquency among child-workers. Dr. Boothe gives the figures obtained from surveys in six different cities, and they showed a larger proportion of delinquents among the working than among the non-working groups. In 1920 there were 8,346,000 women gainfully employed in the United States. Of this number 1,920,000, or 23 per cent were married. This means that in almost two million homes in the United States the interest of the mother was divided between homemaking and employment outside of the home. Many of these two million were not mothers, but there were enough mothers in the number to account, to some extent at least, for the disintegration of the home among the lower income groups.

Neva R. Deardorff, in a paper on "Some Aspects of Juvenile Delinquency," takes a more hopeful view of the situation at least in its numerical aspect. She says that where one considers the enormous concentration of population in our cities, the amount of juvenile crime does not seem appalling. As a matter of fact, the number of juvenile delinquents is not as great as commonly imagined. And Miss Deardorff bids us always remember that our children are no worse than their parents. If our children are insubordinate, their insubordination is part of our own changed attitude towards life. They but reflect the behavior of their parents, their family and friends. The attitude of our young people is thus "the crude but honest mirror of what the community is now teaching"—not by precept alone, but by example as well, as to the real *desiderata* of life. (P. 76.)

THE SCHOOL AND CRIMINALITY

What about the public schools? Are they doing—can they be expected to do—what the home and the church were expected to do for the child of by-gone generations? Is our secular education an effective safe-guard against crime?

Some light is thrown on these questions in the articles in the present volume by Francis M. Garver on "Training for Citizenship in the Schools" and Dr. Ernest Horne on "Moral and Civic Education in the Elementary School." Dr. Garver describes what is actually being done in the schools of some forty different cities in the way of training boys and girls to be good citizens. And Dr. Horne describes several schemes that are being tried for teaching morals directly, and not merely "incidentally" in our public schools. The first scheme is for a course of study built around a moral code—a code suitable to a child, as for instance, Wm. J. Hutchins' "Children's Code of Morals." The second scheme is for a course having moral and civic ideals for its subject. This idea has been worked out by Dr. W. W. Charters of the University of Chicago, who has organized courses around ideals, and attached to each ideal a large number of "situations" as he calls them, for example, the "situations" under "honesty" are money, property, statements, promises, social relations, class recitations, examinations, etc. He thinks that by putting the mind of the child on such concrete matters it can be educated morally and induced to act aright. And that by bringing home to the child moral and civic situations its moral intelligence be quickened. All of which looks pretty enough on paper but one wonders whether it is practical.

THE CHURCH AND CRIME IN THE UNITED STATES

The article by Dr. Dunn, the President of Spokane University, upon this subject is full of valuable matter. First, the crime problem is stated—the large amount of crime and its enormous cost to the public, and, on the other side of the sheet, what the churches are doing, and what they might do in the way of crime prevention. Referring to the unknown criminal, the lawbreaker who does not go to prison, Dr. Dunn quotes Boies as saying that our crime figures are but the evidence of “the scum that rises to the surface.” There are three different groups into which the unpunished may be divided. First, there are those who are tried and convicted, but escape imprisonment by the suspension of sentence, or some other form of leniency; secondly, those whose cases are reported to the police, but who are not prosecuted; and third, those whose crimes are never reported to the police. Only the roughest kind of estimate can be made of the total. Boies thinks that only one-tenth of our criminals are in jail at any time.

Dr. Dunn quotes an article in the “Literary Digest” of June, 1924, as stating that the annual cost of crime in the United States is ten billion dollars—three times the amount of our total government receipts, twelve times the annual cost of the army and navy. “We spend,” says Dr. Dunn, “more money on crime than we do on education.” And this is the cost of going after the criminals reported and prosecuting those who are arrested.

Arrayed against this evil which we call “crime” are the churches, with probably not less than thirty-two million active members. Here is a mighty army, as it were, constantly fighting the causes of crime as they lie hidden in the individual. As Dr. Dunn points out, crime-causes may be considered under two heads: Dr. Dunn lays the facts before us and bids us consider what a mighty force this is. First, those for which the criminal is partially, chiefly, or wholly responsible; and secondly, those for which society is partially, chiefly, or wholly responsible. Of course the classes overlap, and it is often impossible to say, in the individual case, whether society or the individual has been mainly to blame. Still, the distinction helps one towards an understanding of the facts. Poverty, passion, jealousy, lust and liquor are according to Dr. Dunn the “causes” where the criminal is partially, chiefly, or wholly responsible; ignorance or lack of interest, neglect, inadequate or perverted public opinion, and industrial and social conditions, as the causes where society is partially, chiefly, or wholly to blame.

Dr. Dunn gives the manner in which prisoners are cared for at present in the United States in our prisons as perhaps, the most striking example of how society's "ignorance or lack of interest" causes crime. He could hardly have said less. He of course mentions bad industrial conditions as in part responsible. "Child labor," he says, "is a monster stalking abroad in the land, devouring whom it will." So are the evil conditions accompanying so much of women's labor. A child should live in its own home until its character is formed, and when both mother and children work there is apt to be little left of the true home.

And the task of the church? It must and can remove crime causes. "What boots it" if the church "cuts off a few branches here and there, but leaves the giant tree, with its massive roots, in that which nourishes it? She must kill the germ rather than deal with the effects of the disease. This she ought to do, and 'not leave the other undone.'" At present the church is not doing her full duty in destroying the causes of crime, "which, like a mighty whirlpool, is sucking in its thousands of youth every year." (P. 215.) Christianity is directed to the individual, but society is composed of individuals; the church therefore reaches the cause of crime whether they lie in the individual or in the group we call society. In the case of the individual, the Christian religion "has not lost its power to save," and where society is responsible, the church must "cry aloud and spare not." Are crimes due to inadequate or perverted public opinion? Is it an immoral picture show that would hurt the morals of the young? Or a newspaper that is equally demoralizing? Is it the bootlegging business, which, though "far less powerful than the old saloon," is working mischief not only among those who had already learned the habit of drinking before the saloon was abolished, but also among new victims? "Let the ministers," says Dr. Dunn, "teach and be taught that society is bound to the youth of our land and owes them a chance to be decent and sober. . . . Are industrial conditions driving people into crime? Are children from ten to thirteen years of age working in the mills? Are wages too low for decent living? Are conditions unsanitary? Let the facts be preached from the pulpits of our land; let the details be truthfully described—let the church 'cry aloud for justice—cry aloud and spare not.'"

Dr. Dunn closes his article with suggestions as to what the churches might do which they are not doing as respects the prisoners in our jails. One of his practical thoughts is that many of us might help along the

libraries of our prisons which are generally so piteously inadequate both in the quantity and quality of their books.

Dr. Dunn says that the manner in which prisoners are cared for in the United States is a striking example of how crime is caused by "ignorance or lack of interest on the part of society." It seems "a hard criticism" he says, "of our penal system, and therefore of society at large to say that the very institutions that ought to lift men to higher levels are really dragging them down to lower ones," but, "a visit to any ordinary jail or penitentiary will convince anyone of this fact." One wonders whether the public realizes that the very means taken to protect it from the criminal is in fact increasing crime. Of course society must be protected, but the means of protection ought not to be a crime-producing agency. Surely if the facts were known, there would be a radical change in our penal system, and our prisons would not be turning out day after day men who are the worse for their imprisonment, and a greater danger than they were before.

Bad industrial conditions are a cause of crime. Periods of economic distress have always meant an increase in larceny and kindred offenses. And for bad industrial conditions, society may be responsible, for they may well be the result of unwise policies or stupid legislation. Child labor undoubtedly swells the volume of crime. Dr. Dunn speaks of it as "a monster, stalking abroad in the land, devouring whom it will," and the same might be said of much of woman's labor, whether it be in factory or department store.

The church's mission is to individuals, but society is made up of individuals, and the church therefore speaks to it as well. The Christian religion has not yet "lost its power to save." It still makes its appeal to the hearts of men and women, turning them from crime. And in proportion as the church true to the teachings of its Founder it will work to remove crime causes.

Is it an offensive show or newspaper which is undermining morals? Or the bootlegging business, which though "far less powerful than the old saloon" is working untold mischief on the community? Are bad industrial conditions driving persons into crime? "Are men, women, and children being so crushed by the harsh hand of greed that they must become criminal in order to live? Are children from ten to thirteen years of age working in the mills? Are wages too low for decent living? Are conditions unsanitary? Let these conditions be described from the pulpits of our land—let them be plainly and earnestly de-

scribed"—let the church "cry aloud for justice—cry aloud, and spare not." (P. 220.)

IN CONCLUSION

We wish that we could quote further from Dr. Dunn's interesting article, but the present review is already far too long, and we must bring it to a close. We do so with a consciousness that much that is valuable in the volume before us has been passed over. This was of course unfortunate, and we hope that we shall not be held to account for our omissions. To refer to all the articles that were deserving of mention would have been impossible—it would have extended this review to an unpardonable length. In concluding we can sincerely express our sense of indebtedness to the American Academy for putting so much valuable material into a single volume, in printed permanent form.

FRANCIS FISHER KANE.

CURING THE CRIMINAL. By *J. O. Stutsman*. Copyright, 1926, by The MacMillan Co., Publishers. 419 pages. Price \$2.50.

The best brief review of the essential factors in the history of prison improvement, since Wines' "Punishment and Reformation," is doubtless found in the first half of this book.

The author is well qualified, both by wide reading and long practical experience, to deal with the offender understandingly. Familiarity with the subject is apparent on every page. He makes it clear in the early chapters that he has no delusions as to what may and may not be done with a miscellaneous lot of society's accidents and outcasts. On the other hand, he manifests an abiding confidence in the essential possibilities of recovery for a considerable proportion of the delinquent wards of the state.

The value of the institution as a means for curing the criminal has been greatly over-estimated, in the view of Mr. Stutsman, and should under no circumstances be considered a panacea or be utilized except as a last resort.

"Far too many men who inhabit our prisons have been deprived of the attractions and saving influences of a real home. It is, surely, not our purpose to cultivate the basest primitive instincts but, on the contrary, to stimulate the highest qualities of manhood and self-respect inherent, to some extent, in every man. Four solid stone walls and a barred door constituting a small cell is the stronghold often used in which to keep captive men. It is hard for a man to think through thick walls of masonry into the free world beyond. He may do it for a while, but he soon adapts himself to his narrow confines. The dull monotony of the close confinement furnishes little surcease from the restraints and depressions of a treadmill existence. How the public can expect a man to be broader and grander when he is

released, after several years' weary mechanical grind of this narrow, degenerating routine, is more than I have ever been able to fathom. If he does not become institutionalized, his sudden release into society at the end of his sentence will cause an emotional explosion which will precipitate him into recidivism."

There are too many factors involved, in dealing with human beings, to expect much from masse treatment. Besides, curing the criminal is not primarily a punitive proposition, but a process of discriminatory treatment for widely differing individuals.

This point of view, which has of course, already attained wide acceptance is ably reenforced in this book by a mass of interesting descriptive material as to what has already been accomplished in this direction by the right kind of discipline; by social case studies and family histories; by scientific examination of the physical, mental, and spiritual condition of the subject; and by some measure of prevision as to a better future adjustment of the individual to society.

The great need of socializing the Police and the Courts, as well as the desirability of closer co-ordination between these and all other agencies dealing with crime, is emphasized in two strong chapters on these subjects. A single paragraph here indicates a comprehensive summary of much that the author has in mind:

"Educate the public as to the best methods to combat crime; co-ordinate all governmental and private agencies into one concerted objective; group and classify the correctional institutions, exposing and discouraging graft, corrupt politics and inefficient leaders; recommend constructive legislation, eliminating loop-holes from criminal procedure, and promoting uniform penal codes; unify police systems and centralize identification bureaus; insist upon the use of police for actual protection of the public against crime rather than as mere traffic managers; insisting on the use of more secret service men; discouraging the use of jails for penalty and using them for detention purposes only; promote more scientific diagnosis and prognosis through clinics in schools, courts and prisons; improve methods of probation and parole and the supervision of the paroled and, in short, to align into one solid phalanx every social force in society toward the one all important objective—to reduce crime to the minimum."

A large place in the program for better things is given to the modern applications of psychology and psychiatry by the writer of "Curing the Criminal." While non-technical in language, it is written with full information as to the significance of these movements.

The book is highly informative and accurately instructive to all prison officials, social workers, students of criminology, and to the public generally as giving a balanced view of the whole subject of the offender and his possible recovery to good citizenship. The volume is easy reading and breathes the combined spirit of a level headed prison administrator with the ardent faith of an idealist. It will be found inspiring alike to reformer, layman, scientist, and citizen, and will doubtless command wide reading.

A carefully prepared Bibliography and Index enables the student and reader to make ready reference to special topics and pursue the study to the original sources.

Chicago.

F. EMERY LYON.

(The following review of the same book has been received.)
(Ed.)

Mr. Stutsman has had a long and varied experience in prison management. Perhaps the most noteworthy part of this experience was the six years during which he was superintendent of the Municipal Farm for Misdemeanants at Kansas City. For the last two years he has been superintendent of Rockview Penitentiary at Bellefonte, Pennsylvania. In his prison work he has made it clear that he has a liberal, enlightened, scientific point of view. He represents the best aspects of modern prison work. His book should be a distinct contribution to penology.

The first half of the book is devoted to the technical problems of prison construction, prison organization, and prison management. He writes regarding prison architecture, prisons without walls, prison industries, education, recreation, discipline, and self-government in prisons. A chapter on "The new profession" places these problems in a setting of scientific technique. In general he believes in self-government, recreational programs for prisoners, open air life so far as possible, minimization of brutality and unnecessary hardships, and individualization in all policies. He gives some first hand experiences with various policies; one of the most interesting of these is the account of self-government in Detroit while he was warden. His contribution would have been greater if a larger portion of the book had been composed of such accounts of successes and failures of various policies, as he had himself experienced them.

The last half of the book has chapters on police, courts, probation, parole, death penalty, and criminal personality. In all of these chapters the point of view of individualization as a policy is maintained. But there is not much that is original. One of the interesting portions of this half of the book is a schedule of symbols for recording information regarding offenders.

A bibliography of about three hundred titles is included. This bibliography is open to criticism on the ground that it includes many very general books that have little direct relation to his problems, and also on the ground that the titles and references are incomplete and are lacking in uniformity.

University of Minnesota.

E. H. SUTHERLAND.