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Reviews and Criticisms

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REVIEWS AND CRITICISMS

THORSTEN SELLIN, EDITOR

THE GROWTH OF CRIMINAL LAW IN ANCIENT GREECE. By *George M. Calhoun*. x+149 pp. U. of Calif. Press, Berkeley; 1927. \$3.00.

It is almost a tradition to seek political analogies in Greek history but in respect to legal ideas to look only to Roman experience. Additions to the small number of studies of Greek law in English are always of interest. Professor Calhoun's volume expounds somewhat original ideas as to what he calls criminal law in ancient Greece. Professor Calhoun thinks that homicide was regarded as only "quasi-criminal" in Greek law and was not considered as morally reprehensible as some other "offenses against the common welfare." He sees in Hesiod's complaints of those who give "crooked dooms" the beginnings of the notion of crime. "Hesiod," he says, "viewed the perversion of justice as a crime against society and not merely a wrong to the individual. . . . He is still far from the perfect vision of a state with criminal law and criminal tribunals, but he has anticipated the conception of crime in its fundamental implication." Similar passages in the elegiac poets, particularly Solon, Calhoun thinks, show "the development of a conception of crime." Of Solon he says, "From the very start the poet makes us feel that he is not speaking of private wrongs or sins to be punished by the individual victim or left to divine retribution. He tells us with insistent repetition that these are crimes; they menace the state with disaster; they spread over the whole state like a festering sore that cannot be checked; they constitute a public evil from which the individual citizen cannot escape unaided. The only remedy is the Reign of Law which will shackle criminals and repress their crimes. The recognition of the nature and consequences of crime which underlies the imaginative and poetic diction is so complete, the formulation of basic principles on which crime is to be dealt with so distinct, that one might search far in modern political writings without finding these ideas more adequately treated in so few words." Professor Calhoun credits Solon with the institution of the *graphai* or prosecution but "the decisive step in the transition to true criminal law seems to have been taken in Athens at the beginning of the sixth century. At that time Solon, we are told, gave to every citizen a right of action in the prosecution of certain offenses, including attacks upon individuals as well as upon the state. . . . Here unquestionably we are face to face with a great event. For the first time in the history of the Western world a political government has by its enactments defined crime somewhat as it is defined to-day and has provided machinery for the punishment of crimes by the body politic." Professor Cal-

houn speaks of the "legislation" of Solon, the character of which, as he conceives it, is indicated by the following remark, "Let us imagine that Solon has just drawn up the substantive portion of the law forbidding the sale of child by a parent and is about to define the proper jurisdiction and fix the penalty."

But all this is clearly a projection, into the sixth century B. C., of modern conceptions which no mind at that period could have put together because the social materials which enter into them were not then in existence. Solon was not a draftsman in a modern legislative reference bureau but a "thesmothete" or "nomothete," an arranger or writer-down of decisions and customs. He was certainly not "legislating" in anything like our modern sense. It is true that a certain amount of innovation is ascribed to Solon and must have taken place in Athenian customary law at about this period. It does not, however, contribute to our understanding of the nature of these innovations to call them legislation. Whether the allowing of anyone who wished to intervene in a case on behalf of those being wronged was "the recognition anew of the Homeric volunteer-in-the-crowd, or *amicus curiae*, 'whoever along with them (the court-elders) should utter a dike which should be most straightening,'" as recently argued by Professor J. L. Myres or whether it marked a stage in the growing importance of the less ancient "political" unit of social organization, the polis, as compared to the older kinship groups of the *genos*, the phratry and the tribe, an increasing emphasis on the individual as a member of the polis rather than as a member of a kinship group, surely it is fanciful to see in it a definition of crime "somewhat as it is defined today."

It is precisely the transition from a social organization based on kinship to a political organization based on territory and the individual, with the attendant transition in legal ideas, which was in progress, though uncompleted, through the whole course of Greek history that constitutes the importance of Greek law to the legal student. We cannot hope to understand it by trying to translate Greek terms by modern technical legal ones. We need to know, for example, what "*themos*" meant to the Greek of the time of Draco, what *nomos* meant in the time of Solon and in fifth century Athens. We must put out of mind our modern legal ideas, which we cannot do if we use modern technical legal terms, and endeavor to grasp the legal ideas back of the Greek term. An enlightening discussion of Greek legal notions along these lines is the recent work by Professor J. L. Myres, "The Political Ideas of the Greeks."

Warren, Pa.

EDWARD LINDSEY.

LAWYERS AND LITIGANTS IN ANCIENT ATHENS. By *Robert J Bonner*. xi+276 pp. U. of Chicago Press, Chicago, 1927. \$2.50.

In this book Professor Bonner gives an account of what is known as the sycophants, speech-writers and orators of ancient Athens. He justly says that they have not been given the attention they de-

serve by either lawyers or historians. The book endeavors to supply this omission and the attempt is a welcome one. In addition to chapters on each of the above named classes, the course of legal proceedings and the character of Athenian courts are discussed and excerpts given from some notable trials or cases. The result is an interesting and readable book. In some respects, however, in the opinion of the reviewer, it creates a misleading impression of the reality. In the first place it is hardly justifiable to call the Athenian sycophants, speech-writers and advocates, lawyers. Forerunners of the legal profession they doubtless were and as such the functions which they severally performed in Athenian life are of interest to the legal student, but a correct notion of these functions is not evoked by referring to them as lawyers. The sycophants were far from being a professional class; they were merely unscrupulous persons seizing any opportunity of harassing men of substance with legal proceedings, somewhat like the English barrators. The speech-writers and orators did not purport to be experts in law; they claimed to be experts in rhetoric, oratory and the art of persuasion. They may justly be termed advocates, perhaps, but to call them lawyers is misleading. The only experts in law at Athens to whom we have reference and who are represented as giving advice as to the law, the exegetes or expounders. Professor Bonner does not term lawyers and dismisses in a short paragraph.

Professor Bonner describes Athenian legal proceedings and law as though it were a mature system on approximately the same plane of development as the modern English and American systems with which he makes numerous comparisons and by the technical terms of which he translates the Greek legal terms. Thus *eisangeliae*, the name of one proceeding, he translates "impeachment"; *probole*, the name of another, by "presentment." The *nomothetes*, the "writers-down of customs," he terms "legislative commissioners." In these and in many other instances which might be cited an appropriate idea of the original meaning is not conveyed by the English rendering for the reason that the latter reads into the Greek modern conceptions which simply were not there.

Professor Bonner himself is uneasy over this practice for he says in the Introduction, "English legal terminology has been used as far as possible to translate the technical terms of Attic law. These equivalents are not always accurate, but the advantage of using terms with which the reader is more or less familiar is so great that one may well risk the loss of accuracy that might be gained by using a foreign word according to the practice of continental European scholars." But unfortunately the "loss of accuracy" is in many, if not in most, cases almost complete. Our knowledge of Greek law can so only be obscured and not advanced.

Warren, Pa.

EDWARD LINDSEY.

FINGER-PRINTS CAN BE FORGED. By *A. Wehde* and *J. N. Beffel*. 134 pp. Distr. by M. Bender and Co., Albany, 1924.

How wide is the Atlantic and how deep; ideas founder in it. Here is a problem which has been most seriously studied on this side of the Ocean. In Belgium, in Switzerland, in Germany, in France, we have accumulated researches and publications dealing with it. Yet, when a specialized work is published in the United States, there is in it no trace of what has been done in Europe, while I discover in it an abundance of essential documentary material, which we, on the other hand, never suspected existed. This proves how regrettable it is that we do not have an organ, in common with all the criminologists of the world, and that we do not have more frequent conferences.

Messrs. Albert Wehde and John Nicholas Beffel announce in this little book, which, I think, will create a stir, that finger prints can be forged or, more properly, imitated. Technicians have known this for a considerable period of time. But, until now, hints of it have appeared only in criminological reviews, no one having spread the idea and, in particular, the procedure among the public. Doubtless the publicity given to these matters will be regarded by many persons as criminal and Messrs. Wehde and Beffel should not expect a unanimous concert of praise. It is true that, if I am to believe the brief autobiographical fragments, which I find in his book, one of the authors would hardly be disturbed by public opinion, but such a reproach I do not find justified. I have always had as a rule of conduct that all truth is worth expressing and that police technique does not consist of a mass of secret remedies.

Mr. Wehde, during an enforced stay in an important institution in Illinois, discovered the process of forging finger prints. His method is not devoid of merits. I do not imagine, however, that it lays claims to priority. One of Bertillon's laboratory assistants, Mr. Collier, a long time ago made false finger prints by the galvanoplastic method. The samples produced were almost too beautiful, of an excessive fineness. In 1907, that is twenty years ago, when I was Professor Lacassagne's laboratory assistant, I made false finger prints by means of guttapercha. The products, less beautiful than Collier's, were more deceptive. I believe there are still some samples of these spurious prints in the Museum of Forensic Medicine of the University of Lyon. Later, Rodolphe Reiss, at Lausanne, made, by a method he has not authorized me to reveal, some very beautiful false prints: when he wrote me, he placed the imitation of my print on the sealing wax of the envelope. In July, 1912, De Rechter published, in the Archives Internationales de Médecine Légale, a description of how to make "cachets digitaux" with other people's finger prints. About the same time, Goddefroy, then police commissioner at Ostende, also made false prints. And I almost forgot to mention Minovici, who, in his Manual of Forensic Medicine, reproduced, as early as 1904, a rather mediocre false print made in Bucarest. I could also

cite a method of Ehmer's, in Germany, and a Danish one, told me by Tage-Jensen, which refers to incidents which happened in 1907.

No matter, then, how genial Mr. Wehde's discovery is, one can easily see that it is but a recent link in an old chain. The reason for its publication with such fracas, when the earlier ones made so little noise, does not appear to me difficult to understand. It seems to lie in a certain antagonism between the partisans of the signature and those of the finger print. Demonstrations have been offered to show that the finger print is of no greater value in identification than the signature, much criticised and with justice. Nevertheless, it remains true that anybody, anywhere, and at any time, can, by mediocre skill and application, succeed in forging a signature, while the forging of a finger print demands circumstances which are hardly of every-day nature.

In a sense, I regard the book produced by the joint authorship of Messrs. Wehde and Beffel as a good thing. It is a lesson in prudence for those who handle circumstantial evidence. Such evidence is, as we know, infinitely superior to testimony, but like everything human, it is fallible. A finger print does not even have to be forged in order to deceive. A short time ago, a young man was arrested at Grenoble (France), charged with theft from a cafe. His finger prints had been found on some bottles. He vehemently denied the charge. The truth seems to be that he was the lover of a little servant girl, whom he visited at night after the closing of the cafe. He had left his finger prints rather well scattered everywhere, but he had not stolen anything.

Let us, then take the claims of Messrs. Wehde and Beffel as a useful reminder to be cautious and prudent. Let us remember that of all the fallible evidence, which aids in administering, without too much suffering, our unjust human justice, the finger print remains as the proof, which is responsible for the fewest errors.

EDMOND LOCARD.

Directeur du Laboratoire de Police Technique de Lyon, France.

DELINQUENTS AND CRIMINALS. Their Making and Unmaking. By *William Healy* and *Augusta F. Bronner*. 311 pp. The Mac-Millan Company, New York City, 1926.

There has been no more insistent demand of recent years than that we should know the facts as to the results of our dealing with delinquents. Probably the best response to this demand is found in this careful reporting of years of painstaking effort.

The book is a comparative study of 2,000 Juvenile Court cases for a period of five years in each of the two cities of Chicago and Boston, where these two well known Psychiatrists have made their important contributions to this subject.

Until the present century, it was universally assumed that the only way to deal with delinquents and criminals was to send them to correctional institutions. Whether the process was effective in pre-

venting or curing crime, little effort was made to find out. As a matter of fact, most citizens and legislators are still apparently blissfully oblivious of the fact that there may be some other and better way of dealing with delinquency.

But thanks to a few farsighted people, who witnessed the devastating effects of county jails, detention homes, orphanages, prisons and so-called reformatories, it finally dawned upon a few states and cities that, for children at least, there might be a better way. Hence the organization of Juvenile Courts, providing for the individual guidance and supervision of those who manifest a lack of social adjustment. While it was certain that this method was founded upon a more rational basis, nevertheless, not until now has sufficient time elapsed to determine actual results.

While the authors still feel that it is difficult to make dogmatic deductions, where so many elements are involved, yet the book will be welcomed by all who are looking for light, and for facts as a basis for still more intelligent procedures.

As a matter of fact, to those who have looked upon the Juvenile Court as a panacea, the facts shown by this thorough study, will prove disappointing. While the material used for this analysis of case studies has to do with "repeated offenders," or those who had been in Juvenile Court at least twice; nevertheless, it is a bit disconcerting to read that of the Chicago cases dealt with, only 45% were placed in the column of Successes, while 55% had to be classed as Failures.

In another group of 400 cases, with reference to their subsequent record, it is shown that in Chicago 50% had acquired adult court records, and 37% had been sent to adult institutions; while in Boston 21% of the 400 had adult court records, and 6% were found in adult institutions.

Thus the volume is replete with percentages and figured comparisons, but without the least suggestion of dry statistical matter. The wealth of material used, and the method of its application, may very well characterize it as "vital" statistics. The book must be read to appreciate this.

In those comparisons, for example, between Boston and Chicago, which appear to the disadvantage of the latter, excellent reasons are pointed out as the probable cause. The most striking of these reasons is the more definite community consciousness of responsibility for all members of society to be found in Boston, and the long standing state program away from institutional and toward individualization of treatment, and the larger expenditure of both public and private funds to this end. Certain tables show, for instance, in a certain period of five years, that while in Boston 9.5% of Juvenile Court cases were committed, 40% of similar cases were committed in Chicago. The authors believe that even the Detention Home is almost 100% harmful, and that some other way should be found in most cases.

This study shows, as might be expected, that the nature of the offense committed, throws but little light on the character of the delinquent, or upon his possibilities for future success. Likewise, little evidence is revealed that some supposedly important causes of crime, such as heredity, the movies, immigration, religion, marriage, physical condition, etc., are as important factors as they are often supposed to be.

On the other hand, such influences as alcoholism of parents; public and private graft; violation of some laws by police and other officials and citizens; quarreling in the home; sensational treatment by newspapers of crime as an heroic adventure are subtle but significant factors of vast importance in producing crime.

Referring to quarreling and other delinquency producing influences in the home, it was found by a process of elimination, that not more than 7.6% of 2,000 repeated offenders had come from homes that were even reasonably good.

Comparing the outcome as between normal and abnormal cases treated, it was found that of the 79% of normal, the outcome was just about equal. That is, there were 50% of successes and 50% of failures; while only 33% of the abnormal and mental defectives succeeded under intensive treatment.

Speaking further of conditions directly causative of delinquency, the authors place upon "bad companions" a large share of responsibility. Out of 3,000 cases, it was found that in 62% companionship could fairly be regarded as a causative factor. This figure varied little for the sexes and was practically the same as between Chicago and Boston.

Other important factors are shown to be those peculiar to the adolescent period, school dissatisfaction, and finally "mental conflicts," which Dr. Healy had previously stressed as a factor often overlooked.

Illuminating statements by the authors indicate the need of an awakening on the part of all citizens and communities as to whether they are more than scratching the surface in their dealing with delinquency and crime.

To this end the authors strongly urge that all the resources of the community should be marshalled to an effective cooperative effort on the part of all public and private agencies, never forgetting the human element. A coordinated program is needed and entirely possible; first, to check the sources of crime; and second, for the understanding of the individual delinquent and his intelligent treatment.

A good index and extensive appendix of classified data adds value and usability to this volume.

Chicago.

F. EMORY LYON.

OFF THE BEATEN ROAD. By *Frank Moore*. 365 pp. New Jersey Reformatory Print, Rahway, N. J., 1926.

"Off The Beaten Road" is a primer on how to become a man directed at weaklings who have offended society. The lectures are

constructed simply and forcefully to suit the fourth grade mentality of the average inmate of a prison. The talks touch upon all phases of the personality of a man. Honesty, sobriety, unselfishness, self control, are all discussed in terms well suited to the viewpoint of unadjusted members of society. Dr. Moore has given an elementary and necessarily sketchy description of the mental and moral physical make up of man. He presents only practical arguments for living a helpful, decent life.

The skillful selection of material shows that Dr. Moore has studied well the characteristic behavior of the criminal. In his experience he has found that education not confinement will remodel a man's character. If a man does not respond to an educational course in the prison, he will be, very likely, a recidivist. When the plan of classification of prisoners has been completed, the possibility of working out the proper course of education for each prisoner will be greater.

The style of the book is that of the usual grade school text. He shows the folly of anti-social behavior, through illustrations of the life stories of well known heroes. He appeals to the hero worshippers among his men by showing that many great men started from humble beginnings and that some were born with bad characteristics, which if they had not been overcome, would have ruined their lives. He appeals to the materially ambitious by showing their real aims can only be realized with society's sanction. He uses a gentle didactic style.

He does not lay down principles without showing the men reasons for his stand. He figuratively takes the men by the hand leading them over the road called "Right" pointing out as he goes along, objects which make it more worth while than the one the prisoner has just traveled. He gives them glimpses of side roads open to them in their new life. He makes them yearn for more knowledge in art, science, poetry, standard prose, and history. He tells current events which he found in newspapers much more interesting than the murders, the funny stories which they loved to read. He has made an effort to arouse an interest in life beyond the mere animal existence.

The language is simple; the sentences are generally short and concise. The highly dramatic phraseology of the revivalist is never used. If the standard truths presented are not convincing, Dr. Moore feels the men will not be persuaded by dramatic preaching. The men grow confidential with the instructor through answering questions on the lecture in which they give their opinion on life in general.

The first five chapters contain Dr. Moore's analysis of the criminal and the crime problem. He pleads here for education of the criminal, classification of criminals, and cooperation of society. He advocates that emphasis be placed upon the prisoners' needs rather than upon means of catching and confining the prisoner.

As the present Dean, in point of service, of Reformatory administration in the United States, Dr. Moore's book may well become

a classic in Reformatory methodology. The volume should be read, not only by every prison warden and Reformatory superintendent, but by preachers, lawyers, legislators, social workers, and parents. The author has taken his task seriously, and the axioms he utters are not theories, but the fruit of his first hand experience and well thought out programs.

Chicago.

F. EMORY LYON.

GERICHTSAERZTLICHE TATBESTANDSFESTSTELLUNGEN IM DIENSTE DER POLIZEI. By *Paul Rehfeldt*. 134 pp. W. De Gruyter and Co., Berlin, 1927. \$3.50 RM.

This little volume is the fifth of the "Kleine kriminalistische Bücherei" (The Little Criminological Library), edited by Dr. Hans Schneickert. Preceding volumes have dealt with such subjects as "Card-Sharpers," "The Preservation of Clues," etc. The little library—each volume can be easily slipped into a side-pocket—is intended for the use of the German police. And its general editor, Dr. Schneickert, is well-known to all criminologists as the head of the Bureau of Identification at Police headquarters in Berlin.

The European policeman is a carefully trained official. In Vienna, for example, the police school is like a small specialized university, in which all the important subjects of criminology and of "policeman-ship" are taught, in lecture rooms and laboratories, by the greatest authorities in the country.¹ The candidate has to study for two or three years in this school, before he can take over any police duty at all. I remember listening to a fascinating lecture, in this same school, on bank robberies. Even after the candidate has become a full-fledged member of the police force, he still keeps on with his police-education, and is brought into touch with all the newest discoveries and theories by means of a semi-monthly periodical, called "Die Polizei." This little paper, with its bright blue cover and its old-fashioned German type, is exceedingly valuable to the practical criminologist. For years, it has been one of the few periodicals to which the Medico-Legal Service, in Baltimore, has always subscribed, one that is almost always worth reading.

This last volume of the Little Criminological Library deals with those medico-legal matters, which are especially important for the policeman, who may have opportunities of observing conditions on the scene of a crime, that will have altered or disappeared by the time that the medico-legal expert arrives. For, in Europe, as soon as any important crime is reported, one of the first officials to appear is the criminologist, the specialist in forensic medicine, who brings to his task all the helps of modern science, and who makes our old friend Sherlock look like a piker and an amateur. Yet it is important that even the ordinary policeman should have some training in the general principles of legal medicine. And so, this little book treats of such things as the signs of death, the appear-

¹See August number, pp. 283-284.

ances on the dead body in connection with warmth, rigor, streaks on the skin, etc. Then the signs that denote a death by violence; death by wounding with a sharp instrument, a blunt or a pointed instrument; death by a shot from revolver or rifle. Next the author describes death by strangulation, by the closing of the breath-passages—a closing that may be caused either by some foreign body sticking in the throat, by hanging, by throttling, or by drowning. Death as the result of abnormal temperatures; by too low or too high a temperature, by sun-stroke or heat-stroke. Death from electric current, from starvation, from poisoning. All these are described in a simple way that makes the outstanding signs easy to recognize. Injury or death from rape or attempted rape and the murder of children close this chapter. Finally, there is a short section on abortion and another on blood-stains and spots. A complete index makes the book easy to refer to.

It is true that all this material may be found in any authoritative work on forensic medicine. But such works are usually so complicated, so long, so detailed, that the layman finds it hard to discover the facts for which he is seeking. On the other hand, this little volume of Dr. Rehfeldt gives in a small compass and in simple, clear language, all the general knowledge in connection with medico-legal matters that might be valuable to the ordinary member of the "Polizei." A policeman who had absorbed the contents of this book, might possibly never have an opportunity to use his information, but, on the other hand, this same knowledge might some day, on the scene of some crime, be to him of the greatest importance and might mean unexpected success and assured promotion.

A series of this kind, in English, might not find many readers among our police, but it would be of great value to those who are trying to teach the principles of legal medicine and of criminology to students in our schools of law and of medicine.

JOHN RATHBONE OLIVER.

Medical Officer to the Supreme Bench, Baltimore, Md.

THE PSYCHOLOGY OF MURDER. A STUDY IN CRIMINAL PSYCHOLOGY.

By *Andreas Bjerre*. Translated from the Swedish by E. Clausen. xii+164 pp. Longmans, Green and Co., London and New York, 1927. \$3.50.

Bjerre seems to think that he has introduced a new method in the study of criminals—he interviews them over and over at great length and then does not take their stories at face value. Endeavoring to get them off their guard, he records what they have said, and then reads between the lines. What they are is revealed there, and much more is unfolded when they have conversed about indifferent subjects rather than about their crimes. But, of course, this is no new method; it is of the essence of psychoanalysis. However, it probably has had no such wholesale application in institutions, for Bjerre has been investigating thieves and other offenders as well as

these murders. He has engaged, as he says, in a long labor of digging, digging below the surface of conscious thought as it appears in the form of memories, explanations, rationalizations. Then, quite frank about it all, Bjerre says that in preparing his material he assumes as facts much that is not readily proven.

The reviewer confesses that on many pages he has placed the query, "But is it really so?" meaning that, while it must be acknowledged that there is some strength in Bjerre's method of drawing inferences, there are also great weaknesses and the reader is frequently left unconvinced. The author sometimes interpolates a word of doubt, such as "evidently," but in one place he goes so far as to say of the offender who was interviewed, "The thoughts in the back of his mind were clearly visible—it was easy to supply what he left unsaid." This seems to be going pretty far for a scientific work. In other places vivid pictures are given, interestingly enough, of what happened perhaps years before, pictures very largely built out of Bjerre's own imagination, it seems, on the weak foundation of his conversations.

The author, realizing that his conclusions would be met with a certain amount of skepticism, tells us he has done some checking up, but it is clear that his investigations were very meager from the standpoint of field work.

It may be seen that Bjerre has adopted the methods of psychoanalysts. He says little, if anything, about the different schools, but he has been much influenced by them. We have outcropping in his work the Oedipus situation, libido, and, above all, the inferiority complex. The last forms the keynote to his theories and he rather goes out of his way to attack the libido theory.

Bjerre develops some very interesting theses, though, perhaps, he is not over-confident in stating them, acknowledging early in his book that even his classifications are quite hypothetical. His main conception of the basis of crime is that it is due to *weakness*, "a general unfitness or incapacity for satisfying the demands which life imposes upon one and all, irrespective of social environment and other external conditions."

This shows the tendency which the reviewer deplors, a tendency to think there is a necessity for ascribing criminality to any one central cause. In like manner, a recent work on social psychology alleges that selfishness is the predominating feature of criminals' lives. Why, with all the complexity there is in human life and at the basis of human conduct, should any one want to feel the necessity for such simplification? One can find many arguments against this theory of weakness. Anti-social tendencies, of which criminality is one, have found expression at the hands of quite other than weak individuals many times in the world's history. Even though among caught offenders the weak ones do predominate, there are others.

After all, however, the reviewer must not do injustice to the author—and Bjerre particularly asks that before passing judgment one read the biographical sketches which make up the bulk of this

book. Three murderers are studied, or at least their lives are interpreted. Bjerre has attempted to understand the "inner, spontaneous, really decisive forces in their psychic lives" and feels that these three cases in reaction to their *weakness* have, respectively, for the most part indulged in (a) self-deception; (b) anguish fear, and (c) shamming. But, of course, these psychic manifestations, used as chapter headings, have been complicated by much else in the criminal's life. However Bjerre is always seeking for the guiding principle of the individual's career and makes it all fit.

The reviewer entirely agrees with the response of another reader of the book who stated that it is hardly the life histories of three murderers which are presented but rather the author's own interpretation of what he thinks he knows of these histories, quite another matter.

An enormous amount of sex interest and sex misconduct is revealed in these cases, sex life in its most casual, unsentimental and even brutal aspects, and these pictures of life in Sweden are not attractive. But as representing anything that has to do with the foundations of criminality Bjerre quite dismisses the whole subject. The fact that these criminals themselves gave much emotional value to the sex situations seems almost to constitute the reason for the author's feeling that it could not have been any deep causative influence in determination of the criminal behavior. Weakness, weakness, is his explanation.

That the weakness represents anything innate in the structure of the individual, Bjerre does not assert. Rather, the psychic reactions that lead to the development of criminal character the author thinks are determined in each particular case by circumstance, environment and upbringing, and he seems to assume, in the discussion of the cases, that correction of the vicious situations in early life might have prevented the crime. Those interested in juvenile delinquency and the correction of early criminal tendencies will find much encouragement in this view.

In the study of the case entitled "Shamming," Bjerre gives some interesting theories of the mechanisms by which criminals may arrive at a belief that they are not really morally guilty—their attempt to escape reality goes as far as this.

The book is especially interesting as coming from a professor of law. Just as a study in criminal psychology, it should be accepted for what it is and with realization that the author thinks this science is in the making.

The smoothness of the translation of the book from the Swedish is highly commendable and, the reviewer guesses, formed no slight recommendation to the publishers.

Judge Baker Foundation, Boston, Mass. WILLIAM HEALY.

PROBLEMS OF CRIMINALITY. 294 pp. Institute for the Study of Criminality and the Criminal, Moscow, 1926. (In Russian.)

QUESTIONS OF STUDY OF CRIMINALITY IN NORTH CAUCASUS. 68 pp. The Medico-Criminological Bureau, Rostov-on-Don, 1926. (In Russian, w. one article in French.)

The increase of criminality in Russia and the all-embracing corruption prevailing in the public life of that country, probably account for the fact that, of late, Communist authorities have taken a live interest in the general problems of delinquency. In various parts of the Socialist republic special committees have been appointed for the study of criminal phenomena and, in addition, a central State Institute has been created the object of which is to conduct systematic surveys of the different manifestations of criminality. Among the persons participating in the labors of the Institute there are several whose experience and scientific training would be likely to contribute much to the solution of criminological problems (Professor M. Gernet, Professor P. Lublinsky, M. Issaev, N. Petrovsky), were it not for the fact that the Institute, as a body, is committed, *quand-même*, to a biased and narrow-minded interpretation of the social intercourse derived from, and rigidly confined to, the Marxian dogma. In Mr. E. Shirvindt's introductory article, outlining the aims of the Institute, the following symptomatic statement is made, "That which the bourgeois sociological school failed to accomplish, the socialist school succeeded in achieving. *The latter clearly realized that criminality is an inherent part of the capitalist regime and that it can disappear only after the transformation of capitalist society into a socialistic one.*" This point of view, which is the *scientific* (?) Marxian view, is made the basis of the work of the social-economic section, and of the State Institute as a whole." Accordingly, some of the articles forming part of the first issue of "Problems of Criminality" are written under the conspicuous influence of Marx, Engels and other communistic doctrinaires of the nineteenth century. This remark refers more particularly to Selgalov's paper on "The psychology of hooliganism," Issaev's comments on "The class policy in the penitential policy" and Lvov-Rogachevsky's review of the "Literary creation of inmates." The scientific value of these and similar speculations is negligible indeed. However, Professor Lublinsky's survey of "Sexual attempts against children" contains a great deal of first-hand information and, consequently, is useful. Equally interesting are D. Rodin's statistics on the fluctuations of criminality in different countries during and after the World War, as well as E. Tarnovsky's comparative figures on suicides in Western Europe and Soviet Russia. It is worth noting that, while in the United States, during the period 1913-1920, the average of suicide was about 13 per 1,000,000 population, in Moscow the 1924 rate was 337 per 1,000,000 as against 68 in 1917. Generally speaking, the material collected by the State Institute is neither illuminating nor particularly new, while its interpretation is artificially adapted to Soviet home consumption.

The Medico-criminological studies of the Rostov Bureau reflect that tendency in modern criminology which seeks to reconcile the controversy between the anthropological and sociological views by advancing the bio-social theory and thus recognize the fact that crime is a compound functional result of two major elements, environmental stimuli, and biological responses thereto. Crime, then, is treated as a modality of behavior in general, in which the anti-social reaction becomes a dominant characteristic. In this connection, N. N. Korganov's article, "On the significance of the biological factor in the development of the anti-social reaction among children," is particularly interesting and suggestive of those methods of inquiry which are gradually superseding the one-sided explanation of the actuality of crime, reducing it to one single antecedent, or group of antecedents, whether of anthropological or social nature.

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DAS PUBERTÄTSALTER DES KINDES. By O. Mönkemöller. iv+207 pp. Akad. Verlagsgesellschaft, Leipzig, 1927. 10 RM.

Dr. Mönkemöller's book on adolescence is written for parents and teachers and contains little new material. Therefore its usefulness will be limited in this country to those who read German as easily or more easily than English. The ten chapters cover the following topics: general physical changes at puberty; psychology of adolescence; psychopathology; organic and functional nervous diseases (such as epilepsy, hysteria, etc.); mental diseases (psychotic conditions such as juvenile paresis, dementia praecox, manic-depressive psychoses, etc.); juvenile delinquency; the sex life and its aberrations; general principles for parents and teachers; emotional conflicts; treatment of the adolescent. It should be stated that these are not literal translations of the chapter titles and sub-titles, which are too long to give in toto.

As high points of the book, we may mention the especially clear descriptions of the nervous and mental diseases and their symptoms, and the dispassionate discussion of sex aberrations as stages of development rather than symptoms of abnormality or immorality. The chapter on juvenile delinquency seems to place almost too much stress on mental deficiency and mental disease as causes of criminal conduct, and to dwell too little on the social etiology. Healy and Brouner, in a recent analysis of 4,000 young offenders in this country, estimate that 72.5 per cent are mentally normal (Delinquents and criminals; their making and unmaking, p 150), but that only 7.6 per cent come from good homes. (Ibid. p. 129.) Because of a failure to trace in detail the development of delinquent conduct in adolescence from the earlier behavior deviations of childhood, there seems to be a tacit implication that misdemeanors often appear at this age for the first time. All of our clinical studies in this country indicate that a large proportion of juvenile crime is the outcome of undesirable behavior patterns set up at early ages, and gradually becoming more

and more flagrant. Adolescent instability is given as a causative factor by Healy and Bronner in only 18 per cent of their cases. (*Ibid.* p. 180.)

Probably the brevity of the book accounts for these erroneous impressions, for it must be admitted that Dr. Mönkemöller has covered the subject more completely than any of the popular books in our language, and has given us an excellent summary of the psychology and psychopathology of adolescence. It is to be hoped that it will be translated, for it would be a valuable addition to the bibliographies of parent-teachers association and child study groups.

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BOOK NOTES

POSTENCEPHALIC RESPIRATORY DISORDERS—REVIEW OF SYNDROMY, CASE REPORTS, PHYSIOPATHOLOGY, PSYCHOPATHOLOGY AND THERAPY. By *Smith Ely Jelliffe, M. D., Ph. D.* (Nerv. and Ment. Disease Monograph Ser. no. 45). ii+135 pp. Nerv and Ment. Dis. Publ. Co., New York and Washington, 1927. \$2.50.

With reference to that grave disease, epidemic encephalitis (in the wake of which cases of conduct disorders seem not unimportant), we find here an able marshaling of historical and personal observations of respiratory disorders ensuing, with phenomenological and pathological considerations. This clinical material is followed by Freudian reasoning as to problems of the interesting psychopathology which arises in certain of these cases. Some questions regarding the etiology of the disease, and medical treatment, are also included.

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W. S. TAYLOR.

IL DIRITTO PENALE. CRITICA E SISTEMAZIONE DI ESSA. By *Michelangelo Vaccaro*. 195 pp. Fratelli Bocca, Turin, 1927. 17 Lire.

The title of this volume is a little deceptive. The critique of the penal law, which occupies the bulk of the book, is in reality a critique of the positive school in general and Enrico Ferri in particular. Nor is this part new, being a symposium of many earlier polemics, directed against the "sociological, psychological, and methodological errors" of the positivists.

The most interesting section is that devoted to a systematization of the various subjects, which the author regards as forming the composite called penal jurisprudence. He places these subjects into two general divisions, the one theoretical, the other practical. The theoretical division should occupy itself with (a) the origin, function, and evolution of penal laws; (b) the historical development of the ideas forming the basis for our penal doctrines; (c) the evolution of crime, as defined at law, and (d) the origin, oscillation, and transformation of criminality and the causes producing it. It is to this division that

the positivists applied the term criminal sociology, a term which the author regards as unjustifiable from a scientific point of view.

The practical division of penal jurisprudence should only "interpret and apply to concrete cases the penal legislation in force." To do this properly it must enlist the aid of "science," of criminal law, and, later, of penology. Drawing its facts from all these sources combined, criminal politics, finally, has for its task the application of scientific discoveries to the modification of penal laws and the removal of the causes of crime.

T. S.

LA CRIMINALITÀ NEGLI "SPORTS." By *Giuseppe Del Vecchio*. 274 pp. Fratelli Bocca, Turin, 1927. 22 Lire.

The writer's thesis is simple. "Many sports descend directly from the real and fictitious warlike activities of our ancestors and are today instinctively cultivated by those endowed with a prehistoric psychophysical nature and by others (and they are in the majority) who only imitate the gestures of the former, who possess a bestial, paleolithic, or savage mentality" (pp. 36-7). While football, wrestling, and motoring hold their fascination for these children of the past, boxing is "the criminal sport par excellence which more than any other attracts the true born criminal" (p. 150) in the classical Lombrosian sense of the word. It is he, who indulges in sports by instinct, showing "unjustifiable cruelty in the matches, making them into truly criminal aggressions instead of into exhibitions of strength, agility and technique" (p. 267). Numerous illustrations are culled from the sports pages of continental newspapers in support of the author's doctrines.

The author can certainly plead the novelty of his subject. But there are no extenuating circumstances for reviving old discarded concepts of causation, particularly since they are defended with such obvious ignorance of modern ethnological and anthropological discoveries.

T. S.

DIE KUNST DER VERTEIDIGUNG UND DER FORENSISCHEN REDE. By *Fritz Friedmann*. 2 ed., 148 pp. Pulvermacher and Co., Berlin, 1927. 4.50 R. M.

Out of the rich experiences of two decades of practice in the criminal courts of Berlin, the author has produced a pamphlet on the art of the criminal lawyer. Realistic analyses of professional problems are presented in a straight-forward, sometimes naive, manner. In a chapter on the battle against the defense, the defender's greatest enemies are discussed, the judge and the state's attorney. The art of defense is carefully outlined. The professional secret, the interview with the client, the art of cross-examination, the best methods of breaking down expert testimony and documentary evidence are treated with frankness. Not of least interest is the psychology of the criminal lawyer as reflected from each page.

TYPES OF MIND AND BODY. By *E. Miller*. 95 pp. W. W. Norton & Co., New York, 1927. \$1.00.

Although brief in treatment, this book by a clinical psychologist of London surveys, in a not too technical language, some of the most important researches pursued in late years by those scientists who have sought the correlation between "physique and character." Considerable attention has been paid to the work of French morphologists, such as Sigaud and Mac Auliffe, and that of the psychiatrist Kretschmer and his German colleagues, while the pioneer studies of Di Giovanni in Italy and the more recent researches of Pende have been passed by. A handy volume for one who does not care to read the more detailed analyses recently made by Wertheimer, Bean and others.