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Reviews and Criticisms

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REVIEWS AND CRITICISMS

THORSTEN SELLIN [Ed.]

LA SYRIE CRIMINELLE. By *Fouad Ammoun*. 495 pp. J. Desvigne, Lyons, 1929. 70 frs.

This volume is published under the auspices of the Lyons *Institut de Droit Comparé*, which, beginning with the year 1922, has been engaged in the publication of a series of monographic studies on comparative law, including translations of several foreign codes. Up to recently, the Lyons Institute took but little interest in penal science. In fact, *La Syrie Criminelle* is the first volume in the new series devoted to criminology and comparative criminal law, which has been placed in charge of Professor Pierre Garraud, whose name is well known to, and held in esteem, by, the criminalistic world at large.

What Dr. Fouad Ammoun modestly terms an "essay" on criminality in Syria, Lebanon and British Palestine, in reality, is an elaborate monographic study, giving a comprehensive historical and dogmatic outline of the penal institutions and crime situation in these Oriental countries.

Aside from the intrinsic merits of this excellently documented book, there are two reasons why the publication of Dr. Ammoun's work should deserve special mention: In the first place, it is fair to state that Syria, its history, social structure, the manifestations of its criminality and the principles underlying its penal system, are utterly unknown to the Western world; secondly, from the standpoint of criminology, Syria is particularly interesting, because it encompasses widely divergent social groups, cultural levels and religious ideals, so that the whole gamut of antisocial activities—the most primitive as well as the most "up to date"—seems to be reflected there like in a mirror. In a vivid sketch, the author depicts the typical forms of Syrian criminality: banditry, rebellion, political murders, militant communism, vagabondage and juvenile delinquency. He shows how Armenian immigration and Zionism steadily contribute toward the condition of stimulated unrest which, in turn, facilitates and fosters the dangerous work of the powerful Oriental gangs.

Dr. Ammoun believes that the phenomenon of crime, as a social actuality, can be most successfully studied by the application of the statistical method. At the same time, however, he admits that criminal statistics in Syria are neither accurate nor complete, which renders the inquiry all the more difficult. In a general way, the author maintains that during the last decade, the volume of criminality in Syria, has shown a marked increase: In Beyruth, for instance, the number of cases dealt with by the *Parquet*, from 1919 to 1925, has increased 47 per cent, in Tripoli—153 per cent, and in Damascus—172 per cent. These figures seem to indicate that Syria is now affected by a condition

of serious social unrest, which is aggravated by intense friction between the various ethnical and religious groups.

From the legal standpoint, the problem of crime repression and treatment is complicated by the fact that Syria has two parallel penal systems: that which is based on the Latin Codes (French, 1858 and Italian, 1889), with such modifications as were introduced in the statutes in 1911, and, on the other hand, the common law traditions, permeating the whole fabric of Oriental life. The result is that one and the same offense now may be punishable under the rules of the penal code, now—in accordance with the principles of common law, while the jurisdictional disposition of every criminal case is vested in the executive branch of the government.

Furthermore, as a result of the Versailles Treaty, Asia Minor has been placed under a double mandate: the French and the British. In Palestine, which is ruled by the British, criminal procedure is fashioned after the Anglo-Saxon system. Accordingly, the preliminary stages of criminal investigation are dominated by the police, and the *juges d'instruction* in the French or Continental European sense, do not exist at all. The commitment for trial is left to the authority of the police and the coroners. On the contrary, the territory under the French mandate is governed by the provisions of the French *Code d'Instruction Criminelle*, although the laws of December 8, 1897 and March 22, 1921, by virtue of which the *instruction contradictoire* was introduced in France, were not put in operation in Syria. For this reason, in this part of Syria, the initial stages of the investigation continue to reflect the old French and Ottoman principle of secrecy. Dr. Ammoun is of the opinion that in Syria, the participation of the members of the bar in the prosecution of criminal cases in all phases prior to the trial itself, is altogether undesirable because of the low ethical standards prevailing among those belonging to the legal profession. Still, while the author is in no sense a partisan of the English procedure, he states that the work of the Syrian *juges d'instruction* is often quite incompetent and singularly unproductive. The examples which he cites in support of this contention, are most convincing (pp. 332-335).

Dr. Ammoun is also explicit in his condemnation of the attempts, which so far proved unsuccessful, to foist upon Syria the jury system, especially because of intense religious and political dissensions ravaging Asia Minor.

The exposé of the organization and functions of the two Cassation Courts (the Syrian and that of Lebanon), the Courts of Appeal and the tribunals of the first instance (pp. 337-353) is most instructive. Equally interesting is the comparative evaluation of the French and English penitentiary systems in their practical operation on Syrian soil (pp. 425-465). Present-day prison conditions in Syria seem to be appalling, and little, if anything has been done by both French and British authorities to improve a situation which is obsolete and completely in discord with modern conceptions of treatment.

By far the most valuable section of Dr. Ammoun's study, is the historical part in which he deals separately with the pre-historic, Babylonian, Hebraic and Mohammedan eras; as well as the chapters on the origin of punishment and the ancient law in Syria (pp. 15-130). In the treatment of these subjects, the author evinces great learning and complete mastery of the vast, but still unexplored material relating to the customs evolved by the ancient civilizations.

It appears that, much in the same way as in other countries, in Syria, the conception of punishment has undergone a series of modifications, ranging from the barbaric tribal vengeance against the rival tribe to the fully structuralized notion of punishment in the form of a legal reaction of the state against the individual offender and the specific crime perpetrated by him. The intermediary epochs between the primitive and modern attitude towards crime and punishment is absorbed by the protracted struggle of the individual against a loosely organized society: In the measure, social integration gains vitality and strength—the scope of the rudimentary talion is reduced, and, step by step, subjected to the control of judicial institutions. The ancient Mosaic law, "eye for eye," "tooth for tooth," as Dr. Ammoun observes, had in Syria a vital effect upon the whole philosophy of punishment: first, by virtue of this dictum, private vengeance became limited in degree, and second, it restricted the act of aggression on the part of the victim to the person of the offender himself. To this rule there was a peculiar exception in that an architect, owing to whose negligence the daughter of the owner of the house was killed, was punishable by the execution of his own daughter. This law was also applicable to the murder of a free woman. But on the whole, the practice of blood vengeance against the relatives of the offender was brought to an end. Further progress is traced by Dr. Ammoun in those provisions of the Hammurabi (Babylonian dynasty) penal code, by virtue of which corporal injuries were punished not by corporal retaliation, but by pecuniary fines exacted from the offender. Likewise, the death penalty, which, as a rule, was imposed on those guilty of theft, could be evaded by restitution of thirty times the value of a stolen object, which belonged to a god or a king, and ten times its value, if it was the property of a government employee (p. 75).

In that remote age, the conception of crime as a violation of the social order, was practically unknown: an offense was conceived as an aggression against individual safety and welfare, without any regard to society as a whole. But with the crystallization of the state idea, repression, which was formerly an exclusive privilege of the *pater familias*, becomes a public function. At the same time, the principle of pecuniary recovery, or material restitution for the damage resulting from crime, loses its binding significance, and punishment is imposed for the main purpose of upholding government authority. As far back as two thousand years before the Christian era, the Assyrian laws provided punishments devoid of the element of restitution, even for crimes against property. It further becomes necessary to create laic justice, because penal jurisdiction can no longer

remain in either the hands of the family unit or in those of the priests: The state, even though retaining its theocratic and patriarchal character, seeks to draw a line of demarcation between the person of the ruler or king, and the religious prerogatives of hereditary priesthood. Thus, the administration of criminal justice helps to consolidate state authority which becomes supreme. This condition being achieved, crimes against the social order assume an important place in the penal legislations of the ancient peoples. This process finally leads to the recognition of the fact that a criminal offense, whatever else it may be, is always an attempt against the social order and must be treated as such.

Dr. Ammoun's *La Syrie Criminelle* is written in a clear, readable and stimulating style. It is a work of a genuine scholar, and it is hoped that an English translation of this important contribution to criminology will soon be available.

New York City.

BORIS BRASOL.

FOUR SQUARE: THE STORY OF A FOURFOLD LIFE. By *John Rathbone Oliver*. x+305 pp. MacMillan, New York, 1929. \$2.50.

This volume is the autobiography of a man who has acquired a wide reputation as the Chief Medical Officer of the Supreme Bench of Baltimore, but who, in addition to being a criminologist is a psychiatrist, an Episcopal priest and a devoted student of the classics. Dr. Oliver's life has been fourfold indeed, and rich in experiences.

The first half of the book is devoted to a description of his court work, and to most illuminating comments upon the present state of dealing with offenders against the law. Some of the chapters are entitled "Mental Tests," "Mental Aspects of Crime," "Crime as a Profession," "Alcohol," and "Drugs." The Medical Service over which Dr. Oliver presides performs the functions of a medico-legal institute, the psychiatric work being only one—an important one, to be sure—aspect. The service makes general physical and mental examinations of the defendants referred by the Court, advises the Court on such subjects as stains, poisons, and wounds and in addition is available for the thousand and one medical emergencies which may arise wherever large numbers of people are congregated, as in the courthouse of a big city.

The reader who has had similar contacts with the courts will probably, with a few exceptions, agree with the author's conclusions. Dr. Oliver recognizes that abnormal mental states are a factor in a measureable proportion of crimes, and call for special disposition; that expert testimony is in need of great improvement, the particular need being the abolition of its partisan character; that drugs play a negligible role in the causation of delinquency; that (if this be treason, make the most of it!) prohibition has failed to prohibit alcoholism, and that "today I find just as much suffering and just as many tragedies as I found in the days before alcohol was outlawed."

What may be one cause for astonishment is that Dr. Oliver, an ordained priest, although admitting that opposition to capital punish-

ment is growing, professes himself an advocate of the death penalty as a deterrent!

The broad humanity and understanding of the author are well illustrated by his statement—"But the thankfulness abides, because one has been privileged to help a little in making our criminal courts no longer places of fear and rebellion but rather abodes of sane justice and human understanding."

The rest of the book deals with the author's other diversified and interesting activities.

From a literary point of view the book is, of course, excellent. For subject matter as well it is of particular interest to psychiatrists, lawyers, judges, penologists, and students of religion.

Mass. Dept. of Mental Diseases, Boston, Massachusetts.

WINFRED OVERHOLSER, M. D.

CORRECTIONAL EDUCATION AND THE DELINQUENT GIRL. By *Mabel A. Elliott*. 112 pp. Department of Welfare, Commonwealth of Pennsylvania, Harrisburg (no date).

In the words of the author "this study represents the first attempt to test objectively the program and methods of modern reformatory training. . . . It thus offers for the first time some light on how far corrective education actually corrects" (p. 13). The "group followed" consists of 110 girls (principally sex delinquents) committed to Sleighton Farm during 1913-15, who served on parole during 1915-20, and whose present status was then investigated in 1924-25. The girls' ages ranged from 14 to 17 years at the time of commitment, and from 25 to 29 years at the time the study was made. Sleighton Farm, it should be remembered, is the girls' department of the Glen Mills Schools, at Darlington, Delaware County, Pennsylvania.

Present status (i. e., at time study was made, 8 to 10 years after release from the institution) classification of the girls divided them into four groups: (I) Those who have made a "completely successful" adjustment by not in any way offending against accepted sex mores; (II) those "at present seemingly stable" who have had serious personality problems in adjustment (of a non-sexual nature) but who are at present conforming to the social code; (III) those "at present seemingly stable" who in the past have had serious sex difficulties in adjustment but who are now conforming to the accepted social codes; (IV) those who have "consistently refused to conform to accepted social standards have been designated 'failed'" (pp. 37-38).

The distributions found in the follow-up study were as follows:

<i>Group</i>	<i>Number</i>	<i>Per Cent</i>
Group I	26	23.6
Group II	15	13.6
Group III	43	39.2
Group IV	26	23.6
Total	110	100.0

It thus appears that "by the end of a ten year period the largest share (76.3%) have eventually made a seemingly stable adjustment in the eyes of their own community." It was also found that "the large majority (83.3%) of the girls who made a completely successful adjustment were not behavior problems at the Farm." These were also the girls who had "adequate" or "good" supervision on parole, either by the parole officer or the home, or by both. Of the "failure" group 76.9% were known as admittedly difficult cases at the Farm and 45% had poor supervision or unfortunate home surroundings during parole" (p. 41). An analysis was made of a number of factors that might bear some relation to successful or unsatisfactory adjustment, such as, intelligence quotient, illegitimate motherhood, economic status, household efficiency, church attendance, present marital status, etc. No one factor was found of outstanding importance though a large part of the girls were below average in intelligence and many came from broken homes. Intelligence, however, seemed to bear no clear relation to successful adjustment and there seemed to be no more definite connection between "broken" homes and unsatisfactory outcome. Marriage to a man of "good" character was found to be closely associated with a "completely successful" adjustment. No causal relation, however, is claimed for this. Also, "there seems to be no particular connection between the girl's success of failure in later adjustment and her previous sex behavior" (p. 74).

Forty-nine tables, several case summaries, an appendix showing the schedules used, and a short bibliography are included in the study.

Present day penal and correctional work is much in need of "follow-up" studies and as an effort in that direction the present study should be highly commended. A clear picture has been presented of the outcome of treatment in a small, selected group of cases. The inference, however, is not warranted that the outcome is due to the nature of the treatment applied. Because 80% of a doctor's patients may recover from illness one may not ascribe the result to the efficacy of the prescriptions—in truth only a portion (an unknown portion) of the patients owe their recovery to the medical aid prescribed. It is the same with the results of correctional education in reformatory institutions. No true measure of the results of such work can be had unless the outcome in a comparable "control" group (in which treatment has not been applied) be also studied. In the study under review, no such control group was included. The optimistic statement by the Superintendent of Sleighton Farm that this study gives "actual information by which to measure the results of our work" (p. 7) is not warranted by the facts. An interesting display of the conditions of a group of girls ten years after discharge from the institution is presented but there is nothing to indicate to what extent the present status of those girls may be due to the institutional treatment received.

University of Minnesota.

GEORGE B. VOLD.

EXPERIMENTS WITH HANDWRITING. By *Robert Saudek*. 407+LXIII pp. William Morrow & Co., New York, 1929. \$5.00.

For many years efforts have been made to determine character from things other than life and conduct: it is a most interesting quest. The astrologer has tried to read the effect of the stars under which one was born, the phrenologist has attempted to interpret the hills and valleys on the head, and the palmist has sought to find the meaning of the lines in the palm but the ancient problem still remains unsolved. Handwriting has not been overlooked in this quest and during the past sixty years many books have been written on the subject. Now comes a new book, "Experiments with Handwriting," published in continental Europe under the title, "Experimental Graphology." In America the term "graphology" refers to character reading from handwriting, and as what goes under this term is not popular in the United States, it may be that this fact accounts for the different title to the book in this country.

The real purpose of the book is somewhat obscured by the title used for the American edition. In the preface, the author claims to have brought forward something essentially new and scientific and promises to produce a method that will assist in determining whether or not a document is a forgery, but if this ever was his original intention, it was not carried out for as the chapters proceed he falls into the same old character delineating methods or "fortune telling" routine that has been the theme of the previous books.

To a certain degree and in certain directions some of the statements concerning what handwriting indicates are correct. Handwriting undoubtedly does contain individuality and to a limited extent indicates the extremes of certain habits, qualities and accomplishments of the writer. The writing of the schoolboy can be distinguished from the writing of a mature person: the writing of the old and infirm differs from that of vigorous and forceful manhood; neatness and care can be distinguished from slovenliness and carelessness; and artistic skill and ability can be distinguished from the bungling work of the illiterate. These mountain peaks are easily seen but the valleys that lie between remain uncharted areas and it is on these levels that all the delineators work and all fail.

The fact that handwriting does not indicate human character with sufficient accuracy to be of any practical use does not mean that handwriting cannot be identified as having been written by a certain individual. Neither does it mean that forgeries cannot be detected and proven. If the character of the writer does not affect writing, there are many other things which do affect it and which in combination individualizes the handwriting of every person. Some of these things are: the system upon which the handwriting is based, the way the person is taught to write, the use to which the handwriting has been put, the acquired manual skill of the writer, and the natural coordination of the muscular and nervous energy used to produce the writing. Mr. Saudek fails to consider these fundamental things

when he actually comes to analyze a handwriting for the purpose of telling the character of the writer.

The difficulty with the entire process of reading character from handwriting is that many of the characteristics of form and qualities of execution on which the alleged science is predicated are in the handwriting because of the system or method by which the writer learned to write or because of other causes outside of the writer which exert an influence on the writing and do not at all grow out of the character of the writer. From about 1890 to 1900, most of the schools in the United States taught the Vertical System of writing, and this teaching has affected the writing of thousands of persons in a certain definite direction. The writing of one who was taught this system will be nearly upright, the capital letters will be only about twice the height of the small letters, initial strokes will be omitted and other peculiarities of design appear that directly result from the system. This teaching of vertical writing did not change the character of the writer, yet, slant, proportions and abbreviations are direct results of the teaching of this system and produce some of the things upon which the graphologist relies in reading character from handwriting. So simple a thing as the way the pen is held by the writer produces some of the characteristics which the graphologists say are unfailing evidences of character. It would be difficult to believe that writers grasp pens in different ways because of differences in intellectual attainments or varying degrees of honesty. One who has taught handwriting knows how completely the writing of even a mature person can be changed during a period of intelligent instruction and intensive practice. This change in the writing certainly has not changed the character of the writer. Yet according to Mr. Saudek, the teacher not only gave the student a new handwriting but fundamentally remodeled his character.

Mr. Saudek begins his book as though he were going to keep his feet on the ground and formulate some new principles regarding handwriting, and he does appear to have made exhaustive investigations along certain lines, but he fails to show that the results of his investigations are justified and scientific. It seems quite clear that many of these results grow out of incorrect interpretations of the physical evidence or are based on trivial and inadequate data. The book contains some terminology that is useful in describing handwriting, but these helpful ideas are obscured by a bombastic style which evidently has been developed in an effort to appear scientific. Some of these amusing and high-sounding terms which attempt to describe what the author says he finds in handwriting are: "pathologically degenerate braggadocio," "urgent aesthetic exigencies," "slowly deliberating simplicity," "psychological complex of the diplomatic mental attitude," "symptoms of pathological refinement and degeneration," "excessive sensitiveness tending to liability." These high sounding terms, no doubt, impress the average patron of a "character delineator," but are ridiculous to the scientific student of the

subject. The palmist, the astrologer, and all the fortune tellers indulge in these same abstruse and often meaningless terms.

This book, like its predecessors, at once reveals how unscientific and unreliable the method is when the attempt is made to explain why handwriting is affected by character or to formulate principles or laws governing such effect. This typical weakness is shown at the beginning of the chapter on "Honesty and Dishonesty" where refuge is taken behind a barrage of words which either show a reliance on the occult or a deliberate intention to evade or deceive.

Nothing new has been added to the pseudo science of graphology by Mr. Saudek, neither has he offered anything constructive or useful regarding the identification of handwriting or the detection of forgeries. This work would be useless in a law library and citations from it in a legal argument can hardly be imagined.

15 Park Row, New York City.

ELBRIDGE W. STEIN.

BEFORE AND AFTER PROHIBITION. By *Millard E. Tydings*. ix+131 pp. Macmillan, New York, 1930. \$2.00.

This easily read, but not too critical, volume presents in fact, if not in purpose, a polemic against the Eighteenth Amendment of the Constitution of the United States and the enforcement act known as the Volstead Law. The author's conclusion is based upon some pragmatic results of our first ten years' experience with national prohibition. He finds for instance, from statistics supplied by various departments of the Federal and State Governments, that drunkenness, as measured by the number of arrests, has not decreased; that arrests for juvenile drunkenness in Washington, D. C., have increased considerably; that drunken drivers of automobiles, as gauged by the revocation of permits, are increasing in number; that the trend of deaths from alcoholism since prohibition has been steadily upwards; that hard liquor is being consumed in the same quantities as before prohibition; that the cost of liquor is greater; that the Federal Government has sustained an annual loss of three hundred and forty-three million dollars in revenue and twenty-five millions in expenditures for increased personnel and maintenance of federal prisoners; that the prison population has increased out of proportion to the increase in population; that crime, corruption, and graft are rampant; that increased savings have no direct bearing to prohibition, and that the record of killings by federal enforcement agents is appalling.

The abolition of the saloon and the saloon system from the social and political life of America, and some of the economic and industrial aspects of prohibition discussed in Professor Feldman's scholarly study "Industrial and Economic Aspects of Prohibition" are not considered by the author. Perhaps they should be, in trying to arrive at an ultimate judgment based upon longer range view of the efficacy of National Prohibition.

The author believes that the problem of prohibition should be relegated to the States; that liquor traffic is a local question to be

solved by each individual state in accordance with climatic conditions, temperament and habits of its inhabitants, and the nature and character of their occupations. Whether the unsatisfactory results attributed to National Prohibition by the author, would be eliminated or materially curtailed, must of necessity await the experiment of repeal or modification of the amendment.

291 Broadway, New York City.

SAMUEL A. FRIED.

THE JACK-ROLLER. By *Clifford R. Shaw*. xv+205 pp. University of Chicago Press, Chicago, 1930. \$2.50.

"The Jack-Roller" by Clifford R. Shaw, is a composite. It is the story of a youthful criminal, written by himself, but as the result of painstaking encouragement and drawing-out by Professor Shaw. The book also contains chapters by Mr. Shaw on "Value of Delinquent Boy's Own Story," "History of Stanley's Behavior Difficulties," and "Stanley's Social and Cultural Background," a "Summary of Case and Social Treatment," and an illuminating discussion of The Case and The Problem by Professor Ernest W. Burgess.

To use the language of Professor Burgess, "The case of Stanley is and is not typical of juvenile delinquency in Chicago. No single case could be representative of all the many variations of personality, of the permutations of situations and the diversity of experiences of the hundreds of boys who year by year have entered the Cook County Juvenile Court."

It is typical, however, in the fact that Stanley was the victim of a broken home and of a vicious and unhealthy environment; that he was the product of a delinquency area; that is to say, of a deteriorated and deteriorating portion of the city of Chicago, to which, on account of their poverty, both our native-born wanderers and "down and outs" and our newly arrived immigrants go; in which there is no healthy social morality and no social and community restraint and where the children are largely brought up on the street and live in an atmosphere of crime and of unlawfulness; communities, in short, where crime is looked upon as a career and the hard-working laboring-man as a "dub."

The story of Stanley, then, is a pathetic but by no means an unusual one. His father was a hard-drinking but a hard-working Polish laborer. He had been bred upon a Polish farm and he should have gone to the farms of America and never have come to a great city. Stanley's father's first wife died leaving three small children, Stanley, a brother William, a few years older, and a younger sister. A year after the mother's death, the father, desiring a home for his children, married a widow who herself was poverty stricken with seven children to support. Stanley's brother William was a petty thief and the member of a street gang, and even his sister, though she afterwards married, was guilty of many juvenile delinquencies. After his drunken orgies, during which, of course, much of his earnings must have been dissipated, the father would often beat and illtreat his wife and at

one time broke her ribs. The family lived in the stock yards district, the home of the wanderer, the immigrant, and the misfit, where "boy gangdom" prevailed, and bootlegging, gambling and crime were everywhere prevalent. It was in this area that Professor Shaw, during the three year period between 1924 and 1926, found that 28 per cent of the young men from seventeen to twenty-one years of age were arrested and arraigned in the Boy's Court on charges of *serious* crime and that petty stealings were of common occurrence. Even Stanley's stepmother seems to have encouraged him in stealing from the railroad cars, and this probably on account of the desperation of want. She also at all time favored her own children and frequently beat Stanley and drove him out upon the streets. At six years of age he was found sleeping under a doorstep several blocks away from his home. At six years and six months he was picked up as a runaway and returned by the police to his father after being away from home for three days. Between this time and the time he was seven years and ten months old he was constantly away from home for varying periods of time and was returned by the police to his father and stepmother at least eight times. At eight years and two months he was arrested for shoplifting in company with his older brother William. Between this time and the time he reached nine years and two months of age he was picked up or arrested by the police at least nineteen times for truancy, running away, and petty stealing; almost always giving the cruelty of his stepmother as his excuse. At the age of nine years and nine months he was arrested for truancy and stealing and was committed to the St. Charles School for Boys. At eleven years of age he was paroled, but returned home only to meet with the same treatment from his stepmother and to continue in his former practices. At eleven years of age he was again returned to the St. Charles School and ten months later paroled to a farmer. He ran away from the farm soon after, was again arrested as a vagrant and paroled to his father, but soon after was returned to St. Charles. A year and five months later he was again paroled to his stepmother. At fifteen years of age he was committed to the Illinois State Reformatory at Pontiac for burglary. At the age of sixteen years and one month he was again arrested for burglary and "jack-rolling" and committed to the Chicago House of Correction. At seventeen years and eight months he was released and, fortunately, came into the hands of Dr. Shaw.

From that time his redemption began. A home was found for him by Dr. Shaw in a more desirable neighborhood with a certain Mrs. Smith who, with her two children, advised counselled and befriended him. Work was found for him and from that time—though he quit one job after another—he remained at work. Often he would return to his old haunts and his old associates. Always, however, the friendly interest of the Smith family seems to have restrained him. Finally work to his own liking—that of a salesman—was found and, later, he married a helpful wife. This is the story of his redemption. It lay not in the reformatories or in the police, but in change of en-

vironment and in friendly interest. "The Smiths," he said, "did not treat him as an outcast or as a criminal but as an equal." For five years now he has remained straight.

The story is typical in that a broken home drove Stanley into the streets and that he there became the victim of the criminal "boys' gang" philosophy and of the false hero worship of the "boy underworld." It is typical in the fact that the boy went through the usual channel of arrests for sleeping in doorways, arrests for truancy, arrests for petty stealing, and other delinquencies. It is typical in that from an early age (his experiences began at the age of six) he was detained in the Chicago Detention Home, the Chicago Parental School, the St. Charles Training School, the Illinois State Reformatory at Pontiac (rightly, we believe, termed by many ex-residents the "Illinois State Deformatory"), and the filthy, vermin-infested so-called House of Correction of Chicago. It is typical in the fact that these alleged penitentiaries failed to bring forth penitence and that these so-called reformatories failed to reform. Another study has shown that out of 116 cases of male delinquents committed to the Chicago Parental School, 68 per cent failed to make good on their return to the community, and in a similar study of 158 boys who had been inmates of the St. Charles Training School, 72 per cent continued in their delinquent career. Of boys with experience in the Parental School, 39 per cent, like Stanley, were later inmates of St. Charles. Of the boys who failed to make good after leaving St. Charles, one-half were later committed either to the State Reformatory or to the House of Correction or, like Stanley himself, to both.

The intensive study before us, indeed, points irresistibly to the conclusion that reformatories do not reform; that, perhaps, they can never be made to reform; that the problem of crime is the problem of childhood and of youth; that it is the problem of poverty and of unemployment; that it is the problem of the broken home and of false community ideals.

But, perhaps, the reader will say that, after all, Stanley was redeemed and that the story is not only the story of a fall but of a redemption. Even though this be the case, the redemption was brought about by a change of environment and, above all, by human, loving kindness and self-sacrifice. The writer of this review knows that in these modern days, references to Christ or to the philosophy of Christ are often sneered at as sentimental attempts at what is termed preaching, but the fact remains that it was the philosophy of and the practice of Christ which alone made the redemption of Stanley possible. His redemption was due not to his efforts and self-sacrifice but to the efforts and self-sacrifice of others. Perhaps back of this sacrifice and of these efforts was a scientific urge and the author of the book seeks to make it plain that the study is an attempt to bring scientific methods into the field of criminology, but unless someone had sympathized and cared, the funds of the Behavior Research Fund would never have been contributed and, much as Professor Burgess and Professor Shaw may disclaim the fact, human sympathy and not the

desire for money or academic fame has been the dominant impeller of their actions. The story, in short, points inevitably to the conclusion that if we would save we must sacrifice and we must sympathize. If crime is the result of environment, we must control those environments. We talk of the slums, we talk of the immigrant, but we keep ourselves aloof. We know nothing and, as a rule, care nothing, for the tragedies of the slums and for the children of the wanderer, of the "down and out," and of the immigrant.

We hear much of the marvellous achievements and successes of Helen Keller. But if it had not been for the unselfish devotion and self-sacrifice of Anne Mansfield Sullivan, who literally laid down her life for her friend, who taught her, trained her, and loved her, Miss Keller today would be still enshrouded in blindness and be an ordinary deaf mute. In the same way, though the subject of the book that is before us is a boy who, for purposes of concealment is termed Stanley, its real heroes are a certain Mrs. Smith, her son and her daughter, and two modest university professors. This woman and her children helped to save Stanley because of human sympathy, and these university professors saved because they were willing to sacrifice and because, though at times in the book they speak in the set phrases of the sociologist, they were human enough to understand. The story is both suggestive and pathetic. It is the story of a redemption. One would say of a fall and of a redemption, if heredity and environment had not led Stanley astray almost from babyhood so that there was no conscious fall. There can, indeed, hardly be said to have been a fall of one who at the time was so young that he did not know good from evil or to whom the good had never been disclosed.

In the case of Stanley, disinterested friends came to the rescue after the law and organized society had not merely failed but had added to the disease. *But can such friends always be found?* Even if they can be found, is redemption the only solution? Must we not somehow or other change fundamental and original causes and environments? Not *redeem* the boy, but keep the boy from going astray? Perhaps if there had been no liquor, the boy's father would not have squandered his money so that his wife would send out her baby boy to rob railroad cars in order that the family might exist. Perhaps the husband would not have brutalized her by his beatings and his drunken fury. Perhaps his cruelty would not have made her hate his children and prefer her own. Perhaps the boy Stanley would have had a home. Perhaps if the immigration officers had led this family to the country and not to the slums of a city, the case would have been different.

Perhaps the problem of unemployment and of housing can be met so that there will be no West Madison street, no stock yards district, and no slums. These problems will never be met as long as we think that the solution of crime lies in the lash and in the gallows, so long as we rely on punishment—and punishment alone—and ignore the causes.

Northwestern University.

ANDREW A. BRUCE.

HISTORIA DE LAS ANTIGUAS INSTITUTIONES DE DERECHO PENAL (ARQUEOLOGIA CRIMINAL). By *Ladislao Thót*. 503 pp. Editorial America Unida, Buenos Aires [no date]. \$3.50.

This is an entrancing book, written in an easy flowing style of literary Spanish by an Argentine ex-Judge, an honorary professor of the National University of La Plata. The occasional use of technical terminology rendered necessary by the subject does not in the least diminish the charm of the work as a whole. It contains an enormous quantity of interesting, sometimes startling, sometimes amusing, information concerning the old criminal law in many countries.

These pages contain "a synthetic account of the principal institutions of the ancient administration of criminal justice, which will serve as a complement to the materials of a *History of Criminal Law* shortly to be published." The author sorrowfully confesses that the "history of criminal law has been a stepbairn of writers"; and rightly says that for the most part the contents of his book are unknown. He disarms in advance all hostile criticism by saying that it does not belong to him to give any judgment as to the value and importance of his materials.

The definition of criminal archaeology given leaves nothing to be desired. It is the cognizance and study, historico-juridical, of the administration of criminal justice, the necessary result of the definition being that this study is concerned with those institutions which preserved a close connection with the actual administration of criminal law and were consequently regarded as acts of State. This differentiates it from the history of criminal law, which is concerned with the historical evolution of crime and punishment considered as institutions of decretal or customary criminal law.

Either study has an enormous field and either necessarily trenches on the field of the other.

The very great range of the author's study is indicated by the headings of the nine chapters into which the work is formally divided: Criminal Trials of the Dead; of Animals; of Witches; Asylum; Judgments of God; Torture; Other Institutions of Ancient Criminal Justice; Politico-Criminal Institutions and Ancient Penal Problems. On all these subjects, the literature of every ancient and modern language has been carefully and exhaustively examined and accurately quoted. What might by some be considered the arid and uninteresting account of details of the administration of criminal law is almost invariably enlivened by a well verified and generally amusing story, illustrating and giving a concrete example of the practice under discussion. When it is remembered that "Antiguas" with this author covers not only what we call "antiquity," but also the Middle Ages, including the Renaissance, it will be seen what a tremendous field the author had to cover: that he did it well is perfectly obvious, the book being a marvel of diligence, patience, erudition and literary skill.

The chapters that will be considered by many as the most interesting are those dealing with proceedings based upon conceptions wholly

foreign to modern thought. The imaginary crime of witchcraft brought thousands of persons—not all of creditable character, indeed—to the stake or the gallows as allies of Satan and his angels. In England, for example, it was not till the reign of George II that the crime disappeared from the Statute Book, much to the angry dismay of many good people who firmly believed that “Ye shall not suffer a witch to live” was a Divine precept and should be obeyed as such by all who called themselves Christians. It is said that the last execution for witchcraft in Europe was in Poland as late as 1793.

The doctrine of asylum has also quite disappeared, as has that of criminal responsibility in law of animals, whether cattle, dogs, cocks, or locusts.

The judgment of God was another proceeding of tremendous importance—whether this was obtained by ordeal of water or hot iron, by judicial combat, by the flow of blood from the body of a murdered person on the approach of his assassin, oath by the Cross, the altar, relics of the Saints, the Eucharist, lot, or the appalling practice of torture (which, perhaps, has not yet wholly disappeared from some police circles).

The final chapter, *Antiguos Problemas Penales*—Former Penal Problems—may indicate the author’s manner of dealing with his subject. He takes up 1—The problem of the gravity of the crimes, in which he describes the long controversies as to the relative gravity of adultery and homicide, and in the former, as committed by a man or a woman: 2—Publicity in the execution of the punishment, whether capital, flogging or otherwise: 3—Limited imputability, involving the consideration of insanity, imbecility, fraud, and so forth: 4—Repentance of the offender, true or affected, and actuated by laudable or only prudent motives: 5—With the different considerations to be borne in mind in the case of witches, robbers, and other criminals.

These and many other subjects are treated vigorously, learnedly, and exhaustively, with careful references to the authorities relied upon.

In such an enormous mass of material, it was to be expected that an occasional error would appear: but they are few and unimportant. William the Conqueror is called William III (p. 212); the author considers that the ancient trial of animals was continued in England till the last decade of the nineteenth century, illustrating by the order of a magistrate in Leeds to kill a hen which had mortally wounded a child, and that of a magistrate in London who had, on the ground of “legitimate defense” exculpated the elephant Charlie, which “tired of submitting to the bad treatment of which his keeper made him the victim, had ended by strangling him” (pp. 50, 51). He has also quite misunderstood *la peine forte et dure*. He says: “In practice [in England] torture was appealed in cases of high treason. . . . If the accused refused to confess, sentence was pronounced against him, called *sentence of la peine forte et dure*, that is, subjection to torture, which was applied without distinction of sex or social condition”—of course, a total misconception (p. 266).

La peine forte et dure, as every student of English Law knows, was the creation of a statute to prevent an accused person refusing to plead. In the theory of the Common Law, no one could be tried unless he submitted himself to the Court by plea—as escheat could take place only after conviction. Some, recognizing that their doom was certain, refused to plead so as to prevent their property being taken away from their dependents: some, too, refused to plead for other reasons. The statute required those refusing to plead to be closely imprisoned with the well known incidents. It has been suggested with some plausibility that the word read “peine” was in the original “psne,” i. e., “prisone.” At first this *peine forte et dure*, being a means of compelling a plea, was to be continued until the prisoner should agree to plead, but later it was continued until death, and death was expedited by a great weight laid upon the chest of the recalcitrant. The only instance on this Continent of the practice so far as I know was that of Giles Corey at Salem, during the famous crusade against witchcraft in Massachusetts.

An occasional misprint, too, is pardonable, such as *in fraganti*, (p. 316): *animales* for *muertos* (p. 492, l. 5)—none is likely to mislead.

All these are but as spots on the sun, when we consider the vast amount of information, charmingly conveyed and interestingly illustrated by appropriate examples and anecdotes which Dr. Thot furnishes us with.

The mechanical get-up leaves little to be desired: paper and printing are excellent, while the proof reading is well over the average. The value would be somewhat increased by a more detailed index, but on the whole it is the most interesting work on law that this reviewer has ever seen, and one he would like to see in an English edition.

Osgoode Hall, Toronto.

WILLIAM RENWICK RIDDELL.

THE STORY OF PUNISHMENT, A RECORD OF MAN'S INHUMANITY TO MAN. By *Harry Elmer Barnes*. vii+292 pp. The Stratford Company, Boston, 1930. \$3.00.

Professor Barnes has already written much and well on penological subjects, and this volume was written by him at the request of the publishers. The underlying thought is indicated in the subtitle and in the dedication to “Clarence S. Darrow, foremost American opponent of juristic savagery.”

The story of the investigation and punishment of crime, real and imaginary, is an appalling one: and this book tells it well and understandingly, without claiming to rank with the well known works of Pike, Ives and Andrews, or to compete with them.

Beginning with the original conception of punishment as a means of placating the Supreme God or gods—which, indeed, was the real foundation for the Inquisition and the execution of witches and sorcerers—so that Divine vengeance might not be visited upon the

people for the sin of one who had been instigated, at least in Christian times, by the Devil, through the next stage in which stress was more particularly laid upon social revenge, theory at least has come to the position that punishment deters from crime. This, it will be remembered, was Blackstone's thesis: and most will agree that the "eye for an eye," "tooth for a tooth" principle being abandoned, there must be abandoned with it that of social revenge; indeed the only principle upon which punishment can be justified at all is that it prevents crime.

The very great influence of Beccaria in bringing about this change in theory receives due recognition, but the work of the English Deists and Rationalists, of the French Philosophers, of Locke, Hume, Paine, Bentham, Voltaire and others is not ignored.

Professor Barnes is undoubtedly right in saying that in present as in past theory the accused is proceeded against as a perverse free agent. He will not, however, find universal acceptance of his thesis that "a criminal act is absolutely determined for the individual on the basis of his biological heredity, his past and present experiences, or both—there is not the slightest modicum of choice allowed to . . . the criminal" This determinism, an adaptation to man of Descartes' automatism of animals, would revolutionize society: in my judgment it is as unlikely to be generally accepted as the author's suggestion that "society has been as unfortunate in handing over criminals to lawyers and judges in the past as it once was in entrusting medicine to shamans and astrologers, and surgery to barbers."

Other theories confidently advanced will require protracted and deep consideration before being assented to. A whole chapter of great interest is devoted to an attack on capital punishment, and much is said as to the iniquities of the present system of imprisonment—all of which deserves calm and careful consideration. A Canadian is shocked to hear that in the United States "the convicts number less than one-fourth of the criminals," that "there is a reasonable probability" that an intelligent verdict "may be set aside on . . . the most absurd technicalities which have no bearing on . . . the guilt or innocence of the accused," that "the district attorney is usually interested in convicting the accused whether innocent or guilty . . . to advance his political prospects." The astounding statement is made that at the trial of Loeb and Leopold the prosecution counsel refused to allow the experts to put in a joint report "for obvious political reasons," and that "conventional savagery" made them appear in "violent disagreement."

Leaving aside such matters, it should be said that we are given an admirable account of the history and evolution of punishment for crime, chapters being devoted to: historic methods of ascertaining guilt; the ordeal; the torture, still found in the "third degree"; crime and punishment in early society; methods of inflicting corporal punishment; transportation as a method of punishment—from 50,000 to 100,000 to America and 135,000 to Australia; the reform of the criminal law (1750-1850); prisons, their rise and development—the Quakers, Howard, Bentham, Pennsylvania all receiving due credit—

curiously enough—the visit of LaRocheboucauld-Liancourt to the Pennsylvania prison is not mentioned; the nature and evils of imprisonment, some inherent from its very nature, some adventitious; the progress of penology, containing much controversial matter; capital punishment, containing more; and finally treatment versus punishment, largely Utopian.

No one can question the diligence, ability and earnestness of the author, but every one will not agree with him—and he would be the last one to expect it.

In a long study such as this is, it is to be expected that some errors will appear—the are unimportant. Capital punishment in public was not put an end to in England because of “pocket-picking becoming so common in the crowd assembled to witness the public hangings”; and *le peine forte et dure* was not a punishment for crime—originally a statutory method for compelling the accused to plead, it became a punishment for not pleading.

The few misprints are negligible. Altogether this is a notable and thought compelling work, and should do much good.

Osgoode Hall, Toronto.

WILLIAM RENWICK RIDDELL.

THE AUTOBIOGRAPHY OF A CRIMINAL. By *Henry Tufts*, Edited by *Edmund Pearson*. xvii+357 pp. Duffield and Company, New York, 1930.

This is a reprint of the first extensive American criminal biography printed at Dover, N. H., in 1807. Mr. Pearson has appreciatively edited the autobiography of a thief and burglar, who in an interesting and familiar style narrates the story of his life, his successful and unsuccessful larcenies and burglaries, his various bigamous marriages, with the merits and demerits of his various contemporaneous spouses, his adventures many and varied in the fields of Eros, his career and successes as a peep-showman and as a practitioner of medicine learned in a sojourn among the Canadian Indians for three years, his enlistments in and desertions from the Continental Army, his sentence to death and release, his return to his original wife, and peaceful old age.

We learn of the gallows as the punishment for burglary, of the lash and fine for theft with a sale of the thief if he could not pay, of executions in public attended by three thousand interested people, of the horrors of the prisons, of Negro slaves in New York, of Revolutionary soldiers selling their ammunition for food, of cannibals at Poughkeepsie, of imprisonment for being the father of an unprovided for illegitimate child, of a determination to settle in Upper Canada changed on learning of “the severity of the laws and customs particularly in the chastisement of criminals” there. We have, too, the good Yankee, “admired at” still heard, and “allotted” for the modern “allowed,” “shooling” for “sponging”—then we have the first American Cant Dictionary of thieves’ words “imported in gross from Europe.”

The story is graphically told by Henry Tufts, the grandson of a reverend B. A. of Harvard—who, born at Newmarket, N. H., in 1748, stole all over New England, knew many of the New England jails, and died at Limington, Maine, in 1831, “in the eighty-third year of an uncommonly misspent life”—an engaging scoundrel withal, whom no one will regret making the acquaintance of.

Osgoode Hall, Toronto.

WILLIAM RENWICK RIDDELL.

HANDBOK I KRIMINALTEKNIK. By *Dr. Harry Söderman* and *Ernst Fontell*. 675 pp. Wahlström and Widstrand, Stockholm, 1930. Kr. 40.00.

Dr. Söderman is already known to our readers as author of a standard work on “The Identification of Small Fire Arms” prepared while he was Assistant to Dr. Edmond Locard in the latter’s famous laboratory of police technique in Lyons. Together with Mr. Fontell he now gives us in the Swedish language a manual of police technique, which, due to its rich and varied content and its authoritative presentation, merits the attention of all who are interested in “scientific” crime investigation.

The work is divided into fourteen chapters. The first describes briefly the organization of the detective bureaus of Germany, England, France, Italy, and the three Scandinavian countries. The second covers the wide field of the psychology of oral testimony. In the third chapter forensic experts are discussed. The fourth takes up preliminary steps in crime investigation and subsequent chapters deal with sketches and photographs of the scene of the crime; personal identification methods; methods of scientific crime investigation (microscopy, microphotography, ultra violet rays, etc.); dactyloscopy (historical development and various systems); traces of the crime (blood and other stains, prints of all kinds); technical indices in connection with certain crimes (murder, suicide, arson, burglary, and postal offenses); precious stones and pearls; mechanical document alterations; and finally, document forgeries.

The book is richly illustrated and is designed as a textbook for use in the official classes in police technique which the Swedish Parliament has recently subsidized for the training of members of the detective service.

THORSTEN SELLIN.

LES PRISONS ET LES INSTITUTIONS D'ÉDUCATION CORRECTIVE. By *Armand Mossé*. New revised edition. 456 pp. Recueil Sirey, Paris, 1929. 50 frs.

Mr. Mossé is inspector general of administrative services in the French Ministry of the Interior and a lecturer on penology in the Criminological Institute of the Law School of the University of Paris. His book is, therefore, an authoritative description of the French prison system.

The first hundred pages contain a sketch of the French criminal law, followed by some chapters on the administrative organization. Part 2 contains, in nine chapters, a minute description of the prison regime governing adults, and part 3, in three chapters, of prisons for juveniles. Transportation and its problems are discussed in an appendix.

The book is a gold mine of information for those who are specifically interested in the details of administrative practice, and especially for those who plan to enter the French prison service. It is for the latter group that the book appears to be written, although one looks in vain for any discussion of the dynamics of penology, the debated questions of purpose in penal treatment which are at present forcing many countries to a revision of their penal systems. In this respect the book is symptomatic, for up to the present time France seems to have shown little interest in this reform movement.

HANDBOOK OF AMERICAN PRISONS AND REFORMATORIES 1929. Edited by *Paul W. Garrett* and *Austin H. MacCormick*. xlvii+1035 pp. National Society of Penal Information, Inc., New York City [1930].

If the National Society of Penal Information were never to contribute anything else to penology in America it has earned the gratitude of all penologists, practical or theoretical, for its Handbook. We have here the third and the best edition, which "makes available for the first time information on the essential features of all the penal institutions of the Federal Government (civil, military, naval) and the prisons and adult reformatories of forty-eight states." The data were secured by personal inspection on the part of representatives of the Society, and have been arranged, institution by institution, according to the following plan: ground and plant; administration; prisoners; discipline; health; industries; education; religion; inmate community organization; parole; cost; and, finally, general comments. In preparing this edition representatives of the Society for the first time received the full coöperation of prison officials everywhere, a sign that these officials have finally become convinced of the value of the Society's work.

CURRENT RESEARCH IN LAW FOR THE ACADEMY YEAR 1928-1929. Based on a Survey Made for the Institute of Law, Johns Hopkins University. By *Marion J. Harmon*. viii+218 pp. Johns Hopkins Press, Baltimore, 1929. \$2.00.

The Institute of Law recently established at Johns Hopkins University has initiated its publication activities by this bibliographical survey which will, it is hoped, be an annual event. Its rich and varied content, including research projects in preparation, or published during the year surveyed, makes the pamphlet a valuable source. The criminologist will specially note the topical headings of courts (pages 43-51)

and crime (pages 52-72). Some of the items listed could hardly be dignified by the name research, and others probably represent the pious hopes of the reporters, instead of studies well on their way. But, unless it is impossible to make the selection on some more satisfactory basis than the reporter's opinion, subsequent compilations of the same nature may be expected to separate more carefully the chaff from the wheat.

VERHANDLUNGEN DES SCHWEIZERISCHEN VEREINS FÜR STRAF-, GE-
FÄNGNISWESEN UND SCHUTZAUF SICHT IN LIESTAL VOM 22. UND
23. MAI 1929. New Series, No. 9. 80 pp. H. R. Sauerländer
and Company, Aarau, 1929.

This pamphlet contains the Proceedings of the Swiss Prison Association. Two main addresses were given. The first, by Nationalrat Dr. A. Seiler who is chairman of the legislative committee of the Swiss Legislature, is a ringing defense of a unified criminal and correctional code for Switzerland which will, it is hoped, result from the project now under discussion in the legislature. The second address is an interesting survey of the use gymnastics and sports in the Swiss and German prisons.

PROCEEDINGS OF THE NATIONAL CONFERENCE OF SOCIAL WORK, SAN
FRANCISCO, CALIFORNIA, 1929. x+682 pp. University of
Chicago Press, Chicago, 1930. \$3.00.

Of special interest to students of criminology are the following papers printed in these proceedings: *Case Work Responsibility of Juvenile Courts*, by Grace Abbott; *The Child on Probation*, by Hans Weiss; *How Criminal Justice Works*, by Raymond Moley; *As the Twig Is Bent*, by James Plant; *The Prison as Character Builder*, by Jack Black; *Education in Penal Institutions*, by Austin H. McCormick; *The School and Delinquency*, by Elizabeth L. Woods.