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Book Review. Alexander, F. and Staub, H., The Criminal, the Judge and the Public

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tion when the creditor sues two sureties together and judgment is rendered in favor of one and against the other. Without comment the author sets forth the two views, noting that one line of cases, to the effect that the judgment in favor of one is conclusive of the absence of a common obligation, goes upon the ground that the two sureties are necessarily adverse parties since a judgment in favor of one increases the amount for which the other is liable. No notice is taken of the fact that such an argument begs the question entirely.

Despite a few minor faults such as the above, which perhaps have been given an undue importance by the space used to set them forth, the reviewer wishes to conclude by expressing his gratitude to Dean Arant for his able presentation of the matters usually treated in a law school course. In a Hornbook the subject cannot be expected to be treated exhaustively, but it may be hoped that Dean Arant will later employ his ability and experience in a complete treatise.

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STEPHEN I. LANGMAID.

THE CRIMINAL, THE JUDGE AND THE PUBLIC. By Franz Alexander and Hugo Staub. New York, N. Y.: The Macmillan Co., 1931. Pp. xx, 238.

This book is the most interesting, and in many ways, the most valuable that has appeared in the field of criminal psychology in many years. The authors are men of considerable ability, one, a practicing Viennese lawyer, the other a psychiatrist who last year was visiting Professor of Psychoanalysis at the University of Chicago.

In comparison with the banal shibboleths that pass for psychology in general, this book purports to be a psychoanalytic exposé of the secrets that lurk hidden away in the dark recesses of the criminal constitution. And indeed, despite anything that can be directed against the dogmatic and naïve assertion of theory as fact, that characterizes this school, it is irrefutable that observations of the most acute, detailed nature abound. Whether we accept or reject their underlying assumptions and hypotheses, credit cannot be denied for turning up a vast psychologic field that heretofore remained clouded in a maze of mysticism, theology, and superstition.

Now, what is the basic approach? What, in short is the "anatomy" of this science? It is that psychologically, man is a tri-party creature, composed of a primitive, animal, instinctual part called the Id; of a conscious, aware part, called the Ego; and of an ethical part called the Super-Ego. This last, the Super-Ego which represents the demands of the group and the conscience of the individual, conducts an intermittent warfare upon the primitive Id. When one is asleep the Id gets an opportunity to parade its desires in dream form, disguised more or less in order to escape the inhibitions imposed upon it by the Super-Ego. To continue with

the thesis: The individual enters the world a criminal; the relationship of the child to members of the family and the necessity to adjust his conduct to retain the love of the parent, particularly of the same sex are the determining forces. Through the process of identification with the father, the external authority represented by that parent becomes a part of the child himself (the Super-Ego) which henceforth accumulates to itself the various demands (inhibitions) of the community and becomes the internal control over the primitive nature of the individual. Each individual places only such restrictions upon his own primitive, instinctual drives as is necessary, necessity being determined by the fear of punishment and the hope of being loved. An equilibrium is thus set up between the necessary minimum renunciation of individual drives and the gratification assured by the power and authority of the group; and the "regulator of this equilibrium is the *sense of justice*."

Criminals are classified as (1) the *neurotic criminal*, a product of an intra-psychic conflict; (2) the *normal criminal*, who has identified himself with a criminal group and is therefore a sociological rather than a psychological phenomenon; (3) the *organic criminal* e. g., the feeble-minded, epileptics, etc.; and (4) *acute criminals*, who are really not criminals at all but who commit anti-social acts under certain extreme conditions.

The authors are concerned with the first and last classes, those which present psychiatric problems. The criminal is a neurotic who does not resolve his conflict within himself, but on the contrary, is overt. The underlying causes are traced to early infancy, and to powerful affects related to sex in the family, which affects are abnormally perpetuated and directed by particular sets of circumstances. Some of the diagnoses are unusual. Thus we are told that the "need for punishment" inspired by consciousness of guilt may cause the commission of a crime solely for the purpose of securing punishment. (See the case history of the doctor who stole petty articles and practically threw himself in the way of the authorities, 155-172.) The conscious effort of the criminal to escape punishment is irrelevant from the psychoanalytic viewpoint. Again (and this is important with reference to deterrence), punishment may remove the sense of guilt and actually pave the way for the recurrence of criminality.

Due to the wide divergence of views in and about psychology, readers of this book will evaluate it all the way from the sheerest phantasmagoria to the most penetrating analysis that has appeared to date. The whole work suffers unfortunately from the usual dogmatic tone of a person obsessed by his own imagery. With all due concessions to lack of space, it may none the less be stated that this is a basic weakness of the writers in common with other Freudian disciples. They assert one particular explanation dogmatically where anyone not under the obsession of a particular ideology can readily imagine dozens just as plausible, or if you will, just as fantastic. Perhaps this is due to the fact that psychoanalysis is the most introspective psychology that has appeared—at once its

strength and its weakness. Fortunately it is introspection fortified by the clinic.

Granted that diagnosis varies with different investigators (that a Freudian will discover a sex disturbance where an Adlerite would find an inferiority complex, etc.); granted also that much of the explanation is arbitrary—a mechanical shifting about of King Projection and Queen Identification on a board where the only moves are sexual drives revolving about the Oedipus complex (apparently displacement, projection, and identification can be arranged in any number of ways regardless of mutual inconsistencies within the very same diagnosis—and these literally abound); with all of this, it is clear to the impartial observer that the psychoanalyst can contribute a great deal to a scientific administration of the criminal law. Intimate contact with offenders whether for the prosecution or the defense produces the feeling in practically every case that if everything were known about the defendant, his motivation and his complete life-history, a fuller measure of justice would be achieved. The psychoanalyst justifies his activity abundantly because of the mass of relevant detail which he uncovers in the life-history of the criminal; because his approach is fundamentally genetic; and because he offers a unified, inclusive analysis of the total personality. Furthermore, the psychoanalytic viewpoint holds environmental factors for the most part responsible for the development of criminals. It sheds much light upon what might be termed the "democratic explanation" of crime ("the greatest number of criminals could under different circumstances have developed into normal individuals" p. 33). The psychoanalyst, therefore, offers much greater hope for the prevention and rehabilitation of criminal types than do most psychiatrists who, while rejecting the extreme position of Lombroso, yet assume an unexplained "hereditary predisposition" in most criminals as the dominating causal factor.

Three interesting case studies are presented. The final chapter deals with the emotional need of the public for punishment and the consequent limitations upon the possibility of administering the criminal law scientifically in the immediate future. The authors show considerable restraint in withholding promise of immediate change. Yet, one wonders whether the publication of the detailed life-history of the offender, and his motivation, together with assurance of protection from recurrence would not enormously diminish the need for retaliation. Novelists have produced this result upon their readers in thousands of cases. No doubt, the process will be slow and dependent upon countless factors beyond anybody's control. Finally, one is impelled to urge the unification and integration of the whole field of psychology in so far as this is possible. It would be very sad, indeed, if it were not just a little amusing, to see psychologists clinging to the very opposite poles of doctrine. The behaviorist is interested only in conduct; the psychoanalyst is concerned with internal processes. One should like to see these schools integrated in one field. It is not an easy task but it must be done for apart from pure theory, the various schisms have far-

reaching effects. In the examination of persons accused or convicted of crime, in testifying in courts, the various experts are applying different and frequently opposite principles. When experts speak in opposing, irreconcilable languages, what are the courts to do?

The only thing that one can properly insist upon at this time is that all officials concerned with crime in any aspect be trained in the whole field of psychiatry to the end that their own participation in the administration of the law does not add offensively to the enormous difficulties already in existence; that it does not multiply crime, and make a sad degrading spectacle of justice itself. Let anyone who thinks this condemnation over-drawn observe carefully that peak of our administrative organization, that very eminence in our officialdom—the judges—in their various courts and conditions, and draw his own conclusions.

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