

## BOOK REVIEWS

COMPARATIVE CRIMINOLOGY. By Hermann Mannheim. Boston : Houghton Mifflin Co. 1965. Pp. xvi, 793. \$12.50.

Most textbooks on criminology are one of two kinds. The first is an expression of one point of view, or the contribution of one discipline, presented as if it were the whole field. The other is an inter-disciplinary volume, written by a number of authors, each a specialist in his own field, with a desperate but unsuccessful attempt by the editor to bring it all together and to co-ordinate it in some fashion. The first approach leads to oversimplification; the other to utter confusion.

Encyclopaedic minds, capable of understanding and integrating the whole field of criminology, do not seem to develop readily in the twentieth century : it seems there is too little time and too few cells in the brain to absorb all the expanding knowledge and to reject all the trivia.

Hermann Mannheim is an exception. His new work is characteristic of his remarkable breadth of knowledge, and one should not be deceived by the book's title. His volume deals not with some special kind of criminology called "comparative" nor with the comparative method as such. It embraces the whole field, as far as is humanly possible, and it is comparative only in the sense of presenting all theories and methods of criminology in an historical, philosophical and scientific perspective. If one accepts, as this reviewer does, that everything in the world is relative and every theory has merits and demerits capable of being evaluated in relation to others, it follows that all criminology is, or ought to be, comparative. As stated elsewhere,<sup>1</sup> the new Centre of Criminology of the University of Ottawa may in this sense "become a centre of comparative criminology in the Hermann Mannheim tradition." Being a multi-disciplinary centre in a bilingual university which teaches two major legal systems, it is in a good position to continue on a different continent the work that Hermann Mannheim has pursued for several decades in Europe and which culminated in the book under review; but the centre will not be the work of one man, as this volume is.

This is not to say that the new book is necessarily a more important contribution to knowledge than some of Mannheim's previous publications. His *Dilemma of Penal Reform* (1939), *Social Aspects of Crime in England between the Wars* (1940), *War and Crime* (1941), *Criminal Justice and*

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<sup>1</sup> In a report on research as a basis for social policy, in press with INTERNATIONAL REVIEW OF CRIMINAL POLICY.

*Social Reconstruction* (1946), *Juvenile Delinquency in an English Middle-town* (1948), *Group Problems in Crime and Punishment* (1955), *Pioneers in Criminology* (with others, 1960), and his work with Leslie Wilkins on *Prediction Methods in Relation to Borstal Training* (1955) are even more penetrating and—considering the dates of publication—further ahead of the times. Owing to their more specialized nature some of these earlier works are in a position to probe deeper and to offer more challenge; but as a textbook *Comparative Criminology* is a superb achievement. Here are some of the reasons:

1) It is comprehensive and well balanced. Mannheim emerges as that very rare scholar who is competent to discuss the problems of law, its functions and relation to religion, morals and the behavioural sciences, who knows biological, judicial and social theories of crime, who can discuss intelligently modern research methods because he has used them and not only read about them, and who can integrate all this knowledge in a logically consistent and meaningful way.

2) It is analytical and fair. It is not just a compilation of other views nor a statement of faith in one theory coupled with attacks on others. One may disagree with the author at times, but everything he says is so well documented and his judgment is so mature that one has to make a positive effort to find faults; if one at last succeeds, it seems rather petty to raise the point.

3) It is world-wide. There is a natural tendency to rely on British sources more than on those of other countries, but no major schools of thought in Europe or America are omitted. References to the Soviet Union, Australia, Japan, Cuba, and underdeveloped countries are scanty but more than perfunctory, and the contributions of these countries are not ignored. There are only a few references to Canada as such, but well over fifty to Canadian authors (mainly to “new” Canadians and their previous work in Europe).

4) It is scholarly. It is not limited to technical and theoretical publications, but uses *belles lettres*, and historical and philosophical works, not as embellishments or means of impressing the reader but as a vehicle of understanding psychological and social phenomena and of giving the necessary perspective.

5) It is readable, well planned and written in simple language. The reader does not have to stop and re-read any obscure passages in order to gain a full understanding of the meaning. Summaries of other works are clear—often clearer than the original—and contain all the appropriate references and well chosen quotations.

6) It offers a guide to further reading. Every month brings more books and papers of criminological research, but really outstanding contribu-

tions are rare. This book brings us up to the mid-sixties and hardly misses a contribution that needs to be recorded in a textbook.

7) It is well indexed—almost a forgotten art nowadays.

There is always a possibility of disagreement, especially since the author is quite explicit in his statements. The reviewer, for instance, having taught *politique criminelle* (at the University of Montreal), and having published extensively on the need to reform the criminal law and the penal system on the basis of criminological theory and research, could hardly be expected to subscribe to the statements that "criminology should remain a non-policy-making discipline" and that if a criminologist wishes to advocate "a certain measure of legal and administrative penal reform... he has to do it as a politician or an ordinary citizen and voter rather than in his capacity of criminologist." This reviewer agrees that governments may pay attention to ordinary citizens and voters, but only if there are millions of them. But he also believes that if the contemplated reform is not to be an act of political faith or an expedient to gain more votes, governments will listen to experts even in the field of crime prevention and treatment.<sup>2</sup> Criminologists who are interested in problem solving, who are able to collect scientific data and draw conclusions from them for social policy and legislation, have an important role to play and are likely to play it with increasing frequency. In the past even Hermann Mannheim did precisely this, not only in his articles and major works, such as *The Dilemma of Penal Reform*, but especially in his numerous and incisive "Notes and Criticisms," editorials and similar contributions to *The works*, such as *The Dilemma of Penal Reform*, but especially in his numerous *British Journal of Delinquency* (later renamed *British Journal of Criminology*), one of the most important and most influential criminological publications in the world. The new textbook deliberately avoids all matters of policy, except for presenting them in a systematic and objective manner; but even if the area of study called *Kriminalpolitik* in Germany, *politique criminelle* in France, and social defence policy in the United Nations is a separate discipline, it must be based, as Mannheim himself states, upon the factual findings of the criminologist. One of the merits of *Comparative Criminology* is an excellent exploration of such factual findings, many of them by Mannheim himself, his co-workers and students.

With so many merits, what are the limitations? It seems that these are inherent in the nature of the volume. One may wish the book were shorter—but then it would cease to be comprehensive; it is written with economy of style, so it could only be shorter at a considerable price in essential detail. One might wish that some of the important problems—such as that of criminal responsibility, for instance—were explored in more depth;

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<sup>2</sup> Some Canadian examples are cited in a report on research as a basis for social defence policy, now in press with the INTERNATIONAL REVIEW OF CRIMINAL POLICY.

but this would not be practical in a textbook. This is a true and excellent textbook of criminology of reasonable size and, Mannheim's stature being quite unique, we may have to wait several decades before anything comparable appears; even then it will probably be written by a team and edited by a computer.

TADEUSZ GRYGIER \*

DANIEL WEBSTER AND THE SUPREME COURT. By Maurice G. Baxter. Amherst : University of Massachusetts Press. 1966. Pp. ix, 265. \$6.75.

Daniel Webster is not a neglected figure in American biography, nor in works on American history and politics. His life has been so extensively researched that he is legend as well as history in the United States. Even now, Dartmouth College, his alma mater, has on foot a Webster Papers project which looks to a comprehensive microfilm edition of his correspondence and other manuscript writings. Why, then, another book, albeit with a special focus?

The reason lies, according to the author, a professor of history at Indiana University, in the unique career of Daniel Webster as leading constitutional lawyer in a period when the Supreme Court of the United States was both consolidating its role in the American system of government and working out the scope and interaction of federal and state legislative powers. The book is an attempt to show Webster's contribution, through his arguments as counsel, to the constitutional doctrine propounded by the Supreme Court.

He argued his first case before the Court in 1814, his last in 1852, the year he died. These years took in the great period of the Marshall Court and a significant portion of the span of the Taney Court. They saw the Court enlarged (in 1837) from seven to nine justices; they witnessed the insistence (from 1832 on) on printed briefs; the establishment of a procedure of submitting cases on printed briefs alone, without oral argument; and the limitation of oral argument (in 1849) to two hours for any one counsel. (It is now one hour for each side). The luxury of a week's argument by counsel in *McCulloch v. Maryland* (1819) and ten days' argument in *Vidal v. Girard's Executors* (1844), in both of which Webster appeared, became impossible if the Court was to be able to handle its growing judicial business with despatch. Compare the still generous scope for oral argument in the Supreme Court of Canada (but one should not ignore the different positions in the United States and Canada on the briefs of counsel).

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