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Book Review

Walter G. Whitlatch

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recognizes emotional distress as an "injury," Pennsylvania persists in its stricter views. The related field of psychiatry and its impact on law receives well merited attention in this collection. It also takes cognizance of the fact that many doctors are a family's general confidantes; thus the essay on "actions between members of a family" should appeal to lawyers and physicians alike.

With this first volume, the new series is off to a promising start. It presents doctors and attorneys with a well balanced cross section of the problems common to both; members of both professions will derive great intellectual and professional benefits from it. In its final achievement, it may well cement the "social alliance" between them and transform it from an often uneasy relationship into a satisfying partnership.

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*Reviewed by Walter G. Whitlatch**

CRIME AND JUVENILE DELINQUENCY, by Sol Rubin. Published by Oceana Inc., New York, 248 pages, 1961, 2d ed.

In *Crime and Juvenile Delinquency*, Sol Rubin, counsel for the National Council on Crime and Delinquency, examines many of the problems facing courts, penologists, social workers, legislators and the public at large in dealing with criminals and delinquents.

One may not agree with Mr. Rubin on some aspects of the many subjects discussed, but there is much here to stimulate the thinking of all who are concerned with delinquency and penology.

While his approach to the matters presented is basically intelligent, scientific and humane, it seemed to this reviewer that much of his philosophy in respect to delinquency and the juvenile courts lacked the benefit of practical experience.

His proposal that the legal definition of delinquency be limited to law violations would leave no authoritative agency to correct and rehabilitate the truant and the incorrigible. The logic with which he supports his plan is that the juvenile courts

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A first edition was reviewed by E. F. Samore, 8 Clev-Mar. L. Rev. 584 (1959).

are loaded to capacity with the law violators and they, therefore, should delegate the incorrigible and the truant to others.

To whom this formidable task would be delegated and how in many cases it would be managed outside of an authoritative setting would present a real problem in large urban communities because of lack of facilities and personnel. If the juvenile courts are not able to discharge their responsibilities to delinquents as presently defined, the obvious answer is to provide the needed personnel and facilities to the juvenile courts.

Mr. Rubin cites the experience of one city where better results with truants were obtained by not referring such cases to the juvenile court. Unfortunately, there are schools and juvenile courts who haven't learned that they can cooperate in the solution of their mutual problems. In Cleveland where the school and the court have a close working relationship, truancy is effectively curbed by court action and the Cleveland School District has an outstanding student attendance record.

Also showing lack of personal experience in the juvenile court is the author's repetition of the old clichés in reference to "star chamber" sessions and "deprivation of constitutional rights" in the juvenile courts, which are slanderous to the vast majority of the judges of these courts.

Mr. Rubin presents a sharp critique of Sheldon and Eleanor Gluecks' *Unraveling Juvenile Delinquency* (Commonwealth Fund, 1950). He questions if a study of children at age 14 years and 8 months (the average in the Glueck study) can tell the condition of their character and personality at the age of six years, which is necessary if the pattern is to be applied to children at the time of entering public schools. He also criticizes the use of institutionalized delinquents in the study, maintaining that the average period of 7½ months institutionalization would itself make considerable change in the personality and character of the children. His suggestion that the study should have included children adjudged delinquent but not institutionalized, as well as non-delinquents and institutionalized delinquents is well taken.

While Mr. Rubin makes some valuable research suggestions which would have probably improved the Gluecks' work, his hypercritical reaction to it seems to prevent him from appreciating the value of this study in relation to all trouble-prone children whether or not their characteristics and personalities lead them into delinquency.

Mr. Rubin asserts that the "Youth Authority" programs now operating in several states have demonstrated that public participation is an important adjunct of these plans and that by drawing in lay leaders and ex officio representatives of related agencies, we concentrate public concern on the problems of delinquency and crime. State of Ohio officials in charge of delinquency facilities should take note of this.

Mr. Rubin has an acute awareness of the socio-economic factors which are causative of and conducive to crime and delinquency. His concern about the effect of imprisonment upon a person's employability is expressed in the advocacy of legislation forbidding discrimination in employment because of a prison record.

As to adult offenders, the author presents many challenging and provocative ideas. He would make pre-sentence reports available to the defendant. He believes the penalties for sex crimes are unduly harsh and fail to take biological factors into consideration. He opposes contributing laws and protests against punishing parents. He believes that generally, sentences are too long and that probation is used too sparingly. He is convinced that it is the certainty of punishment rather than its severity that provides the deterrent.

Throughout the book, the reader is impressed with Mr. Rubin's deep concern over the need to reinforce legal and social actions against crime and delinquency with logical and humanitarian efforts.

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*Reviewed by William Samore**

CONTEMPORARY ETHICAL THEORIES, by Luther J. Binkley. Published by Philosophical Library, Inc., New York, N. Y., 203 pp., 1961.

If the ordinary man were to ask By what code should I live? or What is the good life?, Professor Binkley, of Franklin and Marshall College, would reply: What precisely do you mean? He has a remarkable telepathic skill for reading the reader's mind. He does this by supposing the reader's objections and then proceeding to answer them; the objections are not

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