



CSU
College of Law Library

Cleveland State Law Review

Volume 7 | Issue 3

Book Review

1958

Book Review

Jack F. Smith
Cleveland-Marshall Law School

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstrev>



Part of the [Criminal Law Commons](#)

How does access to this work benefit you? Let us know!

Recommended Citation

Jack F. Smith, Book Review, 7 Clev.-Marshall L. Rev. 591 (1958)

This Book Review is brought to you for free and open access by the Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

to insure truth and promote justice continues to be chipped away, we are all in a danger as great as that of Communism.

Defendant's Rights should be read by all who are seriously concerned with the preservation of our way of life. It should be read by all who are concerned with the basic rights accorded the individual accused of crime, and the historical reasons for those rights. It should be read by all who are disturbed by the lack of guarantees of time-tested procedures to insure truth at hearings held by federal agencies and investigative committees.

Professor Fellman has compiled a wealth of material and has performed a superb job of condensing it into a book which is both enlightening and readable—and well worth reading.

* * *

*Reviewed by Jack F. Smith**

THE OFFENDERS, by Giles Playfair and Derrick Sington. Published by Simon and Schuster, New York, 299 pages (1958).

The Offenders, or "The Case Against Legal Vengeance," first presents the case histories of seven criminals who were sentenced to death or life imprisonment for their crimes. The seven include the Rosenbergs, who were executed in the United States for treason.

Every book has a reason for being written. The purpose of *The Offenders* is to convince society that it is wrong to exact the death penalty for murder, treason or other crimes.

The seven case histories which the authors have presented were selected in order to bolster their argument that proper psychiatric help for persons showing criminal propensities is woefully lacking. They have attempted to show that the heinous crimes committed by the seven might have been averted if society had recognized danger signals where they first appeared in the seven, or that the crimes were not crimes at all in the minds of the perpetrators. Irma Grese, the attendant at Auschwitz and Belsen, who murdered wholesale because she was indoctrinated to believe that whatever she did was right, is the case that most strongly support the authors' argument—which is that society is not served by a death penalty, but would be better served by rehabilitation of criminals.

From this point on, the authors proceed to the theory that the death penalty for crimes should be abolished. The death penalty should be abolished (they say) because it removes a person who might contribute something towards the betterment of posterity. This is at least open to question.

The most powerful argument for abolition of the death penalty is that it is no deterrent to the commission of crimes penalized by it. The authors cite statistics of countries where the death penalty has been abolished in order to show that crimes do not rise in number. This is their chief argument for abolishing the death penalty.

Let us examine this argument. First, can society be expected to give psychiatric help to all of its members? The person who runs amok and murders usually gives no forewarning that can be acted upon by society as a whole. Looking at him after he has committed murder, sometimes one can see where perhaps danger signals had appeared. But his associates, before he murdered, were not trained to apprehend such warnings. Secondly, society as a whole is entitled to protect itself from the individual who attempts to prey upon it. Punishment has always been considered part of that protection. The maximum punishment is the death penalty, which society has always reserved for those crimes which are considered particularly heinous.

Today, because of the voluble interest of people like the authors of this book, the criminal very nearly occupies a privileged position. He is accorded a great many Constitutional and statutory rights vigilantly assured him. Now, more and more people like the authors, are advocating the abolition of the most severe penalty that society exacts. Part of the argument for abolition is that the criminal himself is not to blame—that society is to blame. Society is to blame for not furnishing a proper environment, or for not recognizing danger signals when they appeared in the criminal. It is submitted that society cannot be expected to do these things.

For those who favor abolition of the death penalty for crime, this book presents an arsenal of arguments. Those who favor the retention of the death penalty are not likely to change their views because of the arguments presented in this book—at least this reviewer greatly doubts that the book will convince anyone not already so convinced.