

## BOOK REVIEWS

IN DEFENSE OF YESTERDAY: JAMES M. BECK AND THE POLITICS OF CONSERVATISM. BY MORTON KELLER. New York: Coward, McCann, 1958. Pp. 320. \$6.00.

*Arthur M. Schlesinger, Jr.†*

As Mr. Keller reminds us in his preface, the past decade is one in which the "conservative heritage" in American life has come into its own. In the last few years, conservatism has ruled in the federal government; it has pervaded the national climate of opinion; it has even acquired champions among intellectuals and college professors. More than this, the revival of conservatism has usefully modified the conventional interpretations of the American past by directing attention to neglected issues and continuities. Thus the conservative tradition itself, Mr. Keller points out, was too long treated as a series of discrete responses to the challenges of reform; in fact, he argues, it has "a political heritage as independent and self-sustaining as the progressive tradition." (p. 9). In essaying a biography of James M. Beck, Mr. Keller himself ably illuminates the strength and limits of American conservatism.

Beck was born three months after the bombardment of Fort Sumter; he died six months before Franklin Roosevelt carried all states but two in winning his second term. His lifetime thus spanned the series of economic and political transformations which produced modern America. As a corporation lawyer perennially ambitious for political and public advancement, Beck was for many years near the center where large decisions were taken. He served as Assistant Attorney General under Theodore Roosevelt, as Solicitor General under Taft and as a Pennsylvania congressman under Coolidge, Hoover and Franklin Roosevelt. In between, he was a member of leading Philadelphia and New York law firms. A rigid conservative by temperament and doctrine, he provides an excellent case study in the fate of 19th century conservatism in 20th century America.

Mr. Keller's biography is based on the Beck papers. It is well-organized and concisely written; and it presents an orderly and convincing study of Beck's career. It is particularly good in placing Beck in his political and organizational context and in suggesting relationships and patterns in conservative politics, as, for example, when it shows the continuity among such groups as the American Anti-Boycott Association, the National Security League, the Association against the Prohibition Amendment and the American Liberty League. In a similar vein, Mr. Keller astutely notes the leading role of corporation lawyers in the drama of mod-

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ern conservative politics: "[T]he most eloquent citizens of the corporate and financial world, they had facility of mind and intellectual, personal, and financial commitments which made them ideal expositors of the conservative creed." (p. 11). He includes in this group Root, Hughes, Knox, Kellogg, Wickersham and Pepper; among them, he declares, Beck occupied a special place. "In many ways he was the most thoughtful, the most philosophically oriented of them all." (p. 11).

This is one of the few cases where Mr. Keller makes an extreme claim on behalf of his subject. On the whole, he recounts Beck's life with admirable detachment; while he is by no means unsympathetic with Beck's purposes, he feels that the rapidity of change in American society rendered his ideas obsolete. But, in asserting Beck's superiority as a thinker Mr. Keller surely goes a little far. It may be true that a certain abstract and doctrinaire bent denied Beck the political preferment that went to his "more accommodating fellow-traditionalists." (p. 12). But it would hardly seem likely that Beck, as a mind, was in the same class with Root and Hughes. Certainly Mr. Keller does little to demonstrate this in his biography. Indeed, a defect of the book is a certain thinness in presenting Beck's political and legal philosophy, though this may well be as much the subject's fault as the author's. So far as the quotations from his books and speeches show, Beck's views were, in effect, a naive application of the social philosophy of Herbert Spencer to the modern world. James M. Beck, Jr., in a charming prefatory recollection, does mention his father's deep dislike of machinery and the machine age; and Mr. Keller quotes Beck provocatively on the impact of bigness in business: "I doubt whether the industrial interests consciously wish to destroy the Constitution, but the effect is the same. The spirit of business is one of persistent centralization." (p. 206). But Mr. Keller does not elaborate such random off-beat remarks, no doubt because Beck never did. In the main, Beck's views seem banal and derivative and Mr. Keller's claims for them overgenerous.

The other weakness of the book is the failure of Beck to emerge with much vividness or concreteness as a person. James M. Beck, Jr.'s filial remarks help somewhat here, but obviously the son could not pretend to entire objectivity on the subject of his father. If Beck had been rendered more fully as a character, some of the anomalies in his career—*anomalies* which Mr. Keller records but does not highlight—might have been clarified. How could so ostensibly high-minded a man, for example, serve as Harry Daugherty's Solicitor General with apparent content and even testify for Daugherty in his trial? How could he have been a happy beneficiary of the notorious *Vare* machine in Philadelphia? How could he have opposed both business centralization and the attempts to stop it through the Sherman Act? Is all this characteristic and representative of American conservatism?

Mr. Keller has made a valuable contribution to an understanding of the American conservative tradition, even if the result of his patient researches may only be to show how little is there.

YOUTHFUL OFFENDERS AT HIGHFIELDS. BY H. ASHLEY WEEKS.\* Ann Arbor: The University of Michigan Press, 1958. Pp. xxiii, 208. \$6.00.

*Jack J. Rappeport* †

This book, as the title would indicate, concerns itself with the treatment of juvenile delinquents. More particularly, it is an evaluation of the effectiveness of a pioneering experiment in the short-term treatment of selected categories of delinquents. Most books written today expound the multiple causes of delinquency. The unique value of this volume is that it is concerned primarily with the (post-conviction) treatment of delinquent boys, as well as the immediate protection of society.

As has been stated above, most contemporaneous books on the causes of juvenile delinquency stop after the iteration of the thesis. However, neither society nor delinquency stops there. As a result, we find many young offenders, adjudged to be delinquent, incarcerated in reformatories which have the avowed purpose of reforming the delinquent, but which in reality are the "junior prisons" so anachronistic in any contemplation of modern penology. In many instances, effective treatment may be formulated long before the actual cause of a symptom is known. Particularly in the case of juvenile delinquency, in view of the urgent need both to protect society from anti-social acts and to protect the delinquent boys themselves from the consequences of possible future anti-social acts, adequate treatment—especially in so-called "borderline cases"—is called for immediately. That is where Highfields enters the picture.

A boy sentenced to an indefinite term (which generally means "a long term") in one of the "junior prison" reformatories, where he is thrown into association with other long termers, often comes out worse than when he went in. The Highfields experiment, which deals only with "the upper teen-age delinquent who is reasonably intelligent, not too patterned in delinquency, and not too emotionally disturbed" (p. 146) calls for careful categorizing on the part of judges, social workers and others who come into contact with the youth. But Highfields does not place the juvenile court judge in the "either-or" dilemma—either committing the delinquent to incarceration in an institution (where the boy's character may possibly be altered for the worse) or putting him on probation (to the possible injury of society); it offers him a third, or intermediate, choice. After careful consideration, the judge may decide to put the boy on probation on condition that he agree to undergo short-term treatment at a specialized facility, such as Highfields.

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\* With a foreword by Ernest W. Burgess, and chapters by Richard L. Jenkins, Walter C. Reckless, G. Howland Shaw and Wellman J. Warner.

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"The design of Highfields gives a blueprint of the group instrument shaped to achieve the rehabilitation of delinquents. First, the number of boys must be small to permit informality and avoid regimentation. Second, in this informal setting, guided group interaction can be practiced with maximum effectiveness. Third, the social environment of the boys outside of these meetings could be controlled to facilitate their rehabilitation." (page xv).

The research was concerned almost exclusively with a comparison of the outcome of two types of treatment facilities, as reflected in post-treatment delinquency necessitating reconfinement in a custodial facility. A typical reformatory for juveniles was the New Jersey Reformatory for Males at Annandale. A number of Annandale boys who might have qualified for admission to Highfields on the bases of age and intelligence—"boys who had not previously been in a state correctional institution, who did not appear to be feeble-minded or psychotic and who were not known sexual perverts" (p. 10)—were chosen as a control group for research purposes. Twelve different background factors were checked, among both the Annandale and Highfields boys; in addition, the researchers differentiated between Negro and white boys at both institutions.

In order to evaluate the program, three basic questions had to be answered: do delinquents participating in the short-term treatment program show a lower recidivism<sup>1</sup> rate than boys participating in other kinds of treatment programs; do these delinquents change their expressed attitudes, values and opinions toward their families, law and order, and their own outlook on life; do they change their basic personality structures or at least the overt manifestations of their personalities? (pp. 7, 118). After a detailed analysis, comprising some fifty-one tables and four charts included in the book, the evaluator arrives at the conclusion that the answers to the questions are "yes," "no" and "as yet uncertain," respectively. However, the fact that Highfields boys show a definitely lower recidivism rate than boys at other juvenile institutions is indicative of Highfields' success.

The book really consists of four parts. The first part, a foreword by Professor Ernest W. Burgess and a preface by Professor Weeks, describes what Highfields is and what it attempts to do; the second part, 104 pages, describes the evaluation and conclusion; the third part, consisting of chapters by Richard L. Jenkins, Walter C. Reckless, G. Howland Shaw and Wellman J. Warner (all authorities in the field of juvenile delinquency) discussing the aims, methodology and philosophy of Highfields, would seem to explain the potentialities of the adoption of the Highfields experiment to other institutional settings or other jurisdictions as a new method of rehabilitating juvenile delinquents; the fourth part, consist-

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1. Professor Weeks, for the purpose of this study, defines a recidivist as one who, subsequent to his first stay in either Highfields or Annandale, has been committed another time.

ing of four appendices, furnishes additional statistical proof of the effectiveness of the Highfields treatment program.

Several weaknesses in the objectivity of the control sample were mentioned by Dr. Warner and Dr. Jenkins in their evaluations of Dr. Weeks' survey, and by Dr. Weeks himself; but they were not of sufficient significance to seriously impair the overall validity of the findings. For example, two factors which might have influenced the relatively greater success rate of Highfields over Annandale were: (1) many more Highfields than Annandale boys joined the armed forces. This would most effectively remove the boys physically from the scene of their previous delinquency and thus inhibit a recurrence of the same; (2) many more Highfields than Annandale boys were released from supervision, *i.e.*, probation and parole. This factor would greatly limit the potential for reconfinement. The freedom of choice allowed to the boys committed to Highfields, howbeit limited, might have been a factor in its success. The fact that Annandale always loomed threateningly in the background also might have served to weight the outcome in favor of Highfields.

The most significant single element in its higher success rate is the disproportionately favorable progress which Highfields achieves with Negroes. This is not only evident in the report itself, but in its tables which are broken down into Highfields Negroes, Highfields whites, Annandale Negroes and Annandale whites. However, the author concludes that neither should a higher proportion of Negroes be sent to Highfields, nor might a similar all-Negro facility achieve the same results. As a matter of fact, although there is a higher proportion of Negroes at Annandale, the success rate at Highfields is greater. This would tend to bear out the author's belief that the relatively high success of Highfields Negroes may be due to the fact that the Highfields program has found the optimum ratio of Negroes to whites (5:20). This, in turn, leads to better integration and acceptance of the Negroes into the group; a substantial increase in their proportion might have adverse effects.

Even though, by using "background and attitudinal variables," it was possible to differentiate between boys who were likely to have high and low success rates even before they entered the respective facilities, still the same tests did not show any appreciable changes in the boys' attitudes during their residence and treatment. Moreover, the slight changes that were noted could not be related to the overall success rates at the respective institutions. This would seem to indicate that the choice of instruments used in the research might not have been the correct one. In other words, the higher gross success rate of the Highfields graduates, as compared with that of the Annandale boys, is not explained by the instruments used in the research. Perhaps the selection of the factors constituting the prediction table might in some measure be attributable to the sociological and psychosociological orientation of the researchers. But the book did not

set forth to indicate *why* Highfields is superior to Annandale; rather simply that it *is* superior.

Of the four reflective essays, the chapter by Reckless on "The Small Residential Treatment Institution in Perspective" seems to the reviewer the most interesting, because in it Highfields is put into its correct perspective by means of comparison with similar institutions abroad. Professor Reckless sees the guided group interaction instrument (the most important psychotherapeutic device used at Highfields) as "not sociodrama or psychodrama, and it does not appear to be a depth-probing or depth-sounding kind of group psychotherapy. However, the boys do ventilate; they do get support from one another; they do achieve awareness of their problems and of the problems of others." (p. 161).

The book and the evaluation it embodies should be of special interest to sociologically oriented workers on the problem of juvenile delinquency. But, one might ask, is it particularly illuminating when the spotlight is focussed on only one or two disciplines, as is the case here? Professor Glueck wrote in the preface to his recent book:<sup>2</sup>

"A basic weakness . . . has been the tendency of certain textbook writers to 'stake out a claim' for some particular discipline, such as anthropology or sociology or psychiatry or psychoanalysis, and to promote that discipline as either exclusively explanatory or primarily significant in the understanding, treatment, and prevention of delinquency. This professional parochialism has sometimes . . . led to a neglect or an unfair appraisal of research findings that run counter to the pet theory of some school of thought. It has bedevilled the efforts of sober investigators to study a many-caused social problem by a many-faceted approach."

Examples of the parochialism which Dr. Glueck decries are presented throughout the book. Particularly in the foreword by Professor Burgess, in the preface by Professor Weeks, and in the chapter by Dr. Shaw do we find protestations of the objectivity of the research, which is, after all, the kernel of this book. Yet, such objectivity is open to doubt by the serious student, especially in view of the somewhat controversial premise set forth by Professor Burgess: "If the group is the main factor in making delinquents, is it not logical that it should also be the chief instrument for their rehabilitation?" (p. xv), or the statement by Professor Weeks himself that "I have tried to carry on the research and present the results as objectively as possible, *despite the fact that I have felt from the inception of Highfields that it offers a sound method of treating youthful offenders and have even gone so far as to recommend that similar facilities be established elsewhere.*" (p. xxi). (Emphasis supplied). Dr. Shaw's insistence on his own objectivity might be somewhat open to question by his use of such highly

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2. GLUECK, THE PROBLEM OF DELINQUENCY (1959).

colored language as "the courage and the wisdom" and "the most rigorous possible evaluation." (p. 145).

In spite of these objections, the study will be of significance for administrators, professional workers, and members of the legal profession. As is emphasized by Professor Weeks and his colleagues, this evaluation merely probes the surface of Highfields' accomplishments; it does not attempt to present us with an all-out solution to the problem of delinquency. As the Highfields program becomes even better stabilized and the directors profit more by experience, even more significant than Highfields' overall rate of success should be its continuously accelerating degree of achievement.

Just as the monumental studies of the Gluecks in Massachusetts, which probe deeply into the *causes* of juvenile delinquency, have resulted in the justly-famous Glueck Social Prediction Tables, so this modest volume, which evaluates the *treatment* of delinquents at one facility may be the beginning of a counterpart which might do for the treatment phase what the Gluecks have done for the causal phase. In that respect, this book is a milestone in the ever-continuing attack on the many-pronged problem of juvenile delinquency.

## BOOK NOTES

INCOME TAX DIFFERENTIALS, A SYMPOSIUM. Princeton: Tax Institute, Inc. 1958. Pp. vi, 258. \$6.00

This is a welcome addition to the Tax Institute's annual symposium volumes which have become familiar to readers possessing a speaking acquaintance with tax literature. The lectures and discussions which are preserved here were given at the Institute's eighteenth annual symposium held November 21-22, 1957, an event which also marked the twenty-fifth anniversary of the Institute itself. The subject and quality of the product were worthy of the occasion.

A steeply progressive income tax, which it now appears will be the backbone of the federal revenue system for more than a generation to come, necessarily involves some important differentials between categories of taxpayers and types of income, but all interested students of the subject will agree that many of the differentials built into the present system are neither necessary nor fair. At this point, however, the agreement ends, for in the words of Kenneth W. Gemmill, Chairman of the Symposium Program Committee, "One man's loophole is another man's equity"; consequently the most complex policy decisions are involved in any comprehensive attack on the problem.

Part One of the symposium is designed to introduce the general subject by calling attention to the extent and variety of income tax differentials. In the opening chapter, Dan Throop Smith, Deputy to the Secretary of the Treasury, reviews some of the general problems created by differentials; he points out that complete uniformity, as for example the taxation of imputed income, would be neither administratively practical nor regarded by many people as fair; he also emphasizes that special provisions designed to cure particular inequities greatly increase the complexity of the tax and are justified only by compelling circumstances. Harold R. Kent, a member of the New York Bar and formerly one of H. M. Inspectors of Taxes in London, England, compares differentials in the United States tax law with similar provisions in the Canadian and British law, giving particular attention to the treatment of corporate income and capital gain. In the concluding chapter of Part One, Professor Stanley S. Surrey of the Harvard Law School centers attention on the income tax base for individuals and notes the steadily growing trend in the direction of differentials based on preferences granted particular kinds of income. He makes a number of recommendations for improvement of the tax structure, including the



elimination of the exemption for interest on state and local bonds, a narrowing of the scope of the capital gains tax with an increase in its rate and greater allowance for capital losses, withholding at the source on dividends and interest, and reduction of top rates to about sixty-five per cent.

The next three parts of the book are devoted to a discussion of differentials in the particular areas of personal compensation, investment, and dividend income. Executive compensation and the means by which tax may be deferred or reduced by converting ordinary income into capital gain are considered by Robert A. Schulman. The contrasting situation of the wage earner is presented by Peter Henle, Assistant Director of Research, AFL-CIO, and the problems of the artist and inventor are discussed by Jacquin D. Bierman of J. K. Lasser & Company. Professor C. Lowell Harriss of Columbia University concludes the consideration of compensation in an appraisal which suggests that instead of further elaborating special treatment of this type of income it would be more effective and equitable to broaden the tax base and reduce tax rates.

The effect of tax differentials on investment is the subject of Part Three and is considered from the standpoint of the corporation by William J. Casey of the Institute for Business Planning, and from the standpoint of the investor by Leon A. Stock of Peat, Marwick, Mitchell & Co. The difference between the tax treatment of interest payments and dividend payments results in many subtle, as well as some obvious, effects upon the way corporations invest their funds and finance their operations. Of basic importance also is the constant effort on the part of investors to avoid the higher brackets by obtaining the advantage of the lower rate on capital gains. The concluding appraisal of the situation with reference to investment is given by Professor Robert Eisner of Northwestern University.

In Part Four, Ralph E. Flanders, United States Senator from Vermont, engages in a suggestive discussion of an old topic, the double taxation of dividend income. The Senator contends, and many others will agree with him, that it is not practically possible to eliminate completely the double tax by exempting either the corporation or the shareholder. He suggests limited relief by permitting the corporation to deduct dividend distribution up to thirty per cent of its net profits after taxes. It is argued that such a scheme would not make too serious an inroad in the revenue and would not unduly encourage large dividend distributions, which was one of the claimed ill effects of the old undistributed profits tax.

When the symposium was planned, the prospects for tax reduction seemed to justify some discussion of the question of how best to accomplish such a happy result. Part Five, which is devoted to this subject, is the least stimulating part of the book. Possibly this is due to the fact—emphasized in the chapter by Marion H. Gillim of Barnard College—that any appreciable tax reduction appears to be a very remote possibility indeed.

The necessity of maintaining a high progressive income tax in the absence of a shooting war is a prospect which this country never faced until after World War II. It is with us now and it is placing a strain on our tax system which commands our best thought in the formulation of wise and fair tax policy. Consequently there is greater need than ever for general discussions of the type represented by this symposium.

P. W. B.

THE TRIAL OF DR. ADAMS. By SYBILLE BEDFORD. New York: Simon and Schuster, 1959. Pp. x, 245. \$3.75.

So much has been said lately of the youth and anger of contemporary English writing that one would suppose maturity and emotional stability to have been driven totally from the field of letters in Britain. Yet it would be a most curious thing if the Establishment—an indefinable entity comprehending everything which is “solid” in English society—against which the rebellion rages could produce not one articulate defender. In fact, it has many, among them the redoubtable Miss Mitford and Mr. Evelyn Waugh. To these must be added the name of Miss Sybille Bedford, author of *A Legacy*, a novel, and now, *The Trial of Dr. Adams*.

It seems most fitting that that aspect of the Establishment which Miss Bedford has chosen to celebrate should be the solemn and elaborate ceremony of the Anglo-Saxon criminal trial. In a sense, the institutions of English justice comprise a distillation of the virtues which the Establishment prizes most in itself. The conservatism of the law, born out of a sense of historical dependence on the past and responsibility for the future, is but a reflection of a broader conservatism; and the highly sophisticated and complex procedure of the trial is likewise but an image of the subtly interwoven fabric of some larger whole. It is in the courtroom that one sees most clearly the product of the patient efforts of temperate men.

This sense of temperate achievement pervades and enriches the pages of this excellent book. There are dire and subtle dangers in recounting the conduct of an actual trial, as Miss Bedford has done. One must steer a careful course between two hazards, neither making the transcript say more than it can, nor embroidering excessively upon it. And one must make a virtue of the fact that everybody knows how the story will come out.

Few readers will fail to recall the sensation caused in 1957 by the trial of Dr. John Bodkin Adams for the murder of one of his patients, an 82-year-old woman. The seventeen days of this trial—the longest murder trial ever held at the Old Bailey—each form a chapter in Miss Bedford's narrative.

Even stripped to the bare bones of the testimony alone, this is exciting stuff. But by building in the interstices between the spoken words, Miss

Bedford gives a measure of depth to the participants. Witnesses, counsel, judge, even the accused, take on all three dimensions and move and act as if in response to the dramatist's directions. The judge comes on swiftly, "an ermined puppet . . . trailing a wake of subtlety, of secret powers, age: an Elizabethan shadow gliding across the arras." (p. 2). Then with an almost breathless abruptness, Miss Bedford sets her cast in motion and lets them carry the reader with them to the final verdict.

In much that is peculiarly legal the author shows an unexpected sophistication. Her understanding of the function of the judge's summing up and evaluation of the evidence is manifest and illuminating. Similarly, she shows a comprehension of the unique difficulties confronted by the prosecution in attempting to prove the very act of murder by expert medical testimony. Clearly Miss Bedford has done her homework well. The profession has been honored by her visit.

*H.K.S.*