

school; offenders were first delinquent under age fourteen; offenders left home under age fourteen; offenders were unskilled workers; offenders had poor work habits; offenders did not meet their economic responsibilities; offenders had no affectional ties to parents and siblings.

The authors differentiate four general treatment types: those who succeeded during some, though not necessarily all, intramural and extramural treatment; those who failed during all intramural and extramural treatment; those who succeeded during intramural but failed during extramural treatment; those who failed during intramural but succeeded during extramural treatment. They then present pre-reformatory differences for treatment by straight probation, probation under suspended sentence, parole, correctional schools, reformatories, prisons, jails, and Army or Navy experience. Out of this comparison of factors they find that age of first delinquency is "the only factor in respect to which all the treatment failures were consistently and uniformly inferior to the successes. This finding would seem to suggest that inability to adapt to peno-correctional treatment is somehow related to a biologic difference between successes and failures" (p. 212). Their assumption of biologic differences certainly will not be accepted by all psychologists and sociologists, who will offer as an alternative explanation psycho-genic conditioning or early cultural conditioning. The latter factor as a determinant is fully documented by the life histories, *The Jack Roller*, *The Natural History of a Criminal Career*, and *Brothers in Crime*, published by Clifford R. Shaw.

One of the most important contributions of the book is furnished by three chapters on predicting behavior which should be of great value, as the authors point out, in its experimental use by judges and parole authorities. Also of great value is the final chapter with its conclusion that "it is not primarily or fundamentally either the chance or the fear of punishment but rather the presence or absence of certain traits and characteristics in the constitution and early environment of the different offenders, which determine their respective responses to the different forms of treatment and determine also what such offenders will ultimately become and what will become of them." This causal-correctional theory of criminal behavior leads to the proposal that the sentencing, correcting, and releasing functions be turned over to a specially qualified body, representing all relevant disciplines, as the most effective method of the treatment of the offender.

E. W. BURGESS*

James Moore Wayne: *Southern Unionist*. By Alexander A. Lawrence. Chapel Hill: University of North Carolina Press, 1943. Pp. xiv, 250. \$3.00.

James Moore Wayne is usually remembered, if at all, as a member of the Supreme Court at the time of the Dred Scott decision. He is thought of as a southern slaveholder who was willing to strain justice in the interests of his section and its peculiar institution. Few know anything about his early life or what became of him when the Civil War began. Mr. Lawrence has supplied this information in a biography to which the words "sound," "dignified," and "well-written" may be justly applied.

He reveals Wayne as a good-mannered gentleman from Savannah, Georgia, who won a place on the Supreme Court by political loyalty to Andrew Jackson. Wayne

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had been a good party man in local politics and had early supported Jackson in his fight against the Bank. But the supreme test had come with the Force Bill, which was put forward to enable the President to crush the nullification movement in South Carolina. Wayne, although a southerner, had given this bill unqualified support, and Jackson was not the man to ignore such a manifestation of friendship. For this reason alone, a man who had made no great stir in local office and less in Congress was elevated to the highest judicial body in the land.

On the bench Wayne's contribution was modest. In two fields his opinions were positive and consistent. He always held that the power granted the central government over foreign and domestic commerce was absolute and left no residuum to the States, and he was inclined to defend the rights of corporations against state interference. He also won some approval for his knowledge of admiralty law but lacked the judicial craftsmanship in presenting opinions necessary for distinction. He was ever conscientious and hard-working but never brilliant or profound. He was plodding enough to consider his efforts in behalf of Myra Clark Gaines the most important of his career.

Wayne always held that slavery was recognized and protected by the Constitution. He used white servants in Washington but kept his Georgia slaves. In the Dred Scott Case he was one of the judges who insisted that the abstract question of the citizenship of a free African negro was before the Court, and it was gossip, at the time, that he was the person who persuaded Chief Justice Taney that it was the Court's duty to pass on the merits of the case in order to settle the slavery question once and for all. At any rate he stood with the majority and helped to create the impression that a pro-slavery interest had been back of it all.

When Civil War came he kept his place on the Court and supported all the decisions which helped to forward the Union cause. His course was consistent enough to win northern approval and to enable him to escape any great amount of southern hatred. Yet his influence was slight. He had been away from the South too long to affect the course of events there and his part in the Dred Scott Case had weakened him in the North. He was, therefore, in the war period and afterward, viewed largely as a figure left over from an era now ended—a gentleman of the old school who could be respected but granted little of honor.

It is refreshing to find an author who can say that such a man was neither "an original nor profound thinker"; who admits that his hero "does not belong in the foremost ranks of men of his time"; but who, on the other hand, can recognize the value of honesty, good manners, and fine living as exemplified by James Moore Wayne.

AVERY CRAVEN*

Land Tenure in Process. By Leonard A. Salter, Jr., Research Bulletin 146, Agricultural Experiment Station of the University of Wisconsin, Madison. 1943.

The subtitle of this monograph is "A Study of Farm Ownership and Tenancy in a Lafayette County (Wisconsin) Township." It is well written, but the statistics seem slightly overclassified. The area covered is good farm land in the Corn Belt. Long ownership of land has been the rule, and about half the farms are now operated by tenants. Settlement occurred seventy to ninety years ago. Tenancy was not common

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