

1-1-1961

Crime, Justice and Correction. By Paul W. Tappan.

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Recommended Citation

J. D. Cook, *Crime, Justice and Correction. By Paul W. Tappan.*, 10 Buff. L. Rev. 397 (1961).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol10/iss2/11>

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BOOK REVIEW

CRIME, JUSTICE AND CORRECTION. By Paul W. Tappan, New York: McGraw-Hill Book Company, Inc., 1960. Pp. 781. \$7.95.

This textbook is described by the publishers as a new "well-balanced synthesis of theories of behavioral sciences in its interpretations of crime and its treatment." As such it is an interesting and competent digest of most of the current literature in the field of criminology. What makes this work somewhat unusual is its relative emphasis on jurisprudential materials in an effort to properly appraise the significance of the criminal law in any scientific study of crime and criminal behavior.

While recognizing the common and frequent complaint of sociologists that the criminal law focuses on too narrow an area, and that the subject matter of criminology should encompass all anti-social behavior, Professor Tappan points out that there is little agreement upon any substituted definitive limits. And it is undeniable that convicted offenders present the most obvious and accessible group for research purposes. Consequently he suggests that crime is a matter of legal definition.

As the title suggests, the author examines the subject in three phases, and in chronological order. In the section dealing with crime and its causes he presents a comprehensive and impressive summary of contemporary theory. Moreover, he does not defer to the strong environmentalist orientation of the sociologists and dynamic psychologists, but impartially presents a detailed resume of biophysical theories of crime causation. He recognizes that criminology has passed through phases of theory based on biological determinism to a current, and, the author suggests, equally unjustifiable repudiation of physical influences on criminality. He presents a detailed resume of organicist theories which are particularly interesting when related to the area of psychopathology. His suggestion that important and unanswered questions in criminology may be solved in part by research in criminal biology may well be the most valuable contribution of the book. There should be no disagreement with his thesis that as criminology matures there is a gradually increasing recognition not only of the multiple causation of crime but also of the need to assimilate the findings and the methodologies that have and can contribute to the field.

The second part of the book, entitled "The Administration Of Justice," will prove disappointing to lawyers experienced in the field. While the author should be free to express his own view of the processes involved, there is a danger that an undergraduate student will accept his conclusions as based on fact; the documentation is sparse in this section, and many of the charges as to unlawful practices by law enforcement officials are unsubstantiated. Commencing at page 381 Professor Tappan offers a series of "authenticated in-

stances" of unjust convictions in American courts. The alleged instances consist of a series of newspaper headlines and column headings, principally from the New York Times. One of the headlines cited is dated only as to year, and another appears to be from an Australian paper. No one would deny that mistaken convictions do occur, but experienced trial counsel are aware of the inaccuracies inherent in the reporting of crime news and professional criminologists should be expected to authenticate such occurrences with evidence of more extensive research than that required to read the morning newspaper.

The tenor of the author's allegations of abuses and breakdowns in the machinery of justice is reminiscent of the Wickersham Report of several decades ago; conceivably times have changed, but whether they have or not this book does not provide any evidence of original research into the questions raised. In addition there is a failure to recognize the value of documentation whenever doctrines of law or procedure are discussed. In the discussion of the sexual psychopath laws it is difficult for a lay reader to determine whether or not New York has such legislation. The most unfortunate example of undocumented opinion appears in the chapter entitled Justice and Efficiency. On page 385 it is alleged that in the Rosenberg-Sobell case the Rosenbergs were convicted on what the trial record reveals to be quite insubstantial evidence. There is no citation referring to the opinion of the United States Supreme Court, no reference to any of the several comprehensive law review comments on the case, and no mention of the fourteen-day trial or the two years of appeals following the conviction in 1951. The illustration is unfortunate, both because it is emotionally-charged, and because it is far from a typical example of the criminal trial process.

The concluding portion of the book, dealing with penological problems, gives recognition to suggestions in the Model Penal Code. It is encouraging to note that the author accepts as desirable practice the provision for prisoners to be represented by counsel at parole release and revocation hearings, something not particularly well received by correctionists in the past. And too often the public has indicated little interest or sympathy in surrounding the convicted with procedural safeguards of due process.

For some time there has been a need for a modern textbook on criminology providing essential discussion of the role of criminal law in the study of crime, its prevention and treatment. If Professor Tappan had presented an impartial and authenticated description of the administration of criminal justice this would have been an outstanding contribution to the field rather than just another good text.

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