

BOOK REVIEWS

The Carnegie Endowment for International Peace has just issued a volume dealing with the Neutrality Laws of the United States, by Dr. Charles G. Fenwick of the Endowment's division of International Law. The volume is one of great practical utility. In its four chapters it deals comprehensively with the character of Neutrality Laws in general, with the history of such laws in the United States, with their authoritative interpretation and deficiencies. The scope of treatment is thus wide and most satisfactory, although, it is to be wished that the author might have brought it within his purpose to include some such summary of the subject in its general aspects as is contained in Liszt's "Völkerrecht." To the formal treatment of the subject, Dr. Fenwick has added a proposed draft of an amended act designed to bring the Statute of 1818 more in harmony with present-day views of the subject. This draft is most carefully prepared, and with slight corrections might well be enacted into law as it stands. In an appendix of thirty pages, Dr. Fenwick has added the text of notable proclamations and statutes, beginning with Hamilton's "Instructions to the Collectors of the Customs of the United States." The entire work will meet a want long felt, both by those who teach International Law and those who are interested for other reasons in its study or practical application.

—G. E. S.

Criminology. By Baron Raffaele Garofalo, Procurator General at the Court of Appeals of Venice, and Senator of the Kingdom of Italy. Translated from the First Italian and Fifth French edition, by Robert W. Miller, Lecturer in Northwestern University Law School. With an Introduction by Hon. E. Ray Stevens, Judge of the Circuit Court, Madison, Wis. Little, Brown and Company. Boston, 1914. pp. 478.

This is the seventh of the *Modern Criminal Science Series* translated pursuant to a resolution passed in 1909 by the American Institute of Criminal Law and Criminology.

This treatise is divided into four parts. Part one deals with crime. The element of immorality requisite before a harmful act can be regarded criminal by public opinion is the injury to so much of the moral sense as is represented by one of the altruistic

sentiments of pity or probity. The acts with which punitive justice has to deal are of two kinds: (1) those which bear the imprints of intrinsic immorality, and (2) those intrinsically free from immorality, but assuming an immoral character because involving a breach of duty. In order to understand crime thoroughly there is need of a direct study of the criminal.

Part two deals with the criminal. From an anthropologic standpoint there are three types of criminals, (1) the murderer, (2) the violent criminal, (3) the thief. From a psychical standpoint the criminal anomaly of the most extreme type exhibits no nosologic symptoms, unless it is the absence of the moral sense.

As civilization advances the influences of education, of religion, and of better economic conditions, are factors in diminishing crime. But taken singly it cannot be said that any of these influences produces an appreciable effect. At most they operate indirectly. Punishment is a direct means of prevention of crime. The fact that punishment has often had no preventive effect in the past is because there has not been a thorough study of the criminal.

Part three deals with the repression of crime. Here a knowledge of the criminal is by all means essential. Death is the surest means of intimidation. But such punishment should be applied only when the subject is forever incapable of social life. With respect to offenders who commit acts only under the influence of environment internment in a penal colony beyond the seas is the appropriate form of punishment. Then there are those cases where elimination need not go beyond the expulsion of the offender from his particular social situation. As we descend the scale of criminality we come to a class where reparation in damages is adequate punishment.

Part four outlines an international penal code.

The author takes a sane view of criminology. To deal with crime the criminal must be understood. Though the treatise is not a legal one, yet it is recommended to the student of the law in that it makes apparent many defects in our present methods of dealing with crime. The student of sociology will find it of exceptional value.