

which are of great merit and which constitute perhaps the most thorough factual consideration of this complicated end-of-the-road field.

In its totality, Dr. Dewing's work is one of substantial merit. Its faults are those of an all-embracing mind. Its merits are solidity of scholarship, provocativeness of practical approach, illumination of a mainspring of our American economic society. The two volumes have an organic coherence. There is hardly an aspect of corporate finance, or for that matter corporate law, that cannot be initially researched in this small encyclopedia. Often it may serve only as a glorified index to legal periodicals; often it will give the complete and instructive answer. If we are not to succumb to the illusory quest for perfection, then to the corporate executive and the lawyer, Dr. Dewing's fifth edition will serve as a comprehensive textbook and study of the financial policy and needs of the modern corporation.

MORRIS L. FORER†

SEXUAL BEHAVIOR IN THE HUMAN FEMALE. By Alfred C. Kinsey, Wardell B. Pomeroy, Clyde E. Martin and Paul H. Gebhard. Philadelphia and London: W. B. Saunders Company, 1953. Pp. xxx, 842. \$8.00.

IN the United States almost everybody reads the Kinsey Reports—or reports about them. Thus, almost everybody knows that of the 5940 white females (let's call them women) whom Kinsey and his associates studied:

- 1) 62% had masturbated;¹
- 2) 53% had petted to orgasm before marriage;²
- 3) 50% had had premarital relations³ and 69% of the 50% had no regrets;⁴

of a possibility of reacquisition by a corporation of its own shares radically affects the marketability of its shares and the resultant market. Thus, redemption features may keep the price of a stock down or even pull it lower.

While emphasis has been placed in the past on the redemption of stock, it is obvious that in the future the techniques of market purchases and tenders will predominate; at least, they will result in the most taxing legal questions. It is at this point that guidance both from the existing cases and from his wealth of practical erudition might have been obtained from Dr. Dewing. But the help is slight.

† Member, Philadelphia Bar.

1. These raw figures in no sense reveal the information about female masturbation which is contained in this book. There are significant data on how girls and women learn to masturbate, occurrence by age and marital status, variation in frequency, duration of masturbation period, relation to educational level and parental occupational class, rural-urban background, religious affiliation, techniques of masturbation, speed of response, accompanying fantasies, etc. More males (93%) masturbated.

2. This figure is for those women born in the second decade of the century (1910-1919). See p. 275, Table 65. Again, there are all sorts of breakdowns as to frequency, religious background, age, techniques, etc.

3. P. 333, Table 75; p. 337, Table 79. Here too, many factors entered into the situation. For example, among the women who were born before 1900, less than half as many had premarital intercourse than those born in any subsequent decade. P. 293; p. 339, Table 83.

4. This figure applies to the unmarried women, 77% of whom did not desire virginity

- 4) 26% had had extra-marital intercourse before age of 40;⁵ and
- 5) 19% had had some experience with Lesbianism.⁶

Assuming these figures to be a reasonably accurate reflection of the sexual performance of the 5940 women involved, what does it mean? Does it mean that every other woman you see on a bus is a trollop and that every fourth married woman you meet is having an affair? Of course, it means nothing of the kind. These data on woman mean no more than any other statistical study. They describe the behavior of women *en masse*, but they tell us nothing about any particular woman. Nor may one construct a "standard" woman, in any other sense than he can construct a "standard" life span by reference to the mortality tables.

But the study of human beings, male or female, *en masse* sheds a good bit of light on *Homo sapiens* as a species. And the two Kinsey studies show significant differences between the behavior patterns of the sexes in their relations to each other, *e.g.*, the sex drive of the man mounts early in life to a peak and then gradually tapers off while the sex urge of the woman is less intense at any period but is maintained at a fairly constant level. The biological, physiological, and psychological implications of these studies will be debated until more and bigger studies are made of human sexual behavior.

And here, perhaps, lies the most significant aspect of Kinsey's work. It opens a new epoch in technique, attitude, and approach to how men and women react to erotic stimuli. There has been a good bit of speculation about sex during the past 3000 years, but nobody before Kinsey ever tried to do much in the way of an empirical study.

Kinsey himself cut his scientific eyeteeth studying gall wasps. He chased them, collected them, observed them, as any good biologist, interested in gall wasps, would. Indeed, Kinsey became a "starred man of science" as a gall wasp expert. Kinsey's approach to human sex behavior could hardly be identical with that of the gall wasp studies. Observation was out, but he came about as close as is feasible. He started to collect specific data about specific human beings.

Over a decade and a half, the Kinsey team has collected data on some 16,000 persons—8603 men and 7789 women. The over-all statistics in the volume on women are based on the study of 5940 cases; 915 white women who had served prison sentences and 934 non-whites were studied separately because of behavior deviations so great that it was thought their inclusion would distort the results, and because the samples were not large enough to warrant comparisons. Although certain groups are not represented in sufficient number to permit prediction, Kinsey believes that other groups are represented by

in their husbands, although it appears that 39 to 45% of the more prudish men demanded premarital chastity in their wives. P. 332.

5. P. 416. Again, there are many significant breakdowns in relation to educational level, religion and the like. Twice as many men had had extra-marital coitus. P. 437.

6. P. 453. But by the age of 45 only 13% of the total sample had reached orgasm in their homosexual contacts. This compares to 37% in the case of men.

samples of sufficient adequacy to justify the extension of conclusions to comparable portions of the American population.

The problem of sampling has given the authors many headaches. Probability sampling⁷ was abandoned as not appropriate for a sex study because of the necessity for cooperation of the individuals selected. It is obvious that many persons selected at random would be unwilling to discuss with a total stranger personal sexual and emotional reactions which they had never discussed, perhaps, with their own spouses. Consequently, it was determined to work primarily with social units, and through them obtain the confidence and cooperation of the members. Even in the selection of a particular group, random sampling would not work. For example, a college sorority selected at random might have led to a unit which would not cooperate. Accordingly, the investigators had to work with such groups as were sympathetic with the project, which in itself is a selective factor of unknown effect, as Kinsey frankly admits.

The 5940 women studied were in an age range from two to ninety years with the largest sampling in the sixteen to fifty span; in an educational range from elementary school through graduate work; unmarried, married, widowed, separated or divorced;⁸ devout and inactive Protestants, Catholics, and Jews;⁹ from common laboring, skilled laboring, white collar clerical, white collar professional and other upper classes;¹⁰ from both urban and rural areas.¹¹ Although regional areas from which the subjects were selected were limited, 69% of the samples came from ten states¹² which include 47% of the total population. Kinsey does not assert but guesses that there are few differences in sex patterns among similar groups in different regions. This reviewer's less informed guess is that the differences between regions may be substantial, particularly among the low income groups.

Specific social units from which Kinsey's samples came include the WACS, the WAVES, nurses, business office groups, church organizations, college classes and faculties, homes for unmarried mothers, mothers' clubs, parent-teacher groups in small villages and large cities, Salvation Army congregations, labor unions, prison staffs, college sororities and dormitory groups, women's clubs, and YWCA groups. The occupation range ran from acrobat, hat-check girl and barmaid to dean of women, anthropologist and hospital administrator; from fashion model, burlesque performer and prostitute to baby-sitter, Girl Scout executive and director of religious education. The husbands of the

7. Probability or random sampling is based on a technique of selection which affords to each member of the population a known chance of being selected. This eliminates factors of bias which would lead to the selection of a particular type of individual more frequently than this type occurs in the population as a whole.

8. The divorced were the smallest marital status group.

9. By far the largest group was Protestant.

10. Unskilled labor 17%; skilled labor 26%; white collar 45%.

11. 90% urban.

12. New York, Pennsylvania, Illinois, Indiana, California, New Jersey, Ohio, Florida, Massachusetts, and Maryland.

samples had equally divergent occupations: architect, bricklayer, bellhop, boy's club director, minister, insect exterminator, judge, policeman, prosecutor, abortionist, racketeer, burglar, lawyer, thief, bus boy, chef, waiter, hotel manager, union organizer, factory manager.

Kinsey's findings have been viewed with surprise and alarm, with respect and disdain. No one knows the margin of error probable in his conclusions nor the extent to which they may safely be extended on a national basis. But although the margin be considerable, and due allowance made therefor, the results go far toward demolishing the assumptions of laymen as to the sex behavior of men and women in our culture. On the other hand, the results tend to confirm the guesses of most scientific persons who have made observations and speculations about sex. Few anthropologists, psychologists and still fewer psychiatrists are surprised by either book.

Of what significance are these studies for lawyers? Society frequently gets excited about sex offenders. Periodically, we are advised that sex offenses are increasing. This may only mean that the number of arrests for sex offenses has increased. Kinsey does not find confirmation for the assertion of increase in sex offenses other than that proportional to the increase in population. He also points out that most studies of sex offenses are limited to a study of sex offenders; when proper control groups are employed, the inferences drawn may be altogether different.

Kinsey obtained the histories of some thirteen hundred women who had been convicted and sentenced to penal institutions as sex offenders. Out of this study of sex offenders and of the sexual behavior of persons who have never run afoul of the law in this respect, Kinsey believes that there "should come data which may some day be used by legislators in the development of a body of sex law that may provide society with more adequate protection against the more serious types of sex offenders." He then goes on to say that "our present information seems to make it clear that the current sex laws are unenforced and unenforceable because they are too completely out of accord with the realities of human behavior, and because they attempt too much in the way of social control. Such a high proportion of the females and males in our population is involved in sexual activities which are prohibited by the law of most states of the union, that it is inconceivable that the present laws could be administered in any fashion that even remotely approached systematic and complete enforcement."¹³

The impact of these studies on the law will depend on several factors, public opinion and the individual reaction of legislators included. As a sample of the latter, the results of a questionnaire sent to members of the legislature of what may be regarded as a typical New England state may be significant. A random sampling of 93 from the lower house was taken together with full coverage of the upper house.¹⁴

13. P. 20.

14. Confidential questionnaire prepared by students of Yale Law School under the supervision of the reviewer.

The legislators were asked whether or not, in view of Kinsey's findings that approximately 50% of the men and 25% of the women have extra-marital relations, a single act of adultery should continue to be grounds for divorce. 62.5% said yes, 30% said no, and 7.5% did not answer the question. None thought that the criminal law relating to adultery (punishable by up to five years' confinement) should be made stricter, but only 40% thought the penalty should be reduced. As to fornication (punishable by a maximum penalty of six months), 20% thought the law should be strictly enforced, 37.5% thought it should remain the same but not strictly enforced, and 20% wanted the statute repealed. As to homosexuality and other forms of sodomy (punishable by imprisonment up to thirty years), 57.5% wanted no change in the law while only 32.5% thought it should be made less strict.

Asked whether or not they thought studies such as Kinsey's were of value to them as legislators, 45% thought so, 50% thought not, and 5% did not think. It would appear that immediate revision of the sex laws in State X is unlikely. But Alfred Kinsey is a dedicated man. He wants and will reach his goal of a hundred thousand case histories. By that time, some of our legislators may be prepared to recognize sex for what it is and what, notwithstanding the opposition of Church and State, it always has been.

FOWLER V. HARPER†

NARCOTICS AND NARCOTIC ADDICTION. By David W. Maurer and Victor H. Vogel. Springfield, Illinois: Charles C. Thomas, 1954. Pp. 303. \$7.50.

THIS book is a complete tour of Anslingerland, under the management of two guides who are both knowledgeable and articulate. Dr. Maurer is a liberal arts professor with an abiding interest in problems of criminology; Dr. Vogel, whose scientific contributions on the instant subject have been extensive and brilliant, is a career officer in the U. S. Public Health Service. The authors explain that they are writing not for the casual reader but for persons who may need a not-too-technical handbook on narcotics in connection with activities such as law enforcement, sentencing and probation, social and welfare work, prison administration, and medical or legal practice involving contact with the traffic. Nonetheless, an easy narrative style, coupled with a vast amount of factual material, makes the book worthwhile for anyone willing to skim his way through a quick look at the narcotics problem.

It would not be entirely fair to equate this work with the tomes of Dr. Kinsey, for, manifestly, Maurer and Vogel have no thought of invading the book club market. Yet the comparison comes to mind. Of all human afflictions, the two that are least understood or accepted by our society are enslavement to drugs and sexual aberrations. "Dope fiends" and "perverts" remain

† Professor of Law, Yale Law School.