

March 1945

Book Reviews

William F. Zacharias

Donald Campbell

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>

 Part of the [Law Commons](#)

Recommended Citation

William F. Zacharias & Donald Campbell, *Book Reviews*, 23 Chi.-Kent L. Rev. 202 (1945).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol23/iss2/7>

This Book Review is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

BOOK REVIEWS

INJURY AND DEATH UNDER WORKMEN'S COMPENSATION LAWS. Samuel B. Horovitz. Boston: Wright & Potter Printing Co., 1944. Pp. xxxii, 486.

Here is a clear, concise, and abbreviated discourse on the history and development of workmen's compensation laws together with a considerable amount of precatory invitation to see that such laws are enlarged in scope and application and that the administration of such acts be further humanized in accordance with a social conscience. Written partly so that the layman might read and understand, compressed so that the price of the book would be within the reach of all, the author admits that it was partly his desire to point out a lack of liberality in the interpretation of workmen's compensation acts and to point the way toward more social thinking over the problems of industry sought to be solved thereby. It may be said that he is fairly successful in the discharge of his aims.

The inability of practicing attorneys to make a living out of cases under workmen's compensation, except for a relatively small number who constantly represent large employers or their underwriters, has resulted in disinterest in that practice. In some states, the practice has been maintained by persons not admitted to practice law and often no better qualified than by reason of their ability to attract a sufficient volume of cases to warrant concentration upon them as a business rather than as a profession. In any event, the social implications of workmen's compensation are too often hurriedly recognized and then forgotten. More lucrative returns are to be had in other fields by competent lawyers. Quite generally, also, the qualifications of arbitrators or commissioners are found in political connections rather than based on competency, honesty, or intelligence. These and similar propositions are readily gathered from every chapter of the book. They are all too true.

Constructively speaking, the volume should be valuable to the law student or the beginning attorney, as well as to persons interested in the social sciences. A brief view or even a reference to workmen's compensation acts is too often omitted in the law school. A suggestion that there is such a law may be thrown out in the classes in Agency, in Administrative or in Constitutional Law, but the student is usually left to his own devices to enlarge upon the suggestion. He may, in fact, never consider the matter further until he is asked to advise an injured employee as to his rights and the method of their enforcement.

For that reason, Horovitz's volume should be available to the law student. To it he may go and, with hurried reading, grasp the essen-

tial scheme and comprehension of workmen's compensation acts. The cases discussed and cited in the foot-notes will permit him to go as far as he may desire. In this respect the book is not without value to the lawyer of general experience or practice who rarely has a case in compensation. He, too, can at least refresh his recollection and start a search from one of the cases suggested in the foot-notes.

The book, of course, cannot compete, nor does it purport to compete, with standard and comprehensive encyclopedias or treatises. However, the standard digests do not make clear nor usually even differentiate, except for purposes of separation, the cases arising in Admiralty, under the Jones Act, the Longshoremen and Harbor Workers Act, and other situations which fall in the twilight zone of competing state and federal law. True, the questions arising thereunder cannot be fully explained or resolved in the few pages of this work, but they are mentioned and further reading is suggested.

The value of such a work to persons interested in the social sciences should be apparent, for statistics and forward-looking suggestions are sprinkled throughout the book.

D. CAMPBELL

CRIME AND THE HUMAN MIND. David Abrahamsen, M. D. New York: Columbia University Press, 1944. Pp. xiv, 244.

The ravages of war despoil an occupied country of more than physical goods and treasures, for from time immemorial the trained intellects of the desolated community have been forced to seek more favored climes to carry on their work. Once again this country has been enriched in that fashion, for the sanctuary it provided Dr. Abrahamsen after the German invasion of Norway gave him the opportunity to enlarge upon an already long list of writings on psychiatry and the dynamic connection that exists between crime and personality. Let it not be thought that the author abandoned his country at the moment of her peril, for the fact is that he was in the midst of the fighting, established a field hospital, and stayed to the end of organized resistance. But when that end came, it was fortunate for the cause of civilization that Dr. Abrahamsen lived on to fight in a different way than on the field of battle. Evidence of that fight may be found within the pages of this book.

Crime has been called one of the most urgent problems of our society. Just as some single individual may be labelled Public Enemy No. 1, so might the whole subject of crime be regarded. Medical science and skill have removed or allayed the great scourges against bodily health; the physical sciences have gone far toward the elimination of those uncertainties which affect life in the material sense;

but, in the field of mental health and ill-health, the thickets are tough and strong and the ground far from cleared, much less made to bear fruit. Comprehension of the problem of the distorted, erotic drives which lead to anti-social behavior is but a step in the direction of removing this last great enemy of mankind. Yet, only as we can perceive the problem and the roots from which it springs, are we able to fashion thought as to the means whereby it can be eradicated. As soon as research in a scientific manner has demonstrated the facts, it is likely that informed public demands will insist upon the production of a remedy. This book serves to concentrate those facts which have been ascertained to date and should orient the reader who might otherwise be forced to gather them from many scattered sources.

In interesting fashion, the author presents not only a historical review of the development of the science of criminology but also elaborates upon such matters as the relation of mind to crime, of hereditary and environment as causes for crime, of juvenile and war delinquency, and of the psychiatric-psychological background for crimes of violence. It is only when he touches on the relation between the psychiatrist and the criminal law that he embarks on dangerous ground. His criticism of the legal standard for insanity when offered as a defense in a criminal prosecution is not unwarranted, but the proposed remedy fails to recognize an important legal fact, to-wit: under present constitutions, juries are judges of the facts in criminal cases and no one, not even the most competent psychiatrist, may usurp that function. Advise the jury as to the facts so far as is legally possible, yes. Determine the ultimate fact itself, no. The proposed remedy is not unwise, but it is, at present, legally unsound. Thought should be given and energy directed to the task of revising constitutional restraints so that suggestions such as these might be made available. Direct assault upon the fundamental right of trial by jury will not be easy, but it will, in this respect, be necessary if society is to deal with the problem of crime in an enlightened fashion.

W. F. ZACHARIAS