

## BOOK REVIEWS

CRIME AND CRIMINAL STATISTICS IN BOSTON. Vol. II of the Harvard Law School Survey of Crime in Boston. By Sam Bass Warner. Cambridge: Harvard University Press. 1934. Pp. x, 150. \$3.00.

Those interested in the movement to ascertain the facts of law administration have looked forward to this report with great interest. The scholarly reputation of the directors, the carefully prepared plans, and the extensive nature of the Harvard Crime Survey have raised high expectations. In particular, Professor Warner's previous researches, involving original plans for collecting judicial statistics and acute criticism of existing materials, have demonstrated his leadership in the field.

The result as presented, however, leaves me puzzled. In the main this is a discussion of methodology in statistical research in law administration, and only to a very limited extent a Survey report. Professor Warner here repeats his criticisms of other projects and explains his plan for collecting court statistics. Two-thirds of this small volume are devoted to this material, valuable but previously available, in general outline at least, and in one case with greater detail—the convincing article in this REVIEW showing the delimitation of the figures collected by the Department of Justice on crimes known to the police.<sup>1</sup> So far as this report presents actual data, it deals with figures, the origins of which are not entirely clear, of the number of arrests and of prosecutions classified somewhat as to type and as to time. Apparently certain other statistical data will be given in various later reports, particularly that by Warner and Cabot on *Criminal Courts*. (I so conclude from brief references in this book,<sup>2</sup> from the publishers' announcements, and from information given by the author.) Since the author has always argued for court statistics as more accurate and consequently more worth tabulating, one may look for greater concreteness in this forthcoming volume. But if this supposition is true, the question as to this volume still remains. The discussion of method here given leads to the final conclusion that court statistics should be collected, with a concrete plan therefor. The plan, which calls for a comparatively simple and definite procedure to be followed by the clerks of court, seems admirably sane, conservative, and workable. One would naturally look here for a demonstration of the results already obtained. Moreover, the data here presented might well appear much less scanty had they been supplemented by the other material. As it is, there is danger of misleading, and of unnecessarily supplying ammunition to critics, by making what we understand to have been extensive effort appear as slight.

Beyond this, however, I wonder if Mr. Warner has not been too affected by the criticisms, from himself and others, of a great part of judicial tabulating to date. He approaches his problem with a certain gingerliness which again unnecessarily invites brickbats. For a short time the collection of judicial statistics was perhaps over-popularized as a short cut to knowledge. Then came the depression which both dried up research funds

<sup>1</sup> Warner, *Crimes Known to the Police—An Index of Crime?* (1930) 45 HARV. L. REV. 307.

<sup>2</sup> Pp. 54, 77.

and brought its train of swift social and political changes making the slow collection of facts outmoded. This happened before experimentation had gone far enough to develop a recognized methodology or to demonstrate the solid, albeit not lurid, worth of the material collected. Unfortunately, we have been in a period when there is some tendency to decry such activities. Professor Warner, therefore, tries to make his material readable and to conceal the technical operations which are behind this type of research. I feel he has not succeeded, and that one cannot and ought not to expect to make such material readable in any popular sense. After all, it should be directed to those really scientifically interested.

We find ourselves, however, much in the dark as to just what was attempted. There is need of an explicit statement of what was done in the Harvard Crime Survey in the way of collecting judicial statistics, or how the figures here set forth were obtained, and whether any new and independent survey was conducted. Outside of the title the only concrete reference I find to the Survey is that on page 37: "One of the first things done when the Harvard Crime Survey started in 1926 was to examine into the statistics of criminal prosecutions." I cannot discover, however, whether any of the figures thereafter referred to and those collected in the brief tables in the appendix were separately collected for the Survey, though apparently they were taken from various published reports. Statements as to the methods pursued in the Survey, what figures were used and how obtained, to what area they apply (for in spite of the author's attempts to define the territorial limits of the statistics as among the three areas, Boston, Suffolk County, and Metropolitan Boston, I still am confused by the references to "Boston" in the text) would have been helpful. Moreover, notwithstanding the author's warnings, some of the conclusions drawn as to prosecution trends seem extensive on the data given.

Here is not space for an extended argument as to the value of statistical studies, though my own belief is that experimentation has shown their uses and has now gone far enough to enable us to avoid repeating expensive mistakes necessary at an earlier period. I will say, though, that there is still basis for belief in the value of knowledge as opposed to intuition, that here is a field where knowledge can and should be unearthed, and that scholars should not be turned aside by the chance gusts of sentiment of the moment from a vital and important task. Professor Warner is so well equipped for this work that he should not be deterred from a bold assault upon it.

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ON THE DIVISION OF LABOUR IN SOCIETY. Emile Durkheim. Translated with an estimate by George Simpson. New York: The Macmillan Co. 1933. Pp. xlv, 439. \$3.50.

For those who cannot read Durkheim in the French, Mr. Simpson has done a very real service. Emile Durkheim has long been recognized as the successor in France of Auguste Comte, and his later and perhaps most important work — *Les Règles de la Méthode Sociologique* (1895) — marks what

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