

*Criminals and the Community*: Four Lectures in Criminology, by Professor Albert Morris, 1953, Melbourne University Press, viii and 57 pp., 6/- in Australia.

Apparently only two series of lectures on Criminology have been delivered and subsequently published in Australia — Dr. Anita Muhl's published in 1941 under the title of *The A B C of Criminology* and, more recently, Professor Albert Morris' *Criminals and the Community*. Both were published by the Melbourne University Press. Here the similarity ends: Dr. Muhl's lectures were those of a psychiatrist interested in the psychopathological aspects of individual crimes and criminals while Professor Morris', the subject of this review, are the work of a sociologist and anthropologist who approaches the problem of crime from the standpoint of these disciplines, that is to say, in their wider cultural aspects.

Professor Morris is Chairman of the Department of Sociology and Anthropology at Boston University and is the author of a widely used textbook on criminology. Twenty years' experience of teaching and research in these fields equipped him excellently to come to Australia in 1952 as a visiting Fulbright Professor to assist the recently formed Department of Criminology at Melbourne University to a secure foundation. *Criminals and the Community* is the text of four public lectures he delivered in furtherance of this purpose. The lectures are entitled respectively "The Nature of Crime and Criminals," "The Sources of Criminal Behaviour," "The Prevention of Delinquency and Crime," and "The Treatment of Criminal Offenders."

The expressed purpose of the first lecture was to demolish the mythology of crime and "to present a more balanced and a more realistic, if not more glamorous, concept of the nature of crime and criminals." In this it clearly succeeds; and, in doing so, clears the ground for the succeeding lectures on three general problems basic to criminology — the aetiology, prevention and treatment of crime. The appeal is deliberately to those who have not given protracted consideration to the discipline of criminology and, in particular, are not in touch with the extensive and valuable work that has been done by the many University Departments and Faculties of Sociology in the United States of America which have, over the last twenty years, applied a not inconsiderable portion of their resources to criminology.

In Australia and England, criminology is though to be an appropriate though neglected off-shoot of the study of the criminal law and of jurisprudence — at all events, is regarded as primarily for the lawyers. Judges, indeed, have no hesitation in expressing opinions on criminological issues based solely on their knowledge of law and their experience at the Bar and on the Bench. In America, however, there is a growing awareness that the problems of criminology trespass far outside the field of law and demand, both for their sufficient adumbration and certainly for their ultimate solution (where solution is possible) knowledge drawn at least from the related fields of sociology, psychology, and medicine.

Professor Morris' lectures are of great value in leading the layman, amongst whom one should include the lawyer, to an awareness of the range of the discipline of criminology, to a suspicion of commonsense as a sufficient guide to the solution of criminological problems, and to an appreciation of the need to apply here, as elsewhere, the developing methodological techniques of the social sciences. They are eclectic in the best sense of the term.

But these are not dull, tortuous and technical lectures. The complex issues discussed are treated with neither academic portentousness nor overt display

of wide reading. They are rounded and attractive essays whose message is rendered more acceptable by the easy manner and intimate style of their presentation. Indeed, if it is an appropriate criticism of public lectures, it might be suggested that Professor Morris was too reluctant to bring to the attention of his hearers and readers many of the narrower and more technical findings which characterise the better modern research and practice in these fields.

As an introduction to criminology, an *hors d'oeuvre* to the main meal, they could hardly be bettered. There is a foreword to the lectures by Mr. Justice Barry, Chairman of the Department of Criminology at Melbourne University, in which he accurately evaluates the challenge of these lectures — "Professor Albert Morris has brought to the task a sensitive, disciplined and learned mind . . . A most undogmatic man, he would be the last to claim that his views should command universal assent; but he would be justified in expecting that they should be given an honest and intelligent and dispassionate examination. If the problems of criminology are approached in that fashion, the first step to the clear understanding that is requisite for sound reform will have been taken."

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Miguel Reale, *Filosofia do Direito*, Vol. 1, Parts I and II, Edition Saraiva, Sao Paulo (1953), 647 pages.

This work in Portuguese by the distinguished Brazilian scholar Miguel Reale, Professor of Legal Philosophy at the University of Sao Paulo, is the first volume of a planned three volume treatise on the philosophy of law. The present volume contains a philosophical introduction (*Propedeutica Filosofica ad usum jurisprudentiae* (Part I) and an ontological, logical, and epistemological treatment of the fundamental problems of law (*Ontognoseologia Juridica*) (Part II).

Although the volume is only a part of the projected comprehensive treatise, Professor Reale's extensive and versatile learning has already produced a work of great interest and value, in which various influences of modern legal and philosophical thought have been assimilated and synthesised. In the Preface (p. 17) the author concisely formulates as the guiding idea of his scholarly aspirations: "to theorise life and to experience theory in an indissoluble unity of thought and action". The subsequent chapters of the book confirm that he has been able to remain faithful to this maxim. There is little indulgence in a purely academical theorising in them. Professor Reale thinks throughout in the awareness of the exigencies of practical law and politics.

Like all leading South-American legal theorists, Professor Reale, too, is strongly influenced by the Continental philosophical and legal tradition. Kant, Husserl, N. Hartmann, and Scheler, Stammler, Del Vecchio, Kelsen, and Radbruch, have given most stimulus to his thought, without having affected its independence. With them he walks along one of the highways of philosophy, and avoids stepping (as some of his Latin-American colleagues do) into the *Holzwege*<sup>1</sup> of poetical philosophy such as that of Heidegger,<sup>2</sup> or into the desert tracks of "scientist" philosophy such as those of Wittgenstein and Reichenbach.<sup>3</sup> This highway has kept open for the author the vistas of the concept, idea

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<sup>1</sup>The metaphorical title of a collection of philosophical essays by Martin Heidegger published in 1950. For the explanation of the metaphor see p. 3 of that book.

<sup>2</sup>For his peculiar conception of philosophy see his *Einfuehrung in die Metaphysik* (1953, p. 20: "Philosophy . . . is of the same rank (*Ordnung*) only with poetry." ". . . in poetry . . . there is an essential superiority of spirit over . . . mere science." (Reviewer's translation).

<sup>3</sup>For the logical positivists' conception of philosophy see L. Wittgenstein, *Tractatus*