

*kubulela siweko*—"talk[s] without understanding"  
*siswaswa*—"gets entangled in words"

It would have been interesting had Gluckman sampled a Lozi evaluation of a number of justices to determine to what extent the Lozi judiciary measures up to Lozi standards of skill in juristic method. Some researchers might someday do the same for our own categories and judges.

A great virtue of Professor Gluckman's work is the consistent and detailed noting of Lozi linguistic concepts relating to all aspects of law. Nothing published in ethnological jurisprudence to date comes close to equalling his achievement in this particular respect; nor, as indicated at the outset of this review has anyone produced such a rich body of fact on process in litigation for a single tribe.

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**Problems in Criminal Law.** By Curtis Bok. Lincoln, Nebraska: University of Nebraska Press, 1955. Pp. 79. \$2.00.

This small volume contains the lectures delivered in 1955 at the University of Nebraska under the Roscoe Pound Lectureship by Judge Curtis Bok of Philadelphia. The three chapters that constituted the three lectures are, in sequence, "The Trial," "The Substantive Law," and "Penology and Treatment." The author's purpose is to call attention to some of the major problems to be encountered in these areas and to express his view on their solution.

It is difficult to formulate a critical judgment, whether favorable or not, on the performance of such a task. On the favorable side one can say that from the very first page of the book it is apparent that the author not only knows his subject but is deeply sympathetic toward the endless list of tragedies that make it up. He has rapidly, and in the main clearly, sketched the principal problems that must be faced. It will not be necessary to say that in his comments and suggestions he reflects throughout the most enlightened viewpoints. In sum, given the framework within which the book had to be fitted, Judge Bok has done an interesting and provocative piece of work.

It follows, therefore, that to the extent that there may be unfavorable comments these have mainly to do with the kind of task set the author, rather than with his performance of it. The area covered in the three lectures is so vast, and the desire to have at least some look at all parts of it so natural and strong that the treatment at times inevitably descends to a mere kaleidoscope of varying topics, each scarcely raised before it is hastily dropped. Not only does such treatment tantalize the interested reader, but it also necessitates sweeping statements that are often true only in a sharply limited sense.

It is no answer to say that the informed reader will be aware how far such statements are accurate—the reader aimed at is the unformed one. To some extent the author has even increased his difficulties by the apportionment of his space. Thus, of the twenty-three pages given to the trial, eleven deal with insanity as a defense and with the rules set out in *M'Naghten's* case.<sup>1</sup> Waiving the question of whether all this is not substantive law rather than trial matter, it seems decidedly disproportionate, especially when the author himself says of insanity-defense cases, “[I]n eighteen years as a judge I have had none. The problem seems hardly to exist. . . .”<sup>2</sup> Surely there are many problems connected with the trial that might well have fallen heir to some of these pages.

In the chapter on substantive law there is no such disproportionate emphasis on one topic. It is rather puzzling to find in it such matters—more appropriate to the other chapters—as the wisdom of the death sentence, the use of the indeterminate sentence, and the amount of force that may be used in making an arrest. Interesting and welcome are comments on the criminal liability of corporations, on the relationship to each other of various sex offenses, and on the integration of many property offenses into one all-embracing concept called theft. All these and numerous other topics are compressed into only twenty-eight pages!

The final chapter, on penology and treatment, is by far the best. Judge Bok allows himself the leisure to develop interestingly the changing attitudes toward the purposes and objectives of imprisonment from the earliest days to and including such institutions as Borstal in England and Chino in California. It is odd, however, that in the chapter's twenty-five pages not a single one is given to either probation or parole. Seemingly these subjects form no part of the treatment field! In this chapter, too, the author is betrayed into one of his few actual errors. He speaks of Jeremy Bentham as one of only three “voices raised” against the prison system of the mid-eighteenth century and cites his writing on the “panopticon” in “about 1745” as an example.<sup>3</sup> Actually Bentham was not even born until a few years after that date. In a historical description such an error is unfortunate.

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<sup>1</sup> 10 Cl. & Fin. \*200 (H.L., 1843).

<sup>2</sup> P. 16.

<sup>3</sup> Pp. 55–57.

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