

own. The first of these appeared in 1925 (as No. 1 of Series E of the Publications of the Court), covering the first three and one-half years of the court's active existence (January 1922-June, 1925). Since that time these reports have been issued annually, the one under review covering the period from June 15, 1927 to June 15, 1928. It was prepared, as have been all the others, by M. Hammar-skjöld, the able young Swede who has from the beginning been the Registrar of the Court.

This Fourth Report is modelled upon the previous reports, and for the most part merely continues the information with respect to the functioning of the court that is contained in these other volumes. There are chapters dealing with the organization, composition, and internal administration of the court and its registry; with the jurisdiction of the court, and the judgments and advisory opinions rendered under such jurisdiction; with the matter of the court's finances. Particularly useful are the table of instruments governing the court's jurisdiction (pp. 90-117), the summary of the judgments and opinions given by the court during its first thirteen sessions (pp. 140-150), and the analytical index of these judgments and opinions (pp. 224-268). There is also an extensive classified bibliography of publications relating to the court, which continues the similar bibliographies in the three preceding reports and which has been prepared by the assistant librarian of the Peace Palace Library at the Hague (pp. 335-390); together with a cumulative index, both by authors and by subjects, to all these four bibliographical lists. Finally, there is a chapter dealing with the publications of the court itself, which is of particular interest in suggesting the amazing scope of the court's activities during the brief period of its existence. These publications are all, of course, available in French and English, the two official languages, but they are in such general demand that most of them are now being published also in German and some of them in Spanish.

The extraordinary value of these Reports can hardly be overstated. They give the casual reader the current information about the general composition and character of the World Court that he so much needs; they give the more serious student much of the material to which he desires ready access; they give the zealous researcher the clues to a great mass of further material. Something like them ought to be issued by every court of major jurisdiction, at least.

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STERILIZATION FOR HUMAN BETTERMENT. By E. S. Gosney and Paul Popenoe. New York: The Macmillan Co., 1929. Pp. xviii, 202.

The presence of sterilization laws on the statute books of twenty-two states on July 1, 1929, the decision of the United States Supreme Court two years ago upholding the constitutionality of such

legislation,¹ and the increasing if somewhat unintelligent interest of the public in the real or supposed biological basis of many social problems combine to emphasize the importance of reliable information in this field.

The book under review is for the most part a popular summary of some eighteen technical papers which have recently appeared in various scientific journals. It analyzes the results of over six thousand sterilization operations performed in California between 1909 and 1929. The book is also an argument in favor of sterilization. Certain special features of the subject are treated in nine appendices. Nearly all its discussion of the legal aspects of sterilization has appeared in the Reports of the American Bar Association² and will not be considered here.

Through study of the opinions of physicians and of patients and their relatives the authors show that the operation is not unduly severe or dangerous even for women; that it is often welcomed and not usually objected to; that it is rarely unsuccessful, and that theoretically at least it can be undone.

Sterilization may be for penal, therapeutic, social, or eugenic purposes. The authors find that California's limited experience with the sterilization of criminals furnishes no basis for settling the disputed question whether the operation is defensible as a penal measure. In one of Dr. Popenoe's earlier papers³ he rightly concludes that it is unscientific to sterilize criminals for eugenic reasons (criminal tendencies not being demonstrably inherited), but that the sterilization of habitual offenders may well be considered on the ground that they are unfit to bring up children. In this book he leaves this matter unsettled but shows that sex offenses are not found to increase following the operation.

Many California operations, especially those performed in private practice, have been for therapeutic and social reasons. Thus women have had physical difficulties at childbirth, or have felt that they could not afford children. Men too have used sterilization as a substitute for birth control. The authors conclude that improvement in health following the operation has usually been due either to other physical causes incidental to it, or to psychological factors such as the removal of the fear of pregnancy. Its alleged rejuvenating effects they hold to be still in dispute. They find the weight of the evidence shows no effect upon sexual desire or pleasure. They feel that sterilization should not be employed merely to suit the convenience of patients.

But Gosney and Popenoe's chief concern is with sterilization for eugenic reasons. They assure us that "sterilization of the mentally diseased as it is now practiced in California, will prevent the birth of very few superior children, while it will certainly prevent the birth of many children who would be eugenically inferior," and that "the case among the mentally defective is even clearer."

1. *Buck v. Bell*, 274 U. S. 200, 71 L. Ed. 1000, 1002.

2. (1928) pp. 575ff.

3. Reports of the American Bar Association (1928) pp. 577-9.

The present writer has no quarrel with the main thesis of this little book. On the whole it seems probable that a discriminating use of sterilization would be socially beneficial. Moreover, as compared with the writings of the more radical eugenists the book is moderate in its claims and appears sincerely to attempt a fair appraisal of the results of research. The reviewer feels, however, that both the technical papers and the book could make a stronger case for sterilization through less emphasis upon its eugenic and more emphasis upon its social value. The authors grant that we do not know just how the various defects are inherited but insist that it is enough to know that they are inherited at all. Yet the eminent British geneticist, J. B. S. Haldane, has shown⁴ what a tremendous difference it makes for the future whether given traits are simple Mendelian dominants, simple recessives or the complex products of many genes or factors. Moreover authorities are not agreed upon how much weight to give the hereditary factors in such matters. Some, for example, emphasize the importance of social situations for the onset of so important a mental disease as dementia praecox.⁵ In one of his scientific papers⁶ Dr. Popenoe himself admits that "little or nothing can be inferred regarding the parentage of a deficient individual from his presence in the Sonoma State Home" (for the feebleminded). And in the book under review it is stated: "It is calculated that only about ten per cent of the offspring of a man with dementia praecox will themselves have dementia praecox." Hence the justification for sterilization on eugenic grounds he makes a matter of the law of mathematical chance. Since America needs quality and not numbers, the argument runs, it will pay to cut off "defective stock" from which the mathematical chance of deriving superior quality is least.

Gosney and Popenoe would apparently confine sterilization operations for the present to those relatively few cases where the family history is known to show recurrence of the defect. But even in these cases authorities will not agree upon the probable frequency of subsequent recurrence. No one has yet isolated the genes for dementia praecox! Our eagerness to deprive our fellows of offspring will surely vary in less certain cases, according as we conceive the risk to be one chance in two, one in ten, or one in a thousand. It will also vary with our estimate of the probable *degree* of defectiveness of offspring. Moreover those who are perhaps unduly hopeful that in the future glandular therapy or the control of social strains will still further reduce the expectancy of recurrence, will be less enthusiastic for sterilization for *eugenic* purposes. Altogether the argument on this basis, though probably sound, is, in the present state of biological knowledge not very impressive.

By contrast the case for sterilization on social grounds is strikingly clear. The incurably feebleminded and mentally diseased make wretchedly poor fathers and mothers. Children fathered and

4. World Population Conference (1927) p. 196.

5. Cf. MacCurdy "The Psychology of the Emotions" (1925) p. 13.

6. 12 Journal of Applied Psychology 314.

mothered by such defectives not only are sometimes defective themselves, but are often pauperized, physically diseased, maladjusted, delinquent, and criminal. Society cannot afford to tolerate such "problem homes." Sterilization will eliminate many socially dangerous homes. If, as is quite probable, a race somewhat sounder eugenically also results, we can all rejoice.

In the Supreme Court decision cited above, the law compelled the court to decide the case on eugenic grounds. The Virginia statute⁷ provides sterilization for one who "by the laws of heredity is the probable potential parent of socially inadequate offspring likewise afflicted." In the case before the court the patient was a feeble-minded woman whose mother and child were also imbeciles. The order for her sterilization was held to be within the police power. Whether cases involving the uncertain inheritance of other defects are within the police power does not seem to be settled, though the law itself is, of course, constitutional. The reviewer is not a lawyer. He finds it easier, however, to prove the injurious effect upon society of the social than of the biological results of the parenthood of defectives. If so would not a law providing for sterilization on social grounds also be within the police power? In that case the sterilization of many more defectives would be legalized and the ultimate benefit both social and eugenic would probably be greater.

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COMMON LEGAL PRINCIPLES. By Francis W. Marshall. 2 vols. New York: Funk & Wagnalls. Pp. 17, 741.

During recent years numerous books have been written with the avowed purpose of imparting legal knowledge and wisdom to the layman. Some have been of special interest to a particular group such as the business man, the engineer, or the man of the medical profession. Others have been of general interest only, and were undoubtedly published for consumption by the public at large. A new book of this latter type is "Common Legal Principles" by Francis W. Marshall. This legal work is essentially of the second type because of the range of legal subjects treated and because of the designated purpose of the author as outlined in the preface.

The work consists of two volumes and treats the entire gamut of subjects from agency to wills, in addition to including numerous legal maxims. The subjects of contracts, torts, criminal law, agency, wills, personal relations, property, equity, trusts, sales, negotiable instruments, partnerships, corporations, evidence, bankruptcy and constitutional law are considered. Needless to say, the treatment accorded each subject is quite general in nature and forbids of any illustrations or explanations, which usually add interest and luster to books of general scope.

The announced influence which motivated the author in pro-

7. Acts of 1924, ch. 394.