

BOOK REVIEWS

1957 ANNUAL SURVEY OF AMERICAN LAW, New York University of Law, 708 pages, distributed by Oceana Publications, Inc.

As stated in the book's jacket, the *Annual Survey of American Law*, now a permanent feature of the New York University Law Center, has been published since 1942. It was established by the late Chief Justice Arthur T. Vanderbilt of New Jersey when he was Dean of the New York University School of Law. It consists of monographs written by no fewer than 40 authors commenting on the developments in the different branches of American Law and jurisprudence and its purpose is to keep the busy lawyer abreast with the multitudinous statutes, case law and comment which are produced each year by the legal factories.

The 1957 Survey is dedicated to Justice Herbert F. Goodrich, the well known authority on conflict of laws, on the occasion of his completion of thirty years of service with the American Law Institute.

Like King Alfonso's *Las Siete Partidas*, the 1957 Survey is divided into seven parts, to wit: (1) Public Law in General, (2) Public Law: Government Regulation and Taxation; (3) Commercial Law, Torts and Family Law; (4) Property, (5) Procedure, (6) Legal Philosophy and Judicial Administration and (7) Legal Literature. In addition, the Survey contains a Table of Cases, Table of Statutes, Rules and Executive Orders and Topical Index, which obviously render the book convenient to use as a reference work.

The comprehensive character of the Survey may be deduced from the fact that under the topic "Legal Literature" it contains reviews of outstanding legal works published during the year.

Unlike the annual review of civil law jurisprudence published in Spain and the surveys made in our college, the *Annual Survey of American Law* is not a mere conglomeration of the rulings of digested cases. Illuminating criticisms of the rulings are made. The critical method is sometimes carried to extreme limits. This approach may provoke discussion and influence the course of legal thought. The distinctive utility of the Survey is that it enables its user to find out readily the leading developments in a particular branch of law during the year under review.

In a common-law jurisdiction, like the United States, where the bulk of the law has not been codified and where there are the different state supreme courts, a Federal Supreme Court, Federal district courts and circuit courts deciding thousands of cases every year, an annual survey of decided cases must perforce deal only with the important precedent-setting cases, or cases adjudicated on policy considerations, as sound judicial statesmanship dictates.

In the Philippines, where the basic rules of law (constituting the major premises to which the rulings of decided cases serve as illustrative conclusions), have been reduced to statutory form, a critical survey would not always be feasible. Here, what is important is to find out how the Supreme Court has applied the codal and statutory provisions to the facts involved in the different cases presented to it for adjudication and how past precedents have been applied. Many of the decided cases are grist-of-the mill cases. In a single year, there may be no memorable decisions that can be considered landmarks in our jurisprudence. For Philippine cases, the exegetical or didactical treatment, rather than a controversial critical method, which may mislead, is more fitting and proper.

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CRIME AND THE SEXUAL PSYCHOPATH by J. Paul de River, Charles C. Thomas, publisher, 1958, foreword, preface, introduction, pp. 817, distributed by The Lawyers Cooperative Publishing Company.

In this our times of nuclear-fission and supermen, of increased industrialization and an almost frightening emphasis on the material or utilitarian, of false values and spiritual decadence, man, while reaping the harvest of his scientific achievements, rapidly progresses into a state of moral decline from which he may not hope to salvage himself—thus in a word rings the ominous warning from the foreword to *Crime and the Sexual Psychopath* which about sums up the whole drift and meaning of its message. But lest this grim reminder of the impending fall of man create suspicion in the reader's mind that the work is another one of those reform movements much in evidence today, the author, to avert a misconception of its true purpose, hastens to add a preface explaining that it was with no more an intent than that of submitting in its true perspective the case of *People v. The Sexual Psychopath* that the book was conceived some fifteen years ago in the fond hope that those in whose hands lay the duty of rendering justice may benefit therefrom and, with better understanding of and deeper insight into the problem of this social menace commonly known as the sex maniac, pronounce competent judgment thereon.

The sexual psychopath is a freak of nature. While in ordinary criminals anti-social tendencies are usually traceable to environmental factors, in the psychopath they are products of heredity. With this preliminary observation, Dr. De River proceeds to a diagnosis of the disorder and comes up with the conclusion that the psychopath is a pathologic case with prescription for treatment and cure on the psychiatric couch. In law, the problem is viewed from another angle and the crux of the question almost always hinges on the legal sanity or insanity of the accused. It is on this point where legal and medical officers are at loggerheads with one another, giving rise to a spirited clash of opinions on the question which has yet to see settlement to this day. While conceding that insanity can be proved in some cases, the author, speaking through a long line of authorities and from his own experience as psychiatrist, doubts the full applicability of legal sanctions in cases where, due to what he terms as a "trigger attack" proceeding from the diseased brain cells of the psychopath which sets the chain reaction culminating in the commission of the crime, his faculties are rendered temporarily insensible as to make him fully appreciate the dire consequences of his act. In such cases, it would have served the ends of justice better had he been placed under psychiatric treatment than be decreed to languish in penal confinement with no hope for rehabilitation whatsoever. This and other "legal flaws" set at cross purposes with state reforms calculated to help in the rehabilitation of the patient are discussed with equal authority by the doctor, making the book interesting reading for judges, lawyers, medico-legal experts, criminologists and penologists. The increasing tide of sex violence in the years past making it imperative for this select group to delve more into the warped world of the sexual psychopath which has been an exclusive monopoly of psychiatrists, renders the book doubly interesting, if not *a sine qua non*.

Crime and the Sexual Psychopath is a labor of love. Reduced in its pages is more than a quarter century work of the author in the field of psychiatry and criminology. Between its covers are hundreds of case histories selected from the author's files at the Sex Offense Bureau of which, incidentally, he is founder and director, to illustrate the more difficult types of maladies diagnosed in a characteristic Freudian style. Following closely the pattern set in *The Sexual Criminal*, an earlier work, it reproduces actual interviews with sex offenders with no details spared, giving the effect of realism to each case.

The book is divided into 86 chapters, 80 of which are devoted exclusively to the discussion of the different forms of the sex variant, as follows: sado-masochism, sadistic piquers, snipers, flagellation, transvestitism, homosexuality, lesbianism, tribadism, metatrophism, bisexuality, pederasty, sodomy, cunnilingus, fellatio, castration, voyeurism, exhibitionism, frotteurs, infantilism, pedophilia, fetishism, satyriasis and nymphomania, koprolagnia, urolagnia, bestiality, zoophilia and necrophilia. A glance at these unfamiliar terms is sufficient to make the reader run to the nearest dictionary; hence, the inclusion of a glossary for quick reference.

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