## CRIMINAL JUSTICE IN THE AMERICAN CITY - A SUMMARY

Published @ 2017 Trieste Publishing Pty Ltd

#### ISBN 9780649439881

Criminal Justice in the American City - a Summary by Roscoe Pound

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

#### **ROSCOE POUND**

## CRIMINAL JUSTICE IN THE AMERICAN CITY - A SUMMARY



### CRIMINAL JUSTICE IN THE AMERICAN CITY—A SUMMARY

#### THE CLEVELAND FOUNDATION

1202 Swetland Building, Cleveland, Ohio

#### COMMITTEE

J. D. Williamson, Chairman Thomas G. Fitzsimons Malcolm L. McBride W. H. Prescott Belle Sherwin

Leonard P. Ayres, Secretary James R. Garfield, Counsel

Raymond Moley, Director

THE SURVEY OF CRIMINAL JUSTICE

 $\left. \begin{array}{l} \textbf{Roscoe Pound} \\ \textbf{Felix Frankfurter} \end{array} \right\} \textbf{Directors}$ 

Amos Burt Thompson, Chairman of the Advisory Committee

# CRIMINAL JUSTICE IN ©# THE AMERICAN CITY— A SUMMARY

BY

ROSCOE POUND
DRAW OF THE LAW SCHOOL OF HARVARD UNIVERSITY



0

PART VII

OF THE CLEVELAND FOUNDATION SURVEY OF
CRIMINAL JUSTICE IN CLEVELAND

18764cm

COPYRIGHT, 1922, BY THE CLEVELAND FOUNDATION

PRINTED IN THE UNITED STATES OF AMERICA

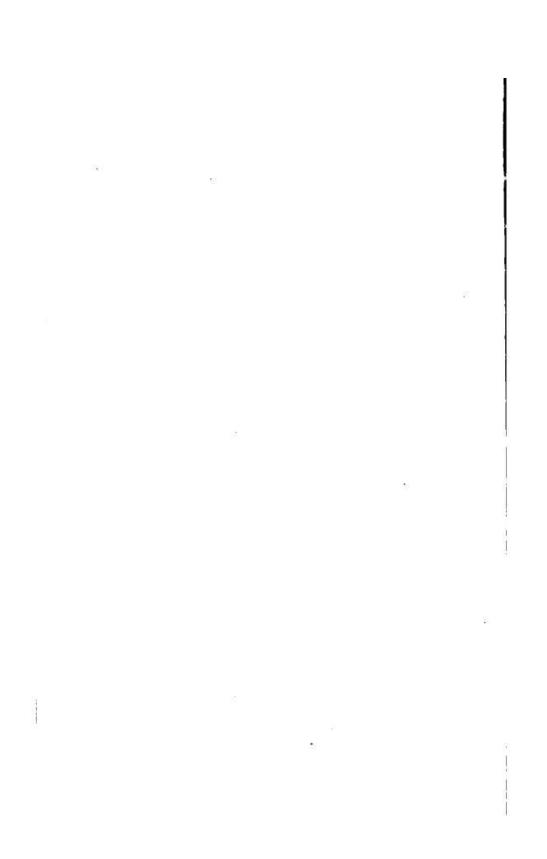
#### FOREWORD

HIS is the summary section of the report of the Cleveland Foundation Survey of Criminal Justice in Cleveland. The survey was directed and the reports edited by Roscoe Pound, who is the author of this report, and Felix Frankfurter. Sections which have been published are:

The Criminal Courts, by Reginald Heber Smith and Herbert B. Ehrmann

Prosecution, by Alfred Bettman
Police Administration, by Raymond B. Fosdick
Correctional and Penal Treatment, by Burdette G. Lewis
Medical Science and Criminal Justice, by Dr. Herman M. Adler
Legal Education in Cleveland, by Albert M. Kales

The sections are published first in separate form, each bound in paper, and are to be consolidated in a single volume, entitled "Criminal Justice in Cleveland."



#### TABLE OF CONTENTS

	AGE
Foreword	V
CHAPTER	
I. THE NATURE OF THE PROBLEM	1
Men, Machinery, and Environment	1
The Function of Law	5
Difficulties Involved in the Administration of Justice	5 7 9
II. Inherent Difficulties	
Dissatisfaction with the Administration of Justice	9
Inherent Difficulties in All Justice According to Law	10
1. Mechanical Operation of Legal Rules	10
2. Difference in Rate of Progress Between Law and Public	
Opinion	12
3. Popular Underestimation of the Difficulties in Administer-	
ing Justice	13
4. Popular Impatience of Restraint	15
5. Inherent Limitations on Effective Legal Action	16
Inherent Difficulties in All Criminal Justice	17
1. Public Desire for Vengeance	17
2. A Condition of Internal Opposition in Criminal Law Due	
to Historical Causes	18
3. The Close Connection of Criminal Law and Administration	
with Politics	20
4. The Inherent Unreliability of Evidence in Criminal Cases	21
5. The Wider Scope for Administrative Discretion Required	
in Criminal Law	22
6. Inherent Inadequacy of Penal Methods	23
7. The Tendency to Put Too Great a Burden on the Criminal	
Lew	24
III. GENERAL DIFFICULTIES	25
Prevalence of Dissatisfaction with Criminal Law and Its Adminis-	
tration	25
New Demands Upon Law	25
1. The Problem of Enforcement	25
2. The Demand for Concrete Justice	27
3. The Demand for Individualization	27
Changed Ideas as to the End of Criminal Law	28
1. The Passing of the Retributive Theory	28
2. Increased Regard for Human Personality	29
3. New Developments in Psychology and Psychopathology	30
The Present Condition of Criminal Law	30
A WEST	