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## Book Reviews

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## BOOK REVIEWS

Edited by

C. R. Jefferey

DELINQUENCY CAN BE STOPPED. By *Judge Lester H. Loble and Max Wylie*. New York: McGraw-Hill Book Company, 1967. Pp. X, 148, Price \$4.95.

Every lawyer and judge concerned about the future of the juvenile court system should read this book. It explains better than all the articles written and speeches delivered since the publication of the Supreme Court's opinion, *In the Matter of Gault*, why that decision was necessary. The book is vivid proof of the wisdom of imposing appellate curbs on the unlimited discretion which the *parens patriae* doctrine has afforded judges of juvenile courts. Many considerate, warm-hearted, and well-motivated judges have used the boundless freedom of the "substitute father" concept beneficially and with restraint; a few have used it vindictively and impulsively, guided by their own prejudices. Better than that all juvenile court judges must live within the restrictions of due process of law basic to our American judicial system than that a few egoists should be permitted to continue their arbitrary ways.

This book is short—less than 150 brief pages. Thanks to Max Wylie's efforts it is written in terse, readable English, abounding with expressions in the first person. This is candidly one man's point of view, and a very firmly held point of view at that! Although many who read the book will continue to believe that Judge Loble is wrong, few will say that he is uncertain.

"Those who are opposed to what I think is my practical approach to these problems will say, 'That's wrong.'

"They insist I should get in some social worker or some psychiatrist and figure out what's wrong with this young fellow who keeps breaking into stores. I don't need them to tell me. They need me to tell them. My treatment is better than theirs. I'm here with the offender and his victim. They're home with a book." (pp. 53-54)

What does he advocate? Primarily he urges a law that will permit a juvenile judge to apply publicity and punishment to juveniles who are charged with felonies. This is really not a novel idea. In fact, most juvenile court judges in the United States today can authorize both publicity and punishment (if found guilty) for juveniles over 16 years of age accused of felonies, by waiving or transferring jurisdiction over the juvenile to an adult criminal court. (*Kent v. United States*, the first Supreme Court opinion concerning juvenile court procedure, dealt specifically with this practice.) The important difference is that the statute recommended, which the authors call 'the Loble law,' permits the juvenile court judge who decides that the youth should be spotlighted by publicity and punished to do it himself without benefit of due process of law. In contrast, existing waiver procedures require that the juvenile court judge after proper hearing transfer the case to an impartial judge in another court where it is tried by customary rules of criminal procedure which protect the rights of the accused. Judge Loble prefers the less orthodox, "father knows best" methods of the *parens patriae* system to administer his own brand of cure. While he denies the juvenile the benefits of juvenile court philosophy, he retains to himself the unbridled discretion of the system. No constitutional court in the country would empower a judge to proceed as he does.

Here are Judge Loble's own words to describe his unique form of procedure, in this instance the handling of a youth overheard in the courtroom muttering "That old hag."

"I held this boy for detention. . . .

"The boys (and girls) who have enjoyed a 'Loble weekend' don't forget it too fast. . . .

"I tell them I'll take their case under advisement and see them Monday morning. . . .

"My detention isn't a fancy place. I don't want a fancy place. Just a plain one, and

most pointedly featureless. I have such a place. It's the top floor of the jail, across the street from this courthouse.

"Grim, grimy, antebellum in architecture, it has a good jail smell and a solemn look. Silent, too.

"There are bars. The windows are painted black. You can hear the street, but you can't see it. No visitors. And this means no parents, either. Nothing. Nothing to read. . . .

"I had the windows painted black some years ago. . . .

"No one comes to see any of the boys over a Loble weekend. . . .

"Probably this kid never slept on a bunk that was a solid slab of sheet metal. No mattress. One blanket. An absolutely bare room, with an uncovered flush toilet. Those are his companions. . . .

"By the time he comes back to my court Monday morning, he is a different boy from the one who went away Friday. All I have to say on Monday is this: 'If you come back again, bring your toothbrush. You'll be staying.'" (pp. 44-46)

I too have adjudicated many instances of serious law violations by aggressive older youths. This has convinced me that there may be a necessity for the use of punitive sanctions in some cases of adolescent law violators in order to assure public safety. But my sense of justice rebels at such sanctions meted out at the whim of the judge, rather than arrived at after reliable study within the framework of fair procedural standards. Such is the essence of due process of law.

Although I am dubious, to say the least, about the effectiveness of notoriety as a general deterrent to delinquency, there may be a positive value to this power of public embarrassment in certain circumstances. The idea is recurrent and deserves rational evaluation. Judge Loble must surely be aware that most juvenile court statutes today, while excluding the general public, provide for the admission of "persons having a legitimate interest in the work of the court." This almost invariably includes representatives of the press who are then permitted to publish the events of the court hearing provided the names or identities of the participants are not disclosed. It also permits observation and study by qualified research and legal organiza-

tions. This is something less than the secret operation of juvenile courts portrayed by these authors.

The effectiveness of both publicity and punishment, the tenets of the "Loble law," continues to be a legitimate question to all concerned with crime and its control. The National Council on Crime and Delinquency, one of the most respected legal research organizations in this country, was prepared to evaluate their effect in Helena, Montana. But Judge Loble refused its representative access to information and statistical records. (In fact, unverified but persistent reports from Helena indicate that juvenile delinquency in that city has increased rather than decreased!) His book casts no further light or documentation on this old debate.

One thing seems sure: zealots make poor researchers. In describing his detractors, Judge Loble writes, with startling introspection: "They are incapable of improving their knowledge because they live, as evangelists do, in the luxury of a pre-set conviction."

In like fashion, the serious reader of "Delinquency Can Be Stopped" will find little new knowledge or information, however vehemently or provocatively its ideas are expressed. Only the reader who is already convinced of the wisdom of publicity and punishment as a cure for juvenile delinquency will find support in the vigor with which the authors advocate this thesis.

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THE YOUNG OFFENDER. By *D. J. West*. New York: International Universities Press, 1967. pp. 333. \$6.50.

This book was written by a practicing English psychiatrist, and although its aim is to survey, in popular terms, the delinquency problem in England, its pages contain as much or more information about youthful crime on the American scene. This is not surprising since most of the major theory and research has been developed and conducted in the United States.

The book can be divided into four major sections based on the content areas covered. First, it deals with the epidemiology of juvenile delinquency in England. In this regard, West accomplishes his objective, primarily because of the relatively well-developed state of criminal statistics in England.

The picture of juvenile delinquency in England is not substantially different from the statistical picture that has been derived in this country. However, the author does rely on American studies when discussing the composition of youthful offenders in terms of socio-economic status, race and ethnicity.

The second major part of the book is concerned with theories of crime and delinquency causation. Not surprisingly, it is in this section that the author's personal biases are clearly seen. In discussing each of the major theoretical positions, West devotes a total of sixty-four pages surveying major concepts associated with biogenic and psychogenic theories, while devoting only fifteen pages to the major sociogenic positions. Important concepts such as culture conflict, social disorganization, differential association, anomie, delinquent sub-cultures, and techniques of neutralization are discussed in cursory fashion. Implications of these positions are not fully explored. For example, the attractiveness of anomie theory lies in the implications it has for crime control, and this is one of the major reasons why sociologists prefer it over Sutherland's differential association. It is also noteworthy that in his discussion of gang delinquency, West does not refer to the empirical research of James Short, who has made a major contribution to the systematic study of delinquent gangs. Instead, he prefers to cite Louis Yablonsky, whose work has been heavily criticized by sociologists.

The third section of the book deals with types of delinquent conduct. West devotes only one chapter, "Girls, Sex, Drugs, and Violence," to this highly relevant topic. His discussion of the above patterns of delinquency is extremely superficial with no justification for their inclusion in the same chapter. In addition, West does not refer to the most significant research that has been conducted in these four areas to date. In discussing violence, there is no attempt to clarify the category in terms of behavioral description or other defining characteristics. Thus, the assaultive behavior of a single individual against another; intergang conflict; and juvenile vandalism are all discussed under the same heading with little attempt to differentiate between them in a theoretically meaningful way. Finally, the work of Don Gibbons, which represents one of the most important statements with respect to the problems associated with delinquent and criminal typologies to date, is not even mentioned.

The final section of the book deals with problems of crime control. Generally speaking, this section is more acceptable than the others, partly because it deals with the history of corrections in England, and partly because West discusses some of the more promising treatment programs in the field of corrections. However, it is also apparent that although West is supposed to have had extensive experience with delinquents, in the opinion of this reviewer he does not communicate the benefit of his experience to the reader. For example, virtually no mention is made regarding the nature of the delinquent's belief systems and his perceptions of the world, especially of the system of delinquency control.

The glaring weakness of this book is its failure to reflect the most current trends in criminological theory and research. This book would have been well-received had it been written twenty-five or fifty years ago. It was during that time that heavy stress was still being placed on biological and psychological factors in crime causation. These factors reflect a deterministic position which is based on the assumption that delinquents are somehow different from non-delinquents. This assumption, though popular then, is no longer accepted today. The causes of crime no longer are to be found, contrary to what West believes, within the individual delinquent alone. They are also to be found in the social policies of the society. It is social policy that determines "whether" and "why" certain acts come to be defined as crime, it is social policy that "explains" why people commit crime, and it is social policy that determines what we will do to control it. Further, there is no mention made of the emerging focus on crime control agencies, their policies, programs, and decisions. Study of the criminal justice and corrections system is rapidly becoming the focal concern of the criminologist, and the study of the causes of crime is being defined increasingly as a waste of time.

In sum, *The Young Offender* reviews some of the most obsolete concepts in criminological theory, and brings a fair amount of obscure research to bear on them. The book does not contain a central theme which could have tied all of its chapters together. If this book was written for popular consumption, then it gives the man in the street an out-dated picture of criminology. Perhaps this book should not have been written for popular