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BOOK REVIEWS

PREVENTIVE DETENTION IN THE DISTRICT OF COLUMBIA: THE FIRST TEN MONTHS. By *Nan C. Bases* and *William F. McDonald*. Washington, D.C.: Georgetown Institute of Criminal Law and Procedure, 1972. Pp. ix, 121. $__.

The Georgetown Institute of Criminal Law and Procedure and the Vera Institute of Justice have combined to present this study of the first experience under the controversial preventive detention law in the District of Columbia.[1] Considering the amount of heat generated by the law in the law reviews, the Congress, and the press before it went into effect, *Preventive Detention* comes as rather an anticlimax. The most striking feature of this study is that preventive detention was sought against only twenty defendants in the first ten months the law was in effect, February–November, 1971. The constitutionality of the law had yet to be tested at the publication of the study in March 1972 because so few defendants were subjected to the preventive detention process.[2]

The idea behind the preventive detention law was that if judges were given authority to deny any form of release before trial to certain dangerous persons who were arrested for certain types of crimes, then it would no longer be necessary for the judges to accomplish this purpose by setting exorbitantly high bail. It was thought that the general public would be saved from future crimes committed by drug addicts and others with a marked propensity for recidivism while they were out on bail or otherwise released before the trial of a previous crime. Judges had always taken "danger to the community" into account when they set bail, even though they never admitted doing so, went the reasoning, despite the doctrine that the sole purpose of bail was to assure attendance at trial.[3] Why not give the bail-setters a surer way of accomplishing this end, then, and let them do it openly?

Numerous constitutional arguments greeted this proposal. The most significant ones involved the eighth amendment excessive bail clause and fifth amendment due process. Since the eighth amendment guarantees against excessive bail being required, it was argued that by necessary implication there exists a right to release on sufficient bail. It was further argued that the fifth amendment right to a fair trial would be violated by a pretrial adjudication of guilt and by pretrial punishment in the form of incarceration. Since the proposed preventive detention law was essentially unprecedented, legal scholars could and did argue vehemently that the law was either constitutional because it was sufficiently narrow that it properly preserved individual rights, or unconstitutional because it broadly swept away basic rights. The eighth amendment excessive bail clause has never been definitively interpreted by the Supreme Court and until it is, the constitutionality of preventive detention will remain undetermined. The procedural due process aspects of the law's constitutionality depended at least as much on how the law would be applied as on how it was written.

This was the posture of the defenders and opponents of preventive detention before it went into effect: the law and order camp thought it had found a powerful new tool against crime in the streets; the civil libertarians descried the incarceration of large numbers of people who had not been proven guilty. Only the enactment and implementation of the statute could prove either side to be correct. *Preventive Detention* was rushed to publication in hopes of providing at least some data on the implementation of the law to an expectant world.

The authors have provided short case histories of each of the first twenty defendants for whom preventive detention has been proposed. Their summary shows that ten were ordered detained. Of the ten, five had detention reversed on appeal or rescinded. Not one of the ten was detained any length of time close to the statutory maximum of sixty days. The authors then set out a summary of questions that have arisen concerning the procedure under the statute, questions which have not been answered because of the dearth of appellate review. They also state their finding that about one-third of District of Columbia felony defendants may be eligible for preventive detention, but that detention has been proposed for only 2% of that number. They conclude with a few observations concerning why the procedure has not been used.

It is those concluding observations which ought

[1] D.C. CODE § 23-1322 *et seq.* (Supp. 1972).

[2] A class action was attempted to test the constitutionality of the law, but it was dismissed on jurisdictional grounds. PREVENTIVE DETENTION 5 n.10.

[3] Danger to the community has long been accepted as a factor in denying bail pending appeal, but not before trial. *E.g., Chambers v. Mississippi*, 405 U.S. 1205 (Powell, Circuit Justice, 1972).

to provide the most stimulating part of the study to a student of the preventive detention controversy. The authors cannot be faulted on their assembling of the data, but the few conclusions they draw are a disappointment even for such a preliminary and tentative study as this one. They note that the prosecution has been reluctant to move for detention because the constitutionality of the law has not been settled, and that numerous alternatives are available to both detention and money bail which may make it unnecessary to resort to detention. Finally, they note that both schools of thought on preventive detention have been somewhat confounded by its virtual non-use.

The authors have slighted the Bail Reform Act of 1966[4] which provided the alternatives that they mention to both detention and bail. Had they examined it more closely, they very likely would have found why preventive detention has not been used with any frequency. That act made a more radical change in pretrial release procedures than did the preventive detention law. The Bail Reform Act provided a series of non-financial release terms, starting with release on personal recognizance, which were to be used to effect pretrial release in place of the traditional imposition of money bail. Only as a last resort should any money bail be set under this act. Preventive detention was added as a last resort for those few cases in which even money bail could not ensure the appearance of the defendant at trial or the safety of the community. As predicted by a commentator in this *Journal*,[5] preventive detention would be used only rarely if the rather complex detention statute were properly applied. The detention statute in no way altered the scheme of the 1966 act, other than to add a new last resort. The judicial officer must first find whether release on personal recognizance is reasonable under the circumstances; then look at assigning the defendant to someone's custody; then travel restrictions, a 10% appearance bond, a bail bond, and any other condition whatever, including nighttime confinement. Only if none of these were sufficient would the officer need to order preventive detention. Since there is no limit to the money bail which can be set, presumably it would be only the rarest of cases where a bail which is less than astronomic would fail to assure appearance at trial, a specific person's safety, or the safety of the whole community. More than prosecutorial reluctance to propose detention is involved here—the statute itself has made preventive detention unnecessary in nearly every case where the felony defendant is eligible for it under the statutory definitions.

The form in which *Preventive Detention* is written obscures what may well be the real reason for the apparent demise of the concept of preventive detention. This study is a clinical summary and analysis of what purports to be an innovation in American criminal procedure. However, one need only compare the policy statements of former Attorney General Mitchell[6] with the riposte of Professor Tribe[7] to find that the driving force behind the concept was political. The controversy which raged over the enactment of the law was based in large measure on emotional preconceived notions of what the Constitution ought to allow the forces of law and order to do on the one hand, and how it ought to protect the accused-but-not-yet-proven-guilty on the other. Neither side of the debate engaged in much serious study of what caused the problem of recidivism and what measures might really be effective to deal with it.

We are quite fortunate that the actual process of criminal justice has not noticeably been affected by the concept of preventive detention. The salutary effects of the Bail Reform Act of 1966 in releasing most defendants before trial, so that they are not imprisoned unnecessarily, continue. The legislators are now free to devote their attention to effecting what may be the best means of combatting recidivism: surer apprehension of criminals and speedier trials.

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THE PROBLEM OF CRIME. By *Richard Quinney*. New York: Dodd, Mead & Company, 1970. Pp. viii, 227. $3.95. Paper.

The Problem of Crime is an important book for both old and new students of criminology for several reasons. First, it is a concise and yet comprehensive review of most of the central topics of criminology. Chapters one and two, and part of chapter three, contain the ideas of European and

[4] D.C. CODE § 23-1321 (Supp. 1972).

[5] Comment, *Pretrial Detention in the District of Columbia: A Common Law Approach*, 62 J. CRIM. L.C. & P.S. 194, 203-04 (1971).

[6] Mitchell, *Bail Reform and the Constitutionality of Bail Reform*, 55 VA. L. REV. 1223 (1969); Mitchell, *Wiretapping and Pretrial Detention—Balancing the Rights of the Individual with the Rights of Society*, 53 J. AM. JUD. SOC'Y 188 (1969).

[7] Tribe, *An Ounce of Detention: Preventive Justice in the World of John Mitchell*, 56 VA. L. REV. 371 (1970).

United States writers, past and present, on: the conceptions of crime; and the relation of crime to law, criminal law, natural law, the administration of justice, and social deviance. These are the ideas of legalists, anthropologists, and social theorists as well as persons usually identified as criminologists. Secondly, this book forces the reader to be aware of his own philosophic position with regard to the issue of causality. In the remainder of chapter three, Quinney notes that there is not a single conception of causation but as many conceptions of it as there are philosophic traditions. He rejects logical positivism and says that his own position is closest to the general philosophical tradition of idealism. It is based on an "agnostic" ontology, a nominalistic epistemology, and a distinction between causation as a methodological construct and causation as a substantive construct. Thirdly, this book stresses the politicality of crime. While this theme is evident throughout the book, it is most prominent in the last two chapters which describe trends in the United States. In Quinney's words (p. 180): "Crime is thus becoming more political in two senses. First, the actions of many criminally defined persons are actually political behaviors. And, second, the actions taken in the labeling of behavior as criminal are political actions. The criminal law is being used by those in power to maintain their control over others. Whenever criminal law is formulated, enforced, and administered, political acts are taking place."

The shortcomings of this book are few indeed. The minor ones pertain to the use of certain concepts (e.g., society vs. culture), the interpretation of some literature (e.g., Goring's refutation of Lombroso), and the giving of insufficient attention to certain writers (e.g., Tarde, Nettler). The major ones pertain to the selection of ideas from only European and United States thinkers, and the failure to fully develop certain themes such as the politicality of crime. Such developments would obviously require a book of much greater size than Quinney's. As it stands, it is without question another valuable contribution of this scholar to criminology, sociology, and the social sciences.

EDWIN D. DRIVER
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NO ONE WILL LISSEN: HOW OUR LEGAL SYSTEM BRUTALIZES THE YOUTHFUL POOR. By *Lois Forer*. New York: John Day, 1970. Pp. 352. $8.95.

Anyone who starts reading Mrs. Forer's book is not likely to stop listening until he reaches the end. After that may come a period of some bafflement, as one tries to figure out the next step.

This book is based primarily upon Mrs. Forer's experience for 18 months as attorney in charge of the Office for Juveniles, established in Philadelphia by the Office for Economic Opportunity. In one aspect—unfortunately a short-lived one—the experience provides a record of great accomplishment; in another aspect—unfortunately a more lasting one—a record of tremendous frustration. In short summary, Mrs. Forer reports that her office "slowed the assembly line of the Juvenile Court from eighty cases per judge per day to about thirty or thirty-five cases," "stopped the practice of having a probation officer decide that a child could be held in custody for days and days prior to trial," and finally so "drastically reduced the population of the juvenile correctional institutions" that "[a]t one point the juvenile correctional authorities complained that they did not have enough inmates to operate institutions." (P. 12) The skeptic might ask: Was this a good thing? Apparently the top brass in charge of the program did not think so. They moved the office from its six rooms and two floors over an auto body repair shop, near the Juvenile Court, near the detention center, and near where most of the clients lived, to smaller quarters further from the Juvenile Court and clients, but closer to the Director of the Legal Aid who could keep the office under better supervision. Clients no longer came in and waited to be seen; either they called and made appointments in advance or they came without appointment and made appointments for later. Gradually the staff fell apart, the clientele fell off, the defense of juveniles was transferred to the Defender Association, the caseload disposed of by each judge increased again, and the population of the detention places returned to normal. In short, the system was working again.

Obviously this is a sad commentary on the evolution of our juvenile court system, especially when compared with the eloquent promise of Judge Julian W. Mack's classic article published in the Harvard Law Review in 1909.[1] But no one familiar with Mrs. Forer's accomplishments as a scholar, practitioner and now judge, can doubt the authority and reliability of her account. Nor do the reports from other urban centers suggest that the

[1] Mack, *The Juvenile Court System*, 23 HARV. L. REV. 104 (1909).

Philadelphia experience is substantially atypical.[2] What then is the road to salvation? Mrs. Forer's principal emphasis is upon the need for meaningful representation. Since the period of her experience began before *Gault*,[3] there may be some basis for discounting the present significance of this particular remedy, but the picture she paints of mere token compliance with the right to counsel or no compliance at all, even six months after *Gault*, suggests that much more than is presently available in the way of time, money, and manpower is required before the ideal of meaningful representation is approached. (P. 318)

In Mrs. Forer's view not only must juvenile defendants be provided with counsel who have the time to examine their cases and prepare their defenses, but also with counsel who are intrinsically qualified and entirely free from institutional loyalties which may conflict with the clients' best interests. She would apply to legal aid institutions the precept of Canon Thirty-Five of the Code of Professional Responsibility (P. 329):

> The professional services of a lawyer should not be controlled by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibilities and qualifications are individual. He should avoid all relations which direct the performance of his duties by or in the interest of such intermediary. A lawyer's relation to his client should be personal and the responsibility should be direct to the client.

The Canon explicitly excludes "charitable societies rendering aid to the indigent" from the concept of "such intermediaries". Mrs. Forer would insist on exactly the opposite conclusion. She emphatically rejects the view attributed to some poverty lawyers: "You need a different set of ethics for a poor man's lawyer." (P. 329) She does not directly challenge the ruling of the Standing Committee on Ethics of the American Bar Association that: "Offering publicly to render legal services without charge to citizens who are unable to pay for them is not unethical." (P. 330) But she regards as more significant the question: "Is it unethical to hold out to the public that free legal services are provided and then furnish something different and inferior to what the client would receive from a lawyer in private practice?" (P. 330)

Emphasis upon the need for adequate legal representation should not divert attention from the ultimate justification for the juvenile court system —the provision of appropriate custody, care and treatment when parental care or supervision is inadequate. As Judge Mack himself pointed out in his farsighted analysis, if meaningful care and treatment is not provided, there is no constitutional basis for involuntary custody without all the due process safeguards associated with criminal prosecution. It was the appalling lack of such adequate treatment which provided the motivating background for Mrs. Forer's insistence upon slowing up the process of commitment until the availability of all other possible alternatives had been fully investigated and exhausted. Of course, a more ambitious solution is to provide the kind of care and treatment which Judge Mack and his associates anticipated.[4] Surely if there is some truth in the adage that the sternest test of a civilization is provided by the humaneness of its criminal process, the test must be even more appropriate when applied to the treatment of its deprived children. The contribution which legal representation can make to the achievement of such a solution may appear more negative than affirmative, and yet it might conceivably be critical. The exposure of the ugly reality, the insistence that fulfillment of the basic assumption is the price which must be paid for the continued constitutionality of the system itself, may now be the most significant contribution which resolute

[2] Apart from many informal reports the general picture is summarized in the Report of President Johnson's Commission on Law Enforcement and the Administration of Justice, The Challenge of Crime in a Free Society, Chapter 3, Juvenile Delinquency and Youth Crime, pp. 55, 79-88 (1967). Mrs. Forer's general conclusions about the operations of the juvenile court system in Philadelphia are supported by another account by a lawyer intimately involved with the system for several years, both as assistant district attorney assigned to the court, and later as occasional defense counsel, Richette, The Throwaway Children (1969). Although Mrs. Richette paints an equally dismal general picture, she also notes examples of occasional successes, children saved by the personal attention and resourcefulness of devoted and exceptionally gifted court personnel, frequently assisted by equally devoted volunteers. Such triumphs over the system also deserve to be celebrated as illustrations of the ideal which Judge Mack and Jane Addams envisaged.

[3] *In re* Gault, 387 U.S. 1 (1967).

[4] A modern experiment with a novel approach to the commitment of juveniles is described in Vachon, *Hey Man What Did You Learn in Reform School?* SATURDAY REVIEW, Sept. 16, 1972, at 69. According to this article, the new Director of the Department of Youth Services in Massachusetts has closed all the reform schools in the state and substituted group homes, psychiatric agencies, prep schools, and more than sixty half-way houses scattered throughout the state. *Id.* at 74.

legal representation can make to the improvement of the juvenile court system.

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THE FELON. By *John Irwin*. Englewood Cliffs, N.J.: Prentice-Hall Inc. 1970. Pp. 211. $5.95.

In recent years, the plight of prisons and prisoners has been exposed repeatedly, to the American Public, by way of riots and disturbances, the formation of ex-offender associations and other prison reform groups, the literary efforts of offenders, the surveys and investigations of governmental and private agencies and, of course, the decisions of the state and federal courts. All of them point up the same conclusion, namely that the American criminal justice system and its several components has failed to control crime and rehabilitate offenders. This conclusion has been buttressed by the findings of a number of social scientific studies including those by Clemmer, Sykes and Polsky. However, few of them, such as Irwin's book, have succeeded in presenting a systematic in depth examination of the correctional experience from the point of view of the adult felon.

Irwin began his study by analyzing the experiences of a sample of California parolees and the parole system. However, as the study progressed, it became apparent that this was a limited approach because other facets of the parolee's life style impinged upon his responses to his status, namely his prison and pre-prison experiences. Therefore he enlarged the study to an analysis of the career patterns of different types of felons. There are two major themes that emerge from this study. The first is that the career pattern of the felon, whether he is a Hustler, a Dope Fiend, a Disorganized Criminal or other type of felon, involves a weak, intermittent, ambiguous and oftentimes confusing commitment to crime as a way of life. This is contrary to a popularly held myth that there is a single tract, clear cut, increasingly greater commitment to crime, as a way of life, as the offender gets older. The second major theme is that once the felon is arrested he is confronted with a series of problems that have been created by the criminal justice system, ostensibly for the purpose of furthering correctional goals. Some of them are custodial, others are rehabilitative, and still others are generated out of ignorance by official representatives of the system. The problem, of course, is that there is a serious gap between the perspectives of the officials and the offenders in regard to the techniques and programs that are designed to implement the goals. Therein lie the seeds of conflict and misunderstanding between these two groups. The task of understanding the felon's own view of this situation, is the focus of this study.

The author approaches his problem from a framework developed by Sutherland in the first edition of his *Principles of Criminology* (New York: J. B. Lippincott Co. 1939), namely, that felons operate within the context of criminal behavior systems; that through involvement in a subculture, offenders acquire criminal perspectives and identities. The design of the study involved interviews with 116 inmates, 70 of whom were re-interviewed after their release on parole. Other data were secured through interviews with employees, ex-offenders, and correctional officials, attendance at parole functions and meetings with inmates in California institutions. Apparently, Irwin was able to elicit the cooperation and assistance of the officials, at all levels. Also, a 180-item questionnaire was used, as well as an instrument for classifying felons according to their major and most recent participation in one of several criminal behavior systems, including Hustler, Dope Fiend, Disorganized Criminal, State Raised Youth, Square John, Head, Thief and Lower Class Man.

The book is organized in terms of the principal life experiences encountered by the felon namely, the pre-prison experience, the institutional life, the community re-entry phase of his career and the parolee-agent system. The author takes each of the eight types of felons through these career phases. There are two major findings that emerge from this study. The first is that the commitment of a person to a criminal behavior system is tenuous and intermittent. As the felon enters each stage he struggles with alternative life styles. In the process he fails, frequently, to commit himself to any of them for an extended period. The exceptions are the Lower Class Man and the Square John, two types of felons who do not have criminal identities.

The second major finding is that there is a gross disparity of perspectives, on ends and means, between the felons and the officials who are charged with the responsibility for facilitating their return to the community. In this regard, this study makes a major contribution in documenting the conditions that are generated by the correctional system that hinder rather than help the felon. It is Irwin's contention that the correctional system has failed because it has not taken into account the felon's

perspective and response to official programs and procedures. The difficulties confronting the felon, from the moment he enters the criminal justice system until he leaves it, are legion. The problem of finding an avenue out of a criminal life style for the felon is compounded by the fact that he is a marginal man living on the edges of two worlds, the criminal and the conventional. In a sense, as Irwin portrays him, the felon is doomed to failure before he enters the system. It is small wonder that few offenders ever "make it," for as Irwin suggests, "the criminal very often changes his life, refrains from the type of criminal life he once followed, but he does not become a square; that is, he does not completely take on conventional values." (p. 175)

The Felon contributes to an accounting of significant aspects of the criminal justice system, particularly the correctional phase, an accounting which is long overdue. This book asks and attempts, with much success, to answer the perennial issue in this field, namely why does the correctional experience have such a debilitating effect on most offenders? Is it because they spend the most significant portions of their careers in the correctional system? Is it because they bring with them a style of life and a set of attitudes that get reinforced, not changed during the correctional phase of their careers? Is it because this system is so organized that it is literally impossible to avoid its destructive effects and that no reorganization of its structure can mitigate them? Or is it because the community is still reluctant to surrender its concern over control of offenders when crucial decisions are being made about them? Irwin suggests that a partial answer lies in the restructuring of the entire correctional system from the perspective of the felon, and not solely from the perspective of the requirements of the community. He is uniquely qualified to examine this issue, not only because as a sociologist he has addressed himself to it from a social scientific viewpoint, but also, because he has experienced the felon's concerns and problems himself, having served time in the California correctional system. *The Felon* is an informative and important book. Hopefully, it will encourage others to explore the problems of the offender from his own point of view.

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THE GONIF . . . RED RUDENSKY. By *Morris (Red) Rudensky* and *Don Riley*. Edited by *John M. Sullivan, Jr.* Blue Earth, Minn.: The Piper Co., 1970. Pp. 215. $7.95.

The title of the book comes from a Yiddish word, alternately transliterated as gonef and gonov, and translated to mean a thief, crook, mischievous prankster, shady character, or wise guy. It has somewhat the flavor of such English words as rascal and scoundrel, in that it connotes, in some contexts, a strongly pejorative tone, and in others an affectionate one. It might make an interesting study in the sociology of language to determine under what circumstances and with what effects for the socialization process words or phrases descriptive of the criminal are applied to the fun-loving and the ingenious.

Whatever this built-in ambiguity, which serves to mollify the derogatory tone of Rudensky's memoir, the subject of this first-person book was an ordinary criminal, not a clever kid in and out of a little mischief, although his initiation into the world of crime started at a tender enough age to allow for such a description. He was an ordinary criminal not only in that he committed the usual larcenous acts for which some people are apprehended and spend time in prisons (and he spent lots of time there, a sizable portion of his adult life), but because there was nothing unusual or extraordinary about the man. He had no insights, no special abilities, and the years in prison do not sparkle with the profundity that came from the pen of an Eldridge Cleaver or a George Jackson. Instead, we are treated to a couple of hundred pages of dreary prose. Did the man not have a single experience in prison worth narrating? Did he not have a single flash of understanding of the human condition? Evidently not.

The problem with this book is that the day for such banality has passed, and perhaps it should never have been with us, but at one time it was. After Attica and the Fortune Society, after the bodies that were dug up in the prison yards and the nationwide resurgence of interest in prison reform, after the civil rights revolution and the politicalization of the black and Spanish-speaking prisoners, this book sounds as if it were prepared for a freshman writing class about half a century ago. Wake up, Rudensky, the world has passed you by.

Like many of his fellow-Americans (and Rudensky, let me reiterate, is just an ordinary person, which is probably the chief disqualification for an

author), this man stood in awe before famous people. Of Al Capone, whom he so proudly proclaims (one might say brags) was his cellmate, he writes: "Despite his sinister reputation, Capone was a family man and religious too." This does not speak well for either family or religion; perhaps one can substitute the name of Hitler for Capone, and the sentence will be just as accurate. Yes, Rudensky respects Capone, not only as one loyal to his family, but for two other reasons: "He had kept his hopes flaming to the end and he had never apologized for his way of life."

As I went through one discouraging chapter after another, I too kept my hopes flaming to the end. Margaret Mitchell, of *Gone With the Wind* fame, briefly comes into Rudensky's life while he is serving time in Atlanta, and there is more sycophancy before this novelist. His encounter with the Communist leader, Earl Browder, was likewise unproductive for Rudensky or for his readers.

Finally, having spent more time in prisons than out from the ages of 12 to 47, Rudensky is a free man. He stops in Chicago, where he spends time with Ralph Capone and "his lovely family," and then we are treated to the following exercise in elegant prose:

> At the depot, I called Margaret Mitchell and her hubby. She could hardly believe her ears and kept repeating, "Red, Red, is this really you—are you really out?"

If philosophers were kings and men of letters were prosecutors and judges, people would be in prison for writing and publishing a book containing such a passage.

But Rudensky does emerge from prison, the gates are officially opened (he has had in the past successful and unsuccessful escape efforts), and he settles down to a good life. It is not age itself that rehabilitates him—although there is evidence that aging is the most decriminalizing force in society; rather, Rudensky is given an excellent opportunity by an ex-convict who has dedicated his successful business life to offering jobs to former prisoners. There is no stigmatization and no concealment: the men are working and living in the community, openly avowing their past. A transformation, almost magical, comes over them. Their motivation to commit crimes is reduced to a vanishing point. The lesson is clear, and should be restated and studied: the answer to recidivism is employment, and the road to rehabilitation is the belief of a man that he has been welcomed with warm embrace into the arms of a humanity from which he had once been expelled.

Perhaps 200-odd pages of mediocrity and dullness are worth wading through in order to arrive at this note of hope.

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THE FRYING-PAN: A PRISON AND ITS PRISONERS. By *Tony Parker*. New York: Basic Books, 1970. Pp. xvi, 222. $6.95.

The Frying-Pan, by Tony Parker, is a book of tape recorded interviews of about 28 prisoners, 3 staff members, 2 wives of staff members and a prisoner's wife at Grendon-Underwood, "England's first and only psychiatric prison." Mr. Parker is identified on the back flap of the dust cover as a "well-known author and television writer who was permitted by the British Government to stay at Grendon prison and conduct interviews without subsequent supervision or censorship."

This book is entertaining rather than informative. It does not say much about Grendon Prison. The author admits to this on page 211, when he states, "The progressive penological thinking practiced at Grendon thoroughly deserves informed study and a wide audience; a book of such kind is greatly needed and will undoubtedly fulfill 'a long felt want.' I am sure one day someone will write it. In the meantime however my concern was with producing something quite different: a simple account giving some idea of the sort of people imprisoned there, either as prisoners or as members of the staff."

The Frying-Pan is a simple account of some of the people of Grendon. In fact, it is too simple. It is obvious that the author over-edited the recordings. In his effort to condense the interviews, he has made all of the subjects sound too pat, too stereotyped. Even where an effort is made for selected ones to appear tough, the author has the subjects using obscenities like a ten-year-old boy who has learned a new swear word.

Chapter headings provide colorful stereotyping with groupings such as "A Few Hard Nuts," "The Wicked Uncle," "Good-Hearted Harry," "The False-Pretense Merchants," "Some Bad Bad Bastards" and "The Nonces." The impression is that the people in those categories are not people, but are characters with permanent roles in life, whether in prison or out of prison.

I would like to have learned something about Grendon. Since it is unique in England, what

contribution has it made to the field of corrections? How does it compare with other methods of treatment and confinement? What theories and philosophies were implemented in the planning, building, and operating of Grendon? *The Frying-Pan* does not provide this information, but the author did not intend that it should. What this book does provide is a delightful cast of characters of inmates and non-inmates who "are imprisoned at Grendon." These characters may some evening appear on another confinement facility, television, to entertain its captives.

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VIOLENCE IN SARDINIA. Edited by *Franco Ferracuti, Renato Lazzari,* and *Marvin Wolfgang.* Rome: Mario Bulzone Editore, 1970. Pp. 164. Paperbound, $5.00.

Until discovered recently by tourists as an out-of-the-way place unlikely to have been visited by the Jones, Sardinia was a splendidly isolated island remote from both the Italian context and the suffocating embrance of modernization. Not exactly Shangri-La, this 160 by 90 mile wide island, the second largest in the Mediterranean after Sicily, has nonetheless been conquered and subjugated by just about every major empire in this cradle of civilization area. Chronic misrule, exploitation, prolonged feudalism, and a mountainous terrain largely inhospitable to agriculture and to internal geographic mobility, has perpetuated a pastoral society, and honed a fiercely independent people with an abhorrence of authority, however legitimate. Since the western shore of Sardinia is more readily accessible than the eastern, foreign invasions as well as most of the development of the island has been in the western portion: the farther east inland, the greater the resistance to social change and modernization.

This pastoral milieu of distrusting and alienated folk has spawned not only a ritualistic and inward looking mentality, but a society in which the major crimes—kidnapping, murder, and cattle (sheep) stealing called *abigeato*—reflect and highlight a rapidly disappearing life style. The impact of tourism, urbanization, and mainland influences is altering just about everything on the island including traditional criminal patterns, and even the demography and ecology of crime.

Violence in Sardinia is consequently a most timely volume. The editors, Ferracuti, Lazzari, and Wolfgang, use Sardinia as a dramatic and realistic culture case study to test the validity of the subculture of violence thesis. The book does more than assess the Wolfgang-Ferracuti theme. In fact, it is only at the very end of the volume that empirical evidence on Sardinian and mainland violent and property offenders is presented to test this theme.

Luca Pinna, a Sardinian sociologist, is masterful in describing and analyzing the socio-historical forces which have shaped modern Sardinian society. Professor Camba and his collaborators surprise us pleasantly with their detailed and well presented analysis of regional patterns of past and present criminality on the island. Their ecological and demographic descriptions are accompanied by 12 tables and 24 charts and graphs, nearly all in color, as well as a color insert of Sardinia by geo-economic areas. Judge Giuseppe di Gennaro has written an incisive, if all too brief, comparison and analysis of the legal considerations involved in prosecuting and sentencing Sardinian and mainland homicide offenders. The medical director of the Rebibbian Observation Center, using the results of the battery of diagnostic tools available to him, presents individual diagnoses of each subject as well as group classifications (normal, psychopathic personality, other). Dr. Fontanesi's two case histories illustrate the variety and depth of clinical material collected in this research enterprise.

All of this fascinating interweaving of the historical, legal, sociological, ecological, and clinical is submitted as a necessary precondition for examining the subculture of violence theme—a perspective which argues that the expression of individual violence has been embedded very deeply in the cultural norms of the Sardinians and particularly in the normative structure of the inhabitants of the very pastoral Barbagia region. Using their sensitizing perspective, Ferracuti, Lazzari, and Wolfgang submit three major hypotheses sets for test:

1. Sardinian and non-Sardinian homicide offenders should show consistently different behavior patterns especially in their family histories and interaction patterns, and on the psychological trait level (*e.g.*, the former should have little or no anxiety or guilt concerning the homicide).

2. Sardinian murders should be relatively free of psychopathology.

3. Sardinian offenders of all types should be

culturally more homogeneous than mainland offenders.

The human material for study was drawn from all offenders, 18–25 years of age, serving a minimum four year sentence who were diagnosed and classified at the Italian prison system's Observation Center at Rebibbia (Rome). Of the 1500 cases processed at this Observation Center, the authors included all 26 non-violent Sardinians, 30 similar property offenders from other parts of Italy (but not Calabria or Sicily), and 30 murderers each from Sardinia and from the mainland. The criteria for selection are spelled out carefully and involve consecutive intake, the definitiveness of the data available in their case folders, and prison interpersonal adjustment (*e.g.*, violent incidents).

Using this incredibly large and detailed array of information—extensive medical, neuro-psychiatric, personality, and social history protocols—the authors find solid and substantial evidence to support their subculture of violence thesis. In their own words, "No data run contrary to the basic hypothesis of the existence of violent socially learned and reinforced responses in Sardinian violent offenders." The Sardinian violent criminals show less psychopathology, guilt, and parental rejection, and conversely, greater explosiveness, hostility, and cruelty in their offenses.

While by no means the definitive test of the subculture of violence thesis, *Violence in Sardinia* comes as close to operationalizing and validating this sensitizing concept as the state of the art will presently permit.

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SENTENCING AS A HUMAN PROCESS. By *John Hogarth.* Toronto: University of Toronto Press in association with the Centre of Criminology, 1971. Pp. xiv, 434. $15.00.

This is a thorough, balanced study of the variables that go into the sentencing decisions made by magistrates in Ontario. These magistrates have wide jurisdiction, covering most of the offenses dealt with by both county and district courts in the United States, so nearly all the variables of offense and offender met in the vast majority of criminal cases could be dealt with by a study of 71 of the 83 magistrates in the province. Analyses of court records alone are limited to a "black box," input-output analysis of decision making processes. To go beyond these, Hogarth and his associates determined the effects of judges "information-space" (what facts are considered important, how these facts are related to each other, and which facts are considered "over-riding"), perceived legal "room" for maneuver (ways judges worked with and through the feasible alternatives), social constraints (all the forces of expectation in the community), and the judges personalities. Personality measures consisted of attitude scales developed both by Likert methods and factor analysis using statements identified in extensive interviewing with the judges themselves. On the grounds that these statements were developed out of the judges experience the study is "phenomenological" in the best sense.

Although the author has developed numerous "technical appendices" which are not included in the book and although he makes a strenuous and commendable effort to interpret statistical measures in non-technical language, the sheer multitude of findings and of statistical tests (all quite appropriate to the data involved) is somewhat staggering. When the findings are raised to a moderately high level of generality, they tend to conform to stereotypes about judicial behavior. For example, the tremendous variability among judges is explained, in the last analysis, by fundamentally different penal philosophies. These are correlated with rural-urban differences, beliefs about the functions of sentencing, cognitive complexity, reference groups, knowledge about crime causation, and sentencing behavior. The consistency of these various aspects of judicial behavior is explained by sophisticated forms of dissonance theory. Indeed one of the most useful sections of the book is the identification of the type of situation which sentencing comprises and how, in this type of situation, the consistency of judicial behavior is to be expected.

The combination of extensive interviewing, completion of questionnaires, and anlysis of "sentencing study sheets" which many magistrates were to complete for 100 actual cases that came before them created seminal opportunities for comparison of general attitudes and the thought processes used in actual decisions. Most of these followed the consistency pattern, but the judges rated "reformation" higher as a general purpose of sentencing than they did when their rationales for individual decisions were averaged out. In the latter, "individual deterrence" out-ranked reformation.

Unfortunately, only 68 percent of the requested sentencing study sheets were turned in, and the distribution from the different judges was, as one would expect, uneven. The author deals with this problem carefully. However in a few places, the rationale for the manipulation of data is not clear. For example, numbers assigned to ratings are assumed to be equal interval figures when ratings are multiplied by frequencies. Also, separate items in some scales seem to be somewhat arbitrarily combined into categories. By and large, however, the study contains excellent methodology.

The major contributions of the study include: 1) the identification and measurement of variables which are to be considered in all studies of judicial behavior, 2) the identification of syndromes of attitude and behavior that cohere to produce definable patterns of sentencing, 3) the identification of devices by which judicial behavior may be predicted with some accuracy, and 4) the application of general principles of decision-making to the sentencing process.

The one value-bias the author states is a conviction that decisions should be based on all the available information. This conviction leads to an emphasis in the main body of the book on how the magistrates gather, process, and utilize information and to an emphasis in the recommendations for action of how more comprehensive information may be brought to bear on cases before judges.

Overall, the book is a valuable one. Judges should read it to become aware of the processes they use in decision-making; those responsible for nominating or appointing judges should read it and utilize its findings in the selection processes; and criminologists should read it as a profound study of an important social process.

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ADULT CRIME AND SOCIAL POLICY. By *Daniel Glaser*. Englewood Cliffs, N.J.: Prentice-Hall, 1972. Pp. viii, 128. $5.95.

This small hard-cover book is one of a series, now numbering more than a dozen, put out by Prentice-Hall on various critical situations, viewed as social issues in need of social policy. Included in the series are books on mental health, the family, education, the poor, violence, women, and now adult crime. According to the editor of the series, "it represents a unique effort to give scholars, practitioners, policy-makers, students, and laymen a series of volumes that not only draw together theoretical propositions, empirical findings, and intelligent sociological observations, but also use the acumen of the social sciences to suggest approaches, programs, and methods of remedying and ameliorating undesirable social conditions and behavior."

As is true of such series, Glaser's book is a gathering-up, a summation, of research, and not a report of original research or theory by the author. Usually the publisher sets a general uniform pattern for a series, limits the length of each book, and establishes a style suitable for the anticipated readers. The author agrees to write to these specifications. The result is a condensation into a hundred pages of text of the various subjects usually elaborated into six hundred or more pages in a college textbook. It is within these limitations that Glaser's book must be judged.

Glaser is well grounded in the various aspects of criminology, is a competent researcher, and a critical thinker. This book reflects his breadth of knowledge and displays an ability to write free of sociological jargon. The text is documented and an up-to-date bibliography is provided.

Since the book is limited to adult crime, Glaser clearly draws the legal line between juvenile delinquency and adult crime, but reaches back into the juvenile period in establishing the continuity of behavior between childhood, adolescence, and adulthood. This is one example of his placing criminal behavior in the general psychological and sociological framework for analysis of all behavior. Crime is human behavior that develops under certain conditions, just as legal behavior results from other conditions. Thus, crime is not set forth as peculiar or abnormal behavior that cannot be understood within the range of general theories of behavior.

Glaser uses a classification of crime common to most criminologists but couched in slightly different terms. His categories are predatory crimes (against persons and against property), illegal selling and consumption, illegal performance, and criminal negligence. Types of criminals are related to types of crime, but note is taken of the fact that many criminals (except professionals) do not specialize in only one type of crime.

The author lists a "few variables demonstrated by research to be statistical indicators of commitment" to criminal behavior: prior criminality, certain prior sources of income, certain prior types

of social relationships, subcultural values that support crime, and certain personality traits. The ways in which these five variables reinforce each other or pose conflicts are not elaborated.

In Chapter 3 a new typology is set up called "policy relevant typifications of adult crime careers." The earlier typology is modified to suggest that differential policies are needed for different types of criminal. This is perhaps the most original and interesting part of the book, the part where Glaser displays not only his knowledge of criminology but his ingenuity in suggesting new approaches. For example, the term "adolescence recapitulators" is applied to the vast number of young men in prison for non-professional and inept types of personal or property predation. Like the teenager, they are still struggling for secure adult status. Glaser reviews what is being done and suggests what might be done to close the gap between unorganized adolescence and secure adulthood. Other categories are subcultural assaulters, addiction-supporting predators, vocational predators, organized illegal sellers, avocational predators, crisis-vacillation predators, quasi-insane assaulters, addicted performers, and private illegal consumers. For each type, some pertinent information is given, a description of policies and programs now in use, and suggestions for further programs. In this section Glaser makes a number of value judgments regarding programs, unsupported by research, apparently growing out of his own value system or his wide knowledge of criminal behavior. These are clearly differentiated from the documented results of programs and may be accepted or rejected by the reader.

Three final chapters are devoted to critical discussions of the deficiencies of police, courts, and corrections. An undue amount of space is devoted to details of the three systems and emphasis seems to be on shortcomings. Perhaps there are few innovative programs to be discussed for police and courts. The last chapter, on corrections, briefly reviews some newer approaches to rehabilitation, with emphasis on ways to reintegrate the criminal into society after his release from prison on parole: work release, halfway houses, and counseling.

The book covers in brief form a vast array of topics. Some of its imbalances have already been mentioned. One that has not is the complete omission of discussion of women criminals, even though it is well known that they differ from men in types of crime, prior conditions, types of treatment, and types of prison frustrations. The values of the book outweigh the deficiencies, many of which seem attributable to the limitation on length. The book is well worth reading.

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