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BOOK REVIEWS

REVIEW ARTICLE

A REVIEW OF NORVAL MORRIS' THE FUTURE OF IMPRISONMENT*

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Norval Morris' basic premise is that prisons indeed have a future. He expresses "an optimistic view of the future of imprisonment... despite scholarly attacks, despite assaults by national commissions, despite even the powerful criticism of prisoners, the prison has, in my view, a considerable future which merits rational analysis and careful planning." His concern is to develop a philosophy of imprisonment which will determine its use with "restraint and humanity until it is no longer needed for social control." In a lucid style he achieves a great deal in this brief volume published in the University of Chicago's Studies in Crime and Justice. In particular he provides the basis for a jurisprudence of sentencing, with forceful arguments for acceptance of certain principles and for the rejection of notions of dangerousness and treatment as reasons for imprisoning an individual.

Morris, however, steers a middle course on a number of issues and proposes something less than an overhaul of contemporary practices of imprisonment. He anticipates that much of what he has to say, including his specific design outline for a model prison (his fourth and final chapter), will be attacked from both the left and the right. He not only retains the prison; he sets out to rehabilitate the individualized treatment model. He would breathe new life into a sick parole system which may well be on its deathbed,[1] and offers to reform the plea-bargaining process.

He acknowledges that to some extent his positions are determined by his assessment of political realities. He believes, for example, that a combination of inertia and expediency will preserve parole and plea-bargaining and that their elimination is beyond the realm of the possible. He regards many of the attacks upon imprisonment itself as being potentially counterproductive. Morris refers to a lack of consensus among the critics as "a fervor and factionalism, a modishness in their recommendations that seriously impede correctional reform." He rejects the contention that the system of imprisonment is beyond reform and insists that scholarly and administrative efforts must be allowed to proceed without hindrance from these "nihilistic anxieties."

Morris writes with an ease and grace and he is certainly among the most readable contemporary commentators on criminal justice. The book is a refreshing contrast to much of the sociological stodginess which students are routinely fed. Missing, however, is any note of anger or despair, any reference to Attica and the political consciousness of many prisoners as to the meaning of their plight, or even a whiff of the stale futility which is inherently part of prison life.

In his review of the early history of imprisonment as a punitive disposition he recalls that its inventors, the Pennsylvania Quakers, essentially regarded it as a diversion from capital punishment and other horrific practices of that era. He writes: "It was a gift born of benevolence, not malevolence, of philanthropy not punitiveness so that the most important contemporary lesson . . . may well be a deeper appreciation of the truth that benevolent intentions do not necessarily produce beneficent re-

* A review article of THE FUTURE OF IMPRISONMENT. By *Norval Morris*. Chicago: University of Chicago Press, 1974. Pp. xiv, 144. $6.95.

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[1] *Cf. Project—Parole Decisionmaking and the Sentencing Process*, 84 YALE L.J. 810 (1975).

sults." Morris aligns himself with those who express extreme caution about the present day enthusiasm for diversion programs which may serve only to widen the net of social control agencies.

A key point of the book is that imprisoning a person is a punitive act and must be acknowledged as such. Although rehabilitative intentions should not be part of the decision to imprison he does not abandon notions of rehabilitation or the individualized treatment model. He declares there is nothing wrong with the model and that the task is to liberate it. He suggests that this can be done by rejecting the notion that behavior in prison can be used to predict behavior after release, and by recognizing that psychological change cannot be coerced.

His position is less clear as to whether or not prisoners need some form of treatment intervention. Although he comments at one point that many prisoners are probably best left alone to do their time, he remarks elsewhere that prisons contain a disproportionate number of people with psychological and other handicaps. Morris argues that prisoners should be free to accept or reject any treatment that the authorities might propose. For this choice to be meaningful he insists that release and voluntary treatment cannot be linked.[2] He argues that voluntary consent to treatment within the prison is viable only when the release decision is not based upon treatment or other program considerations. He warns that there must be safeguards such as prisoner peer review of consents to any treatments as well as a professional review of "the more heroic invasions of the psyche." [3]

Morris says the prison will offer a possibility of rehabilitation once there is a substitution of facilitated change for coerced cure, and a graduated testing of fitness for freedom replaces parole predictions. Morris does not say that rehabilitation should be a consideration in the decision to imprison. Indeed, he makes a very strong case for rejecting any such purpose in sentencing decisions. Nor is he implying that prisoners have a right to treatment, and he endorses David Rothman's warning about the use of the "noble lie" strategy in prison litigation.[4] Morris' position is that an individual should not be sent to prison for treatment. Nor is it valid or wise to litigate on a person's behalf on the basis of a supposed right to receive treatment. He contends that, once in prison, the individual can do something meaningful about his or her situation if free of such pressures, as obtaining a release date. Release dates should therefore be fixed early in the sentence. Although Morris rejects predictions of future behavior as a basis for sentencing, and despite his view that "the parole decision as it is at present exercised is in all instances an exercise in injustice," he does not advocate the elimination of parole boards. While he sees little use for them, he holds that they serve certain "latent functions" and that they do provide "vocational opportunities for those currently in the penal system," commenting that "prison, like other social institutions, serves its functionaries." The vested interests of guards and professionals cannot be underestimated in the politics of change. A publication such as *Out of Their Beds and Into the Streets,* published by the American Federation of State, County and Municipal Employees (AFSCME) with its attack of the decarceration movement illustrates well that the future of prisons concerns those who work in them as much as the incarcerated. Jerry Wurf, President of AFSCME, may have clouded the issue when he observed in his forward: "It's time we came together, to build a constituency that supports the right of every American to proper institutional care. . . ." [5]

[2] The Washington Post, April 13, 1975, reports that the Federal Bureau of Prisons is contemplating this issue. "The prison bureau has not yet formulated a new policy, a spokesman said, but it already has begun backing away from rehabilitation by changing the terms it uses and by dropping a requirement that all prisoners choose some educational or vocational program while in prison. 'What we want to do, and we still haven't done it yet, is to make programs voluntary,' the spokesman said." The same article went on to quote the bureau's director Normal Carlson as saying: "You can't coerce people to change . . . it's up to the individual inmate to want to change."

[3] For a recent study of the urgent need for safeguards see STAFF OF SUBCOMM. ON CONSTITUTIONAL RIGHTS OF THE SENATE COMM. ON THE JUDICIARY, 93RD CONG., 2D SESS., REPORT ON INDIVIDUAL RIGHTS AND THE FEDERAL ROLE IN BEHAVIOUR MODIFICATION (Comm. Print 1974).

[4] Rothman, *Decarcerating Prisoners and Patients,* 1 CIVIL LIBERTIES REVIEW 21–22 (1973).

[5] AMERICAN FEDERATION OF STATE, COUNTY AND

Morris' conclusion that parole boards will remain in business appears to be an unnecessary compromise. Under his scheme parole boards would make the release decision within the first few weeks of the sentence based upon the findings of prison reception and diagnostic centers. While acknowledging that such centers are a waste of resources, he appears to believe they can be salvaged by this new purpose of providing the information on which release dates and the conditions of parole can be determined. This policy, Morris contends, "would preserve all that is valuable in our present reception-diagnosis and parole systems and at a stroke eliminate much that is hypocritical, superfluous, and counterproductive." Morris makes it clear that he departs sharply from the recommendation of the authors of *Struggle for Justice*[6] for inflexible non-discretionary prison terms. He would allow for "good time" to be lost or gained through misconduct and other considerations. It is not entirely clear, however, to what extent the release date would be affected by the prisoner's response to pre-release programs. He refers to this as "testing fitness for release" and his scheme retains much of the uncertainty of current practices.

His willingness to preserve parole boards and indeterminate sentencing is puzzling. He dismisses arguments for the predictive abilities of parole boards. He would use clinical predictions in determining conditions of pre-release and parole. He also acknowledges that parole may well cause an increase in total prison time served, rather than a reduction. Despite this, he refuses to join the ranks of Ramsey Clark,[7] Richard McGee,[8] and others who have moved from being supporters to opponents of parole. Morris remains unspecific about the "latent functions" of parole, and he has greater confidence in administrators than in legislatures and the judicial system. Legislative changes certainly have to be undertaken with great care if the use of imprisonment is not to increase. At least two states, California and Illinois,[9] may be on the brink of moving in the direction of fixed rather than indeterminante sentences. The principles that are to guide sentencing should be determined by the legislature and sentencing itself should be a judicial decision. Abdication of sentencing responsibilities to administrators has been an unhappy story. It is disappointing that Morris should be so cautious on procedural reforms while delineating sweeping principles for the development of a jurisprudence of sentencing.

He explains his ideas of non-coercive treatment and early determination of release dates in the context of a model prison. The prison would hold a maximum of 200 prisoners, ages eighteen to thirty-five, who have two convictions for serious crimes of personal violence during the last three years they have been in the community. He acknowledges that his design may quickly become distorted once applied, but insists that it is a legitimate step toward reform. He argues that it is an alternative to the "maxi-maxi prison" which might otherwise be sponsored by corrections officials. By selecting a "deep-end" group he hopes his model prison will have a demonstrable impact on the remainder of the prison system. The prison would offer a combination of maximum perimeter security, internal movement, and privacy. All programs would be voluntary, with the exception of a small living and discussion group of eight prisoners and up to four staff members. Prisoners would be randomly assigned to the prison from a pool of eligibles who would have possible release dates between one and three years distant. Those not allocated to the prison would form a control group. There would be almost as many staff as prisoners and up to half of these might be women. The model prison would attempt to achieve a racial balance among staff and prisoners.

MUNICIPAL EMPLOYEES, DEINSTITUTIONALIZATION: OUT OF THEIR BEDS AND INTO THE STREETS, (February 1975).

[6] AMERICAN FRIENDS SERVICE COMMITTEE, STRUGGLE FOR JUSTICE: A REPORT ON CRIME AND PUNISHMENT IN AMERICA. (1971).

[7] CITIZEN'S INQUIRY ON PAROLE AND CRIMINAL JUSTICE, INC., REPORT ON NEW YORK PAROLE, (March 1974).

[8] McGee, *A New Look at Sentencing: Part I*, 38 FED. PROBATION, Jan. 1974, at 3; McGee, *A New Look at Sentencing: Part II*, 38 FED. PROBATION, Apr. 1974, at 3.

[9] The Chicago Sun-Times, February 21, 1975, reported Governor Walker of Illinois as saying: "I do want to go back to the concept of punishment: because experts agree that prison rehabilitation programs are just not working."

During the first four to six weeks in the model prison new arrivals would be involved in intensive discussion with staff about their indivdualized "contract," which sets out a release date as well as dates for furloughs and a prerelease date to a hostel. The requirements would not include involvement in any treatment programs, with the exception of the mandatory living group. Morris makes it clear that the "contract" is to be drawn up by staff and would in no sense be negotiated, although the prisoner would be free to reject it and thereby opt for transfer to another prison. In that event he would retain his prior release date. The day would consist of meaningful paid work. The whole program would be subject to an evaluation independent of the prison system. Although criteria such as humaneness would be used, the prison would be deemed a failure if there were no reduction in violent crime on the part of its graduates as compared with the control group. Given the findings of Martinson and others that repeated and various treatment interventions have not reduced recidivism, the chances for Morris' model prison are not promising. The evidence from Scandinavia reported by Ulla Bondeson, where there are prisons not too dissimilar from the Morris model, is also discouraging.[10] There seems to be little reason to suppose that the liberation of the individual treatment model, which, for Morris, is the critical feature, will affect recidivism.

In many respects this final chapter is the least satisfactory; a convincing case is not made for experimenting with yet another model prison. Morris, however, is undoubtedly correct in assuming that imprisonment will not wither away, and in holding that its purposes must be redefined and its use reduced. Elsewhere in his book he develops a jurisprudence of imprisonment. It is upon this that the future of imprisonment might be determined, rather than on a particular model prison which promises to be a costly failure.

In a provocative chapter he sets out the considerations which, in his view, would justify and restrict the use of imprisonment. He states three principles which should guide the decision as to whether or not to imprison:

1) Parsimony: meaning the least restrictive sanction necessary to achieve the defined social purposes.

2) Dangerousness predictions: an unjust basis for determining that the convicted criminal should be imprisoned.

3) Desert: meaning that no sanction should be imposed greater than that which is "deserved" by the crime for which the offender is being sentenced. Morris sets out three preconditions to imprisonment:

A) Conviction or guilty plea to an offense for which imprisonment is legislatively prescribed.

B) Imprisonment as the least restrictive sanction because: either (i) a lesser punishment would depreciate the seriousness of the crime, or (ii) imprisonment of a particular offender is necessary for deterrent purposes, or (iii) other lesser sanctions have been frequently or recently applied to the offender.

Morris is on well-trodden ground in his endorsement of the principle of parsimony. The American Law Institute's Model Penal Code, the American Bar Association's Project on Minimum Standards for Criminal Justice, and two recent national crime commissions have advocated parsimonious use of imprisonment. With his attack on the use of dangerousness predictions he leaves this distinguished company and provides what is perhaps the most cogent part of the book. He states firmly: "Despite the weight of authority supporting the principle of dangerousness, it must be rejected because it presupposes a capacity to predict quite beyond our present or forseeable technical ability." At another point, he writes, "The concept of dangerousness is so plastic and vague—its implementation so imprecise—that it would do little to reduce either the excessive use of imprisonment or social injury from violent crime." Morris' carefully argued and well documented position is a much needed antidote to the naive endorsements of a variety of policies based upon the dangerousness idea. The National Council on Crime and Delinquency, for example, has urged extended sentences for those predicted to be dangerous so

[10] U. BONDESON, FANGEN I FANGSAMHALLET 581-608 (Malmo: P.A. Norstedt & Soners forlay 1974) (English summary).

that other offenders might be imprisoned for lesser periods or not at all. Morris points out that whatever the good intentions behind such proposals, the consequences are likely to include an increase in the use and extent of imprisonment. He draws attention to research on prediction techniques, demonstrating that a large proportion of prisoners predicted to be dangerous are not. This is the price to be paid if predictions of dangerousness are allowed to influence imprisonment and release policies.

The consequences of prediction are masked by an official cautiousness about release which is often dictated by political and administrative considerations. On occasion, however, this mask is removed. One such instance, reviewed by Morris, occurred after the United States Supreme Court decision in *Baxstrom v. Herold.*[11] *Baxtrom* involved the release or transfer to civil mental hospitals of over 950 individuals who had been illegally held in institutions for the criminally insane in New York state on the grounds that they were dangerous to themselves or others. Morris refers to the research of Steadman and Keveles which involved a four year follow-up and quotes their conclusion: "All the findings seriously question the legal and psychiatric structures that retained these 967 people an average of 13 years in institutions for the criminally insane." Other research studies of predictive techniques have come to similar conclusions. Morris makes it clear, however, that his concern in rejecting the dangerousness notion arises not from the technical inability to predict violent behavior, but from a basic concern for justice. He rejects incapacitation as a penal purpose on the grounds of basic justice. He holds that "such punishments should be opposed because of fundamental views of human freedoms, rights and dignities." He draws upon John Rawls' *A Theory of Justice* to support his proposition that basic freedoms and dignities of the individual prisoner cannot be sacrified regardless of any assumed social gains.

Morris' third factor in the decision to imprison is "desert." This would seem to be a different position from those who say that punishment should, in the main, be determined by "just desserts." Morris would place an upper limit on the punishment to be imposed rather than actually fixing the degree or type of punishment. He holds that the criminal law cannot distribute "just desserts" and quotes George Bernard Shaw's maxim that, "Vengeance is mine, saith the Lord; which means that it is not the Lord Chief Justice's." Desert keeps other purposes such as deterrence within prescribed limits, and serves to prevent punishment from becoming tyranny. He observes that "desert" includes a retributive floor as well as ceiling, although parsimony and other considerations may bring the actual punishment well below the ceiling. Morris does not deal with the problem of discretion, which is surprising given *Struggle for Justice* as the point of reference. The authors of *Struggle for Justice* saw discretion as the core problem of criminal justice; Morris holds that "deserved justice and a discriminatory clemency are not irreconcilable." This statement is unlikely to convince those who do not share his confidence in man's fairness to man, a confidence which is especially lacking in those who have experienced the lawless jungle that pervades every stage of the criminal justice process.

Morris has gone a long way towards the development of a jurisprudence of sentencing. He offers an approach which is more likely to reduce the use of imprisonment than the Model Penal Code, which has had a considerable impact upon state and federal penal codes. It is to be hoped that his powerful critique of incapacitative and treatment purposes of imprisonment will receive the urgent attention of all those involved in the revision of penal codes. Morris clearly would reduce the extent to which imprisonment is used in the United States. Although he mentioned the Dutch experience at one point, he does not explore the remarkable fact that there has, for the last decade, been a steady reduction in the per capita number imprisoned, so that its rate of imprisonment is one tenth that of North America), while at the same time the number of individuals being imprisoned in Holland has gradually increased. With prison sentences becoming increasingly short and measured in weeks rather

[11] 383 U.S. 107 (1966). *See also* Steadman & Keveles, *The Community Adjustment and Criminal Activity of the Baxstrom Patients: 1966–1970,* 129 AM. J. PSYCHIATRY 304–310 (1972).

than months and years, the prison's basically punitive purpose is explicit. It would be interesting to know if the fact that a broader range of offenders faces the possibility of prison in Holland for driving or other misdeeds, which the professional classes are more prone to than the poor, has led to moves ensuring that both conditions be humane and sentences be brief.

It would seem probable that these developments in Holland, especially notable during the last fifteen years, are at least, in part, a consequence of recognizing the essentially punitive purpose of imprisonment. *The Future of Imprisonment* is especially valuable for its argument that the decision to imprison must be freed from considerations of predicted dangerousness and rehabilitation. In so doing, Morris has taken an important step towards putting imprisonment in perspective and thereby recognizing its limited role in the national concern about crime. Basic principles of justice should dictate changes within the prison so that official discretion is reduced and controlled and that prisoners can retain some dignity and individuality. If the corrections process drops the pretense that it is able to help and concentrates on minimizing the damage it inflicts, an important step will have been taken. At the same time we must recognize that imprisonment is largely irrelevant to the problems of serious crime and may be deflecting attention from issues which are too uncomfortable to confront.

THE JUVENILE COURT IN A CHANGING SOCIETY. By *David Reifen*. Philadelphia: University of Pennsylvania Press and Hertzl Press, 1974. Pp. 214. $10.00.

At a time when the juvenile court is under attack both as a concept and as a social-legal instrument, this book by Judge David Reifen, expressed with clarity and credibility, is most welcome. Here is a man, who in the midst of much adversity has carved a career of such significance that he is known and respected wherever juvenile court judges or magistrates assemble.

This book gives an excellent analysis of the problems of delinquency in Israel and presents a balanced commentary on the procedures and practice in the juvenile courts in that country. While the title may be somewhat misleading to the reader who anticipates more universal reflections on the thorny subject of juvenile justice, Reifen's book focuses mainly upon the problems of Israeli youth in conflict with the law.

The empiricism of this down-to-earth judge is better understood when you read in the preface that:

> The ideas and impressions presented here are based on over thirty years of field work—the first ten as a child welfare worker with wayward children and some twenty years with delinquent children as a judge in juvenile court.

Judge Reifen's book is an authentic document badly needed today when the fate of the juvenile court hangs in the balance. His common sense does much to abate the fear that lies in the wake of Gault that our ignorance of child development is so abysmal that our safest plan is to divert into what is advertised on the front of a building in the Bronx, "an alternative to the juvenile justice system." With judges like David Reifen it is possible to continue to deal with most of our delinquency cases in the Juvenile Court. But Reifen is a rare human being.

In a forthright manner the author introduces us to the complexity of modern Israel and its implications for a person who must daily grapple with the problems of young people—be they Oriental Jews, Israeli Arabs, or those like our own, caught up in a search for life styles foreign to an older generation.

The author explains Israeli laws as they apply both to delinquent children and to those in need of care and protection. He describes the roles of the various persons involved in the juvenile justice process with special reference to probation officers, but including the ancillary social work services that render assistance to the court. The use of "juvenile police" as a special approach to the problem of delinquency is well documented.

Judge Reifen deals with two controversial matters in a convincing manner. Chapter 7, entitled "Therapeutic Use of the Court Set-

ting," is based on the assumption that a judge possessing the right combination of personality, humanity, and knowledge of both the law and the behavioral sciences can create such a positive atmosphere in the courtroom that the child will be helped. The labelling theorists of course would challenge such conclusions. It has been stated that the courtroom experience, rather than being therapeutic may in fact be traumatic and self-defeating. Reifen replies "an authoritarian institution such as the court may have a therapeutic effect." He describes cases to prove the point and shows how he personally approaches each problem with care and patience. He states, "a judge of the juvenile court cannot operate in a vacuum." "The judge is thus a member of a team, his function being limited but well defined; his work will be effective only if co-ordinated with that of probation officers, and the instructors and headmasters of approved schools whose contact with the offender is lengthier and more sustained in character."

The second controversial subject dealt with by Judge Reifen is that of sex offenses and the protection of children. In 1955 a law was passed in Israel to provide legal safeguards to protect child victims of sex offenses from the trauma that might result from "police questioning and court appearance." This unique law, which has been firmly established in practice in Israel, is worthy of serious study. It includes two important innovations. "Investigation of the child victim is put into the hands of experts who are trained in interviewing and mental hygiene. Secondly, a child victim under 14 years does not give evidence in court unless the youth interrogator has decided that he may appear."

Thus the youth interrogator becomes a surrogate for the child in presenting evidence before the court. Under such an arrangement, the issue of hearsay becomes one of paramount importance. Judge Reifen discusses the balancing of considerations involved in the issue.

The foreword to this book was written by Professor Marvin Wolfgang, Director of the Center for Studies in Criminology and Criminal Law at the University of Pennsylvania. He states, "we are therefore especially indebted to Judge David Reifen for his insights and must applaud his capacity to relate his personal experiences in a way that enlightens us and provides general patterns for a broad analysis of juvenile justice."

The Juvenile Court in a Changing Society is an important book. It should be read by persons concerned about children and their best interests.

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CRIMINAL JUSTICE AND THE COMMUNITY. By *Robert C. Trojanowicz* and *Samuel L. Dixon.* Englewood Cliffs: Prentice Hall, 1974. Pp. 424. $10.50.

In preparing *Criminal Justice and the Community,* Trojanowicz and Dixon presumably intended to provide instructors and students in criminal justice programs with a textbook on the important (and currently fashionable) topic of police-community relations, a text that one suspects has been geared primarily for the junior college market. Toward that end, the authors include twelve chapters discussing the history of law enforcement, police relations with minority groups (a heading under which the authors include such "minority groups" as "gangs," "strikers," and "draft rioters"), the organization of police-community relations units, and related topics.

One is left with the impression that the objective of the volume is to acquaint the reader with contemporary thought on the determinants of human behavior, the nature and history of law enforcement, and the purpose and present status of police community-relations programs. Thus, the text is properly designed as a primer in such areas as law enforcement, political science, psychology, and sociology.

On balance, I would have to conclude that this volume clearly focuses on a timely and important topic. It is certainly designed for use by students who could benefit from exposure to contemporary materials on the issues that the authors purport to cover. It is written at a level that any beginning college student can easily follow, perhaps too easily.

I can detect but one major problem: *Criminal Justice and the Community* is, to be succinct, a bad book. It is bad because it is far too simplistic; because it provides at least as many misconceptions as it provides adequate understandings; because it is poorly documented; and because it was dated at the time of its publication.

To flatly assess that anyone's work is of little utility is considerably easier than to construct reasonable rationale for the evaluation. In the present case, my negative feelings are closely associated with my thoughts on what a textbook should do. I think that a text should bring the student into contact with the most recent thought, that it should do so in a concise and well-organized fashion, that it should present alternative perspectives as objectively as possible, and that it should direct the interested reader toward whatever additional materials and references are appropriate. In short, a text should at least inform the reader and refer him to other materials that are significant. To illustrate the fact that this volume accomplishes few, if any, of these goals, I will restrict my comments to two flaws of the volume.

First, I am amazed at the dated and superficial coverage of a rapidly growing literature on many of the issues that the authors claim to cover. This is in part attested to by a review of the citations made in the text and the references provided in a rather lengthy (twenty-six page) bibliography. For example, consider the fact that in five of the twelve chapters the authors provide five or less citations per chapter to relevant work. Further, among the more than 400 citations that the text does provide, less than a half a dozen refer to any publication after 1972, and the topically indexed bibliography to the volume yields similarly few contemporary citations. Thus, as a reference source or guide to further reading, the volume has little to offer.

Worrying about the quantity and quality of a text's citations is partially a reflection of my own desire to let someone else do my work for me and is perhaps not as much a point for criticism as my own laziness may have dictated. After all, it is the substance of a text that the student will read most carefully (assuming that one's students are even that diligent). Unfortunately, however, the volume also falls flat there.

Perhaps the best example of this is the authors' reliance on the most simplistic and superficial brand of psychoanalytic reductionism I have come across recently, in the two chapters that are inappropriately entitled "Human Behavior: Psychological and Sociological Variables" and "The Nature of Human Conflict and Methods of Adaptation." To say that these chapters have little to do with either contemporary sociology or psychology would be a gross understatement. A single illustration from the text discussion should exemplify both the source of my dissatisfaction and the orientation that prevails in the authors' discussion. The emphasis is mine and not the authors':

> To varying degrees all of the things we said about group conflict pertain to mobs. A mob is a group of individuals, *in a regressed emotional state,* activated by some hostile or anger-evoking situation. Basically the only purpose of the mob is to find an outlet for *the aggressive or hostile drive.* The process of the individual contributing a part of the self or ego to the group applies also to the mob. The one big difference is a lack of rationality and restraint that other groups may have. Because a mob is basically all id, so to speak, and primitive, there exists a feeling of immediate power. . . .

If this is the best that can be done with the analysis of research on collective behavior, perhaps the student would be better off left to his own devices. If this text is the best that can be offered to those involved with the general issue of criminal justice, it is not surprising that we have so little of it.

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AMERICAN MINORITIES: THE JUSTICE ISSUE. By *Elton Long, James Long, Wilmer Leon, Paul B. Weston.* Englewood Cliffs, New Jersey: Prentice-Hall, 1975. Pp. vii, 163. $5.95.

American Minorities: The Justice Issue is both stimulating and disappointing. The authors do not indicate to which audience their

work is aimed. However, the structure of this work suggests its intended usage as a supplemental text for students of criminal justice. The focus of this work is selected American minorities classified by the authors as "disadvantaged minorities." Defined as "a group of native Americans immigrants, migrants, or refugees who are victims of the dominant white population's prejudice and discrimination, and who are handicapped by race or language and the lack of ethnic, family, and socio-economic resources." The authors include American Indians, Mexican-Americans, Puerto Ricans, Cubans, and Blacks in this category.

The study starts with the settlement of North America by the Anglo-Saxons and the beginnings of the cultural domination of this group over the native Americans. Quickly, we move to social phenomena such as lynchings, sectionalism, federalism, and nativism. The authors then define and describe the specific minorities with which the remainder of this work is concerned, simultaneously discussing the issues of law and justice relating to these "disadvantaged" groups. The remainder of the text focuses on contemporary issues, from the Civil Rights movement of the 1950's and 1960's through the violent confrontations of the late 1960's, followed by a chapter on "Political Trials." The authors include chapters on "Discrimination in Correctional Systems," a proposition of "Standards for Equal Treatment of Minorities" and, finally, a chapter titled "New Perspectives for Criminal Justice and Minorities."

The strength of this work is its documentation (listed as the "selected references" and the "index of cases"). The index captures some of the most significant case law, sociological studies, and novels written on the developing American criminal justice system and the inequity with which it has been applied to selected American minorities. The major weakness of this work is its failure to discuss the issue of racism in any significant way. While the text traces a pattern of unequal application of the law and injustices of criminal justice agencies' policies and practices with regard to American minorities, the authors fail to confront the crucial distinguishing factor of race. The above criticism aside, *American Minorities: The Justice Issue* is a worthwhile undertaking for any serious student, teacher, or practitioner of criminal justice.

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MEDICAL LOLLYPOP, JUNKIE INSULIN, OR WHAT? by *Arthur D. Moffett, Freda Adler, Fred B. Glaser* and *Diana Harvict.* Philadelphia: Dorrance & Co., 1974. Pp. 81. $5.95.

This book is not a comprehensive examination of the use of methadone in the treatment of heroin addiction. Instead, it is a study of a Philadelphia clinic in 1971, based on interviews with a random sample of clients and almost the entire staff. Moffett includes extremely brief introductions to chemotherapy for addicts, other treatment modalities, methadone, and the setting of the study, followed by only slightly more detailed findings and a valuable set of tables.

There were many intriguing findings, the most important of which focused on differences between the middle class white staff and the predominantly black lower class patients. Staff were much more likely to see patients as physically and psychologically ill, and to posit a negative motivation for their entering the program. Patients joined the program to escape physical addiction, but staff saw them as needing psychotherapy. Despite this staff orientation, the longer a patient was in the program, the less likely he was to receive psychotherapy and the more likely he was to receive psychoactive drugs in addition to methadone.

The book's authors believe that methadone programs are successful in attracting and helping work-oriented addicts while failing to reach the hard core addict. Like a number of other statements in *Medical Lollypop,* this is an overgeneralization, although there is some support in the literature for this point.

The solutions presented are disappointing. The authors favor a "junkie insulin" model (methadone being analogous to insulin for a diabetic) over a "medical lollypop" model (to entice addicts into "real therapy"), but they

offer no better answers than that "the needs of patients to be rid of their addictions and the needs of staff to treat them must be intertwined in a more creative manner."

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PAROLE: ITS IMPLICATIONS FOR THE CRIMINAL JUSTICE AND PENAL SYSTEMS. Edited by D.A. Thomas, Cambridge, University of Cambridge Institute of Criminology, 1974. Pp. 106. Price: $1.75.

This volume contains seven papers presented to the Sixth Cropwood Round-Table Conference held in December 1973. The contributors ranged from academic criminologists to correctional administrators. Roger Hood discussed many flaws of the British Parole System (established in 1968) such as the tension between parole as reward as against ensuring aftercare, and the conflict between the prisoner's original sentence and current circumstances. The other contributions include a reported discussion centering almost entirely upon bureaucratic details. A major concern was whether a prisoner should be given the reasons for the parole board's decision; this concern forgets the Parole Board's or the Home Secretary's responsibility to make public the parole board's policy.

The conference unearthed a veritable goldmine for the research minded criminologist. It has been generally assumed, for example, that more information on prisoners would be very beneficial for parole board decision making. Wilkins's research in this country has found that this is not always the case. Rather, it is the type of information that is often crucial in parole decisions. The main point of controversy is whose input is the most important in the parole decision: the prison governor's, the Local Review Committee's, or the Parole Board's. Another issue raised by the book is whether knowledge of the Parole Board's reasons for its decisions would affect prisoners adversely. All of these arguments could be settled by research for which the methodology is now well established.

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LAW AND CONTROL IN SOCIETY. By *Ronald L. Akers* and *Richard Hawkins*, Editors. Englewood Cliffs, N.J.: Prentice-Hall, 1975. Pp. xii, 383. $14.95.

Both its format and its section introductions make this collection an obvious candidate for use in the study of what is now treated as a distinct sociological specialty, the sociology of law. It has four sections: (1) The Concept of Law; (2) Social and Political Forces on the Law: Law as Dependent; (3) Organization and Process in the Administration of Law and Control of Deviance; and (4) The Impact of Law in Society: Law as Independent. They reflect a widely endorsed conception of the place of law in society: that law is one means of *social control* which both influences and is influenced by stable and changing characteristics of society.

Comparing this collection with the few others that exist in this field, we find that the editors follow the model used by Black and Mileski (1973) more closely than that of Schwartz and Skolnick (1970) or Friedman and Macaulay (1969). Instead of a detailed presentation of topics and materials, they have created a small but representative selection dealing with the basic issues in the field. The editors carefully define the basic issues in their introductions to each section.

Though consistent in their emphasis on law as social control, the editors' selections emphasize criminal law at the expense of the considerable amount of material available on civil law. However, they avoid party lines by combining a valuable discussion of the debate over consensus versus conflict perspectives with a balanced selection of competent materials from both points of view.

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