

**BOOK REVIEWS—cont.**

men being given the maximum: in 1950 seventy-six per cent were committed for penal treatment, and only sixty-nine per cent in 1957, with an increase being noted since. But in all cases the judicature seem to have been justly concerned with the criminal: Society at last, though still inadequately, is accepting its duty toward criminals; all that is needed now is a form of penal treatment based on equally logical and rational grounds.

This volume is eminently readable, and, as an introduction for the general public into crime and its makeup, is extremely valuable; neat tables, succinct summarization of statistical evidence at each chapter's end, with a broad summary of the picture. Yet to anyone who is concerned professionally in the more practical field of criminology, be he 'copper', 'screw', or 'beak', there is little which is new or even provocative, with a possible lead into a different line of action or of treatment. The police are told that they are achieving little success; prison staff are given a superficial picture, statistically proven, of the men they already handle, and the judicature is shown that it is fulfilling its prime requirement.

This book then, for the reviewer at least, has been a disappointment; the authors seem never to have gone far enough, nor deep enough, into the crucial and socially important considerations aroused by this increasing use of violence in crime, at a time when the mass media are being strongly criticised

for their dramatisation of such phenomena.

J. R. C. LEE

## CRIME AND JUVENILE DELINQUENCY

**A Rational approach to Penal Problems.**  
Sol Rubin.

The Library of Criminology, published under the auspices of the Institute for the Study and Treatment of Delinquency.  
Stevens & Sons. 35s. 0d:

HE HAD BEEN in prison twice before and had previously broken his parole. He had now served his minimum sentence of three years for his latest offence and the possibility was there of seven more years to serve before his maximum was completed. His work record was good; he had been in "L" block on two occasions for breaches of prison discipline; he had given six pints of blood during his prison stay. A pleading letter from his wife, confirmed that she would have him back — "his two children needed him" — but he had no specific plans for employment. He had reached only seventh grade level in school, but had not volunteered for schooling in the prison. He was not an alcoholic. The detailed report was studied and scored; the ten minute interview with the prisoner was over and he had stated his case and answered questions.

"I suggest two years;" "I had thought three." The two members of an American State Parole Board agreed that the case should be reconsidered in two years' time, and within the next week the prisoner would be informed that his chances of parole were in sus-

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pense until he had completed five years of his sentence. As I sat in the small interview room in the old Ohio State Penitentiary with its four thousand inmate population, I tried to put myself in the position of the Parole Board. Wielding as they do such power, they attempted to balance the interests of the offender, the prison, and the outside society, whilst not uncognisant of the susceptibility of the popular press to highlight any unsuccessful prediction.

It is against a background of such experiences, limited though they have been during a stay in America, that the writing of Sol Rubin in *Crime and Juvenile Delinquency* has for me gained in significance and poignancy. This is a book written by an American, primarily of interest to Americans, and for the most part preoccupied with detailed problems related to the American correctional systems. And yet, beneath the details, fundamentals are examined and questions raised that make the book of universal interest. In particular, it should be read by anyone who is concerned with the source and use of judicial power and discretion, and conversely with the rights, legal and social, of the offender.

Although England has generally set its face against indeterminate sentences, Mr. Rubin's critical analysis of the effect of such a practice in America is of considerable interest. This interest is certainly heightened when one lives in a state (not untypical)

where the inmates in state and federal prisons alone, per head of population, are about twice as numerous as in England; where over ninety per cent of the prisoners are released on parole and where in the penitentiary here, fifteen per cent of the men are "lifers". Mr. Rubin maintains that the effect of a minimum as well as a maximum sentence has been to increase the length of the average prison sentence served. Desirous of reducing both the incidence and length of prison sentences, Mr. Rubin, however, does not recommend the English pattern of fixed sentences, but rather a judge-fixed maximum sentence (no minimum) with a flexible parole system.

In dealing with young offenders, meanwhile, Mr. Rubin is on the whole in favour of the "Youth Correction Authority." This implies, again, agreeing with judicial discretion being transferred from the judiciary to an administrative body responsible for the supervision of the institutional treatment of young offenders. The main danger, here, he sees, is that if the institutional side of treatment becomes, or appears to become more progressive than the non-institutional, the unnecessary use of the former may well increase at the expense of probation. Hence his insistence that the correctional and judicial system should be viewed in its entirety. Within this overall appraisal, Mr. Rubin is continually emphasising the need to safeguard the rights of the offender, not only as an end in itself, but as an indispensable element in the process

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of rehabilitation. This is stressed in his discussion of the all-important relationship between the individual and his probation and parole officer, including the problem of the rights of the accused with respect to the pre-sentence report upon which his punishment may well be based. Nowhere, however, is it brought out more clearly than in his section on Juvenile Delinquency. Here he implies that within the welfare approach there lie the seeds of despotism, which for the unwary can so easily stifle the very end which is being sought. As the emphasis in the handling of juveniles has moved from deterrence to reform, the implications of this section of the book are extremely important and very relevant to some of the discussions included in the Ingleby Committee Report.

"The Juvenile Court Law", writes Mr. Rubin, "should not attempt to govern child behaviour with special standards of conduct until—and this has not happened—child behaviour experts agree that these standards are necessary for children or the community". Whilst one would have been happier with a definition of "child behaviour experts", the point has real significance here in this state, where a delinquent child is defined as not only one who violates the law, but also one who is beyond control, or habitually truants or "who so deports himself as to injure or endanger the morals or health of himself or others." It has significance wherever there is a feeling of obligation to assist a

child, or indeed an adult, whose behaviour is regarded as primarily harmful to himself/herself rather than to the community. "The concept of the juvenile court is a noble one," writes Mr. Rubin, "—that the child should not be punished for his acts or condition, but should be helped and protected . . . Existing legal provisions relating to detention, procedure and disposition have given unusual powers to the court. Are they in balance with provisions to protect the child and parental rights?" Moreover as the powers are widened, so is increased the need of court personnel of the highest calibre and training to exercise that power. Nor is it only the court personnel, for here the vital discretion as to whether the delinquent child shall be dealt with formally "in court" or informally "out of court" is widely exercised by police and probation officers. In the City of Columbus for example, of the 5,400 "delinquency" cases in 1960, less than a half, 2,255 actually went to court, over 2,000 being "closed" by the Police Juvenile Bureau, and over 1,000 by the Probation Office. Mr. Rubin's concern that judicial procedure should be kept under constant review is matched only by his belief in the desirability of all correctional institutions being studied and judged in terms of their effectiveness. Some readers may disagree with certain of Mr. Rubin's ideas of research, including his somewhat destructive criticism of the Glueck's prediction studies, but one can only hope that at least a few of his many ideas will bear fruit. Certainly this reviewer agrees

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that "in correctional studies we ought to study, discover, and analyse not only the nature of the correctional services, but their living constitutions, the attitudes, personalities of the people performing them and the manner in which the acts are done."

NORMAN JEPSON

**GATE FEVER**

Jane Buxton & Margaret Turner  
The Cresset Press, 21s. 0d.

THIS IS NOT an important book and it is refreshing to note that the writers do not claim that it is, nor do they believe that they have written a work which will inspire far-reaching prison reforms.

This lack of conceit, rare enough in prisoners to come as a pleasant surprise to those who have been irritated by the vanity of many prison scribblers, shows at least a commendable desire to keep an open mind. It is inevitable that the prisoner sees the worm's eye view but these particular worms have turned quite fiercely from time to time and not allowed themselves to be trampled upon. The fine fury of indignation over medical treatment, for instance, is easily understood coming from a girl with a severe pain locked by herself in the dark in the wee small hours. What could she know or care about the hundreds of women cured in prison of hitherto unsuspected ailments, of the eyes tested, the teeth extracted, the hearing aids supplied, the operations performed on men and women who have been neglecting themselves for years

"outside"? One has to smile about the dead mice and beetles in the jam pots (subsequently washed, it is noted, in a solution of soda strong enough to crack the skin) when one remembers the delicious strawberry jam of one's childhood poured into pots but recently collected, full of slugs and dead roses, from the churchyard.

Criticism of hard-hearted and hatchet-faced officers who nag, or shout, or appear to be disinterested, mellows considerably towards the end of the book when the authors have learnt to work with them and to know them personally. There is a fine scorn for the system in general which, goodness knows, has as many faults as any other system, and one could hear almost identical complaints made about the powers-that-be in any large school, hospital, factory, or barracks.

It is a matter for some surprise that two intelligent and well-educated young women should have been so easily impressed by the pathetic tales told them by other prisoners, either to gain sympathy, or to enjoy the pop-eyed amazement of the "new girl". All the prison chestnuts are trotted out afresh to horrify the reader; drugged cocoa; officers digging graves in secret; cosmetics concealing contraband goods; well, it all makes very pleasurable reading and we have at least been spared the legend about the dead baby in the cell which some old woman usually relates to newcomers with much drama and relish.

Our authors, however, have tried to be fair and have not grudged the praise where they thought it to be