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BOOK REVIEWS

CONTEMPORARY CORRECTION. By Paul W. Tappan, Editor. New York: McGraw-Hill Book Company, Inc., 1951. Pp. 434. \$5.50.

This book about the treatment of criminals and delinquents has thirty-one authors, whose specialties combine to make up the field of corrective penology in contemporary United States practice and thinking. The volume grew out of the program in Correctional Administration in the Graduate Division for Public Service at New York University, at which institution Editor Paul W. Tappan, Ph.D., Jur.Sc.D., is Professor of Sociology and Lecturer in Law. For the development of that program, and of this book, Dr. Tappan thanks especially Austin MacCormick, James V. Bennett, Sanford Bates and other present and past authorities in the Federal Bureau of Prisons.

The book is divided into five sections: Correction; Preliminary Considerations (objectives and methods - statistics - training workers); Administrative Organization and Classification (the Federal prison system - State organizations for correctional administration - classification - reception centers - the Youth Authority plan - the service unit); Programs in the Correctional Institution (custody - discipline - religious, medical, psychological and educational services - group therapy - employment and labor); Types of Correctional Institutions (architecture - women's institutions - jails - reformatories - juvenile detention and training institutions); Extramural Treatment (parole - probation - prevention - the future in correctional work).

"It would be unrealistic to anticipate a singleness of view among all leaders in a field such as correction," Editor Tappan comments. "Variation of opinion is an evidence of its dynamic character. There has been no effort to minimize the differences in view, but it may be observed in the reading that there is a rather remarkable measure of consensus among effective leaders in the field as to the objectives and even as to the measures of treatment."

This area of consensus among the writers will afford small comfort to the reader who would convert criminals into useful citizens by the primitive expedient of making them as uncomfortable as possible. Whatever their disagreements, the thirty-one writers of the book justly are introduced, as well, by a Sanford Bates foreword which says in part:

It is time to look facts in the face. Whatever may be our ultimate philosophy as to the treatment of the criminal, it should be an informed one. There has been too much reliance upon the simple and convenient formula that swift and sure punishment is the only cure for crime. We should be ready with data, statistics, and sound reasoning to buttress our belief that other things than

punishment enter into the task of crime correction. If it can be shown, as surely it can, that those jurisdictions that rely most heavily upon punishment also support the highest crime rates, and that those jurisdictions which have advanced to the point of attempting to understand the criminal and forestall his activities through preventive measures have the least amount of crime, the facts must be revealed.

With this gently hard-boiled viewpoint, few if any of the writers seem to be in basic disagreement. They eschew emotionalism with brisk contempt, and find little utility and nothing of professionalism in the view that punishment means nothing "and that all criminals are products of forces outside themselves, or are to be regarded as sick individuals."

When society copes with conduct abhorrent to it, the editor points out, the criminal, the victim, the innocent bystander and the general public each has interests at stake, none of which can be fully satisfied and even when wise compromises in objectives can be made, much difference of opinion still remains as to the specific methods of treatment by which the goals can be attained.

Against retribution as a goal, Dr. Tappan is uncompromising, though even here he acknowledges - with a nod to Aristotle - a deep public need for the criminal's expiation to "restore a balance" in society. But while admitting that some service may be performed to society through the channelizing of sadistic and aggressive impulses of the community against the criminal, Tappan concludes that more harm than good is done through punishment that is retributive in purpose.

He disagrees, however, with those "criminological idealists" who vehemently deny that punishment has any effect in deterring crime. The doctrine of deterrence is a basic tenet of the classical school of criminology in its reaction against the penological harshness of the late eighteenth and nineteenth centuries. Reflecting the influences of twentieth-century depth psychology, Dr. Tappan considers that the greatest danger in deterrent punishment lies in the readiness with which its theories may be used as a benign mask for true, underlying motives of savagery and revenge.

"Granting the dangers . . . [however] . . . the penal law is nevertheless deterrent in intention and effect," he writes. Its intimidations are essential to the protection of society. It is wholly unrealistic to deny effect to the general awareness of the policeman's stick and revolver, of the speed cop's siren, of the special danger in Federal violations, and of the prison's living entombment. These threats are acutely real to potential offenders."

But it would be just as misleading to suggest that deterrent punishment is the major remedy in the view of these correctional authorities, as to accuse them of wanting to "coddle" criminals. Tappan regards deterrent punishment as a necessary, but negative, goal. Most-applauded of today's positive goals in correction is rehabilitation, and very much of the book deals with this surprisingly ramified problem. Prison architecture, politics, work versus

idleness, classification and grouping of prisoners are just a few of its aspects. No panaceas are offered.

For lawyers, this remarkable symposium has value. To the profession most active in law-making, it shows needs, trends, problems and suggested solutions.

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CASES ON THE CONSTITUTION. By John P. Frank. New York: McGraw-Hill Book Company, 1951. Pp. XI, 339. \$3.50.

This is not a casebook for a law school course but as supplementary reading for a number of undergraduate courses in government this selection of cases by Professor Frank is the most satisfactory of the half dozen such texts known to this reviewer. The collection has two notable merits. First, its emphasis is on recent cases of current interest; of the sixty cases, approximately three-quarters stem from the Roosevelt and Truman Courts. Particularly in an introductory course it is necessary to provide the student with illustrative material on contemporary problems if his interest is to be fully aroused. The fact that but few of the earlier cases are represented (only nine are dated prior to 1900) does not mean that the historical background is lacking, for Professor Frank has in his explanatory notes, which occupy almost a third of the book, adequately set forth the background and the doctrinal precedents. To this teacher this method is preferable to that of giving the classical cases and then using notes to explain the later developments.

The second merit lies in the emphasis on civil rights which Professor Frank uses as "a loose term to describe those liberties of the citizen in the fields of politics, religion, race relations and criminal law." This large proportion of civil rights cases can be explained in part by the fact that such matters have been the particular concern of the Roosevelt Court and to some extent of the Truman Court. Another explanation is that with the demise of substantive due process in 1937, constitutional limitations are now confined almost altogether to the political and personal liberties of the individual. One may also believe that Professor Frank has given deliberate emphasis to these cases in a time when the political scene is largely dominated by a race between some of our domestic zealots and the Russians to determine which group will abolish our liberties. The opinions of the dissenters in the recent freedom of expression cases may perhaps have some influence in counteracting the drive for national conformity which is tending to produce a nation of political Milquetoasts.

Professor Frank has broken away from the novel approach of his law school casebook in constitutional law in which the material was arranged chronologically. Here he has divided the cases categorically although not