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Book Reviews

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BOOK REVIEWS

THE EFFECTIVENESS OF A PRISON AND PAROLE SYSTEM. By *Daniel Glaser*.† Pp. 596. Bobbs-Merrill Co. Inc., Indianapolis, 1964. \$10.00.

To review the ninety-one propositions presented in the Report on *The Effectiveness of a Prison and Parole System* by Daniel Glaser and his associates would involve the whole gamut of correctional principles, policies, and practices. Each of the nineteen chapters brings out a wealth of reaction which could result not in a review but in another equally extensive report. The present review will, therefore, be limited to noting what this writer thinks are four outstanding positive contributions and also several weaknesses in the Report.

The Recidivism Myth

With the simplest sort of statistical analysis, by distinguishing between prisoners remaining in prison and those released, the Report proved quite conclusively that the recidivism rate in Federal and State prisons is not 65 to 75 per cent as so often claimed, but much nearer 35 per cent. Like setting the egg on end, the conclusion is too obvious to require further elaboration (see pp. 13-35).

The Impact of Custodial Personnel

Another conclusion which has been generally bandied about but never before proved, according to the Report, shows that "custodial officers can be said to have the greatest impact everywhere" while "treatment personnel . . . have less influence than other staff on the prison experience of most inmates" (p. 134). This is both a confirmation of an old assumption and a serious indictment of modern, progressive penology. Unfortunately, the follow-up on these conclusions in the Report leaves much to be desired.

The Crime and Noncrime Career Cycle

The Report states that "the careers of individual offenders oscillate between criminal and non-criminal pursuits" (p. 145)—"the crime and noncrime career cycle"—with the "implication that at least 90 per cent of the felons who are imprisoned would be viewed more realistically if we thought of them as men who keep alternating from criminal to non-criminal means of pursuing economic or other objectives, rather than as persistently criminal" (p. 466). This would be a fascinating idea if true. However, since the remaining 10 per cent is hardly large enough to in-

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clude all the psychopaths and all the professional and organized criminals and others whose physical or psychological difficulties lead to persistent criminal reactions on the one hand and all the "one time losers" on the other, the statement seems exaggerated. With this modification, the concept regarding the crime and noncrime career cycle might be worth further consideration.

Immaturity as a Basis for Crime

In Chapter 18, considerable emphasis is placed on the concept that a large percentage of felonies are committed by youths for whom "crime is an alternative path to possible adult independence" as contrasted with school and work, and that such "crimes appear to be either momentary play at being independent . . . or attempted short-cuts to the destination of independent adulthood" (p. 471). In other words, the underlying problem behind such felonies is immaturity.

This concept of immaturity and persistent adolescence as the basis for crime, and hence for corrections, has been previously developed by Douglas Grant and his associates in California with considerable insight. It is undoubtedly one of the major imbalances at the root of crime.

As corollaries of this concept, the Report suggests that measures making for economic self-sufficiency and the resulting improvement in the offender's conception of himself when he identifies with anti-criminal persons, will advance the maturation process. The Report states, "The problem is to try to alter (the offender's) perspective in the post-release quasi-adolescence from those of his adolescence, especially his anticipation with parents, peers, and anticriminal persons. Economic self-sufficiency is a major foundation for a change in these relationships, and it may be reinforced by changed relationships which develop during imprisonment" (p. 493).

The question which the Report does not answer is: How does one motivate an offender toward a greater maturity in order that he will gain enough insight to prepare himself to grasp "opportunities in legitimate economic pursuits and (thus) improve his conception of himself when he identifies with anticriminal persons" (pp. 493-494)?

It is not enough to point out that this is an objective to be attained through the efforts of treatment teams and post-release placement and guidance centers (p. 495). To borrow a comment from elsewhere in the Report, "Like so much other professional literature in corrections, this asserts an objective without considering how one might go about determining the extent to which the objective (can be) achieved" (p. 173). One might wish also that this concept had been developed earlier in the Report as a yardstick for measuring the applicability of the numerous propositions resulting from various correlational and other research. As

such a yardstick, the immaturity concept might well have been one of the most valuable findings of the whole research project.

Two Basic Weaknesses

Such weaknesses as seriously affect the Report are due to two basic reasons: 1. the choice and limitations of the research design and methodology, and 2. the lack of a clinical yardstick for assessing whatever is considered or proposed regarding the treatment of criminals.

Limitations of Research Design

The Report limited its notion of research in corrections to two types: 1. Correlational research and 2. Experimental (i.e., evaluation or controlled) research (pp. 4, 5, 8). As stated in the Report, "The research reported here is primarily correlational" (p. 5). This seriously limited the scope of the project. While the findings of correlational research often produce interesting relationships, it does not always follow that concomitant variations are either significant or valid.

As a prime example of this conclusion, Chapter 7, "Isolation Promotion and Custody Grading" may be cited. "Custody grading systems," the Report concludes, "foster rehabilitation by providing effective incentives to self-improvement activity, and to inmate discrimination in choice of associates" (p. 171). The Report also noted that "many confirmed criminals adjust well in prison and can be trusted without supervision" (p. 162). Placing these confirmed criminals in a preferred custody-grading under the conditions prescribed by the Report (p. 171) should therefore foster their rehabilitation. This simply does not follow as any experienced prison official knows. Custody-grading as practiced in many Federal and State prisons often confuses security and rehabilitation—bad is correlated with maximum, better with medium, and best with minimum. Actually some of the best prospects for rehabilitation are maximum security risks. Much of the correlation of custody-grading and rehabilitation is a myth.

Reliability vs. "Pluralistic Ignorance"

The correlational research reported was chiefly the product of the "Prison Panel Study"—"the project's largest undertaking" (p. 11). This study was based on a giant opinion poll consisting of 2500 exhaustive interviews with prisoners and ex-prisoners whose opinions were accepted on the whole as conclusive evidence. No attempt was made to compare such opinions with others—prison officials, for example. Everyone is aware of the unreliability of prisoners' testimony not because it is purposely designed to deceive, but because it is slanted by many diverse factors.

Two outstanding examples of such unreliability may be taken from

the Report itself. Table 18.3 (p. 479) presents the opinion of prisoners on the "Percentage of Other Inmates Who Want to 'Go Straight'." The opinion of the prisoners "was that about three quarters (75 per cent) of the inmates would return to crime." The Report, however, concludes that "the figure for prison systems as a whole is closer to 35 than to 75 per cent" which "supports Cloward's 'pluralistic ignorance' theme" re inmates' perception of others (pp. 479-480).

The Effectiveness of Criminal Opinion

Again according to the Report, Table 18.5 (p. 481) shows that "the aspect of prison most often mentioned by inmates as of the greatest assistance in helping them 'go straight' was the unpleasantness of the prison experience." If this were really so, it would be logical to conclude that the most effective program of rehabilitation in prison would be to "make the guard house so tough that the boys won't want to come back." What is really pertinent to this review is also stated in the Report, namely that "Offenders themselves may not be capable of identifying precisely the factors in their change" (p. 482). Is it not possible that their testimony on other aspects of the prison-parole experience is equally unreliable? Certainly a giant opinion poll of criminals, however scientifically presented, should not be the *only* source for testing the effectiveness of any prison or parole system.

Non-correlational Research

As already pointed out, the Report claimed to be concerned primarily with correlational research. Actually, more than half of the findings or propositions presented were based on other types of research, chiefly descriptive, statistical-analytical, and exploratory research. However, the pre-occupation of the research design with the minutiae of correlational research resulted in skimping on many important areas of investigation and in omitting entirely other areas which hold great promise for a more effective correctional system.

Several of these areas were discussed in the Report, but inadequately. These included work release as an aspect of pre-release and guidance centers, the integration of inmates with management, the reorganization of case-work under the classification system, positive aspects of discipline, the structure of correctional institutions, work for prisoners, vocational training and education, and religion. In dealing with these subjects, the Report was considering the most vital problems involved in "the effectiveness of the Federal correctional system." The scope of this review does not permit a detailed examination of the manner in which these subjects were treated, but the results presented were either superficial or sadly lacking.

Even more striking than the superficial treatment of these subjects was the complete omission of such basic areas of corrections as counsel-

ing, medical care, psychological and psychiatric services, and training of official prison personnel. It is amazing that any serious investigation of "measures to increase the effectiveness of the Federal correctional system" which was the directive of the grant for the study (p. 8) could be undertaken over a five-year period and at great expense, and not give the most thoughtful attention to these subjects. Was it due to the limitations of the research design or to the limitations of the research staff who were with one or two exceptions young Ph.D's. and graduate students without operational experience in either corrections or research?

Lack of a Clinical Yardstick

The lack of a clinical yardstick for assessing the propositions presented for the treatment of prisoners is perhaps the most fatal weakness throughout the Report. Chapter 18 of the Report presented one such yardstick for a large number of prisoners, namely the general concept of immaturity and its corollaries, economic self-sufficiency and self-concept as a noncriminal. Had this general concept been advanced in the beginning as a tentative hypothesis to be used to test the numerous propositions presented, their usefulness might have been better established.

For example, proposition C₈ that "The flow of inter-inmate advice is predominantly from older to younger inmates" (p. 100), could have been tested to see whether such advice actually helped mature younger prisoners toward economic self-sufficiency as noncriminals. Without some such yardstick, the obvious reaction to proposition C₈ is, "So what?" To experienced prison officials, this proposition standing alone is an academic banality. As one of the "measures to increase the effectiveness of the Federal correctional system," it is a meaningless generality.

Or, take proposition J₁ that "For most inmates, prison education is statistically associated with above average post-release success only when the education is extensive and occurs in the course of prolonged confinement" (p. 282). Again this is not a useful proposition unless it is measured by such questions as, what kind of education? Just education in general? Or education toward maturation in economic self-sufficiency and self-concept as a noncriminal? Or education toward a better understanding of some basic maladjustment which lies at the root of a particular prisoner's criminality? How extensive should the education be? Toward a certificate of achievement, toward a high school diploma, or toward enough education to resolve a significant problem involving criminality in any given case?

The application of a satisfactory yardstick is essential for any evaluation of correctional practices. It has been suggested that the concept of imbalance in need-satisfaction provides such a yardstick and that the test of the effectiveness of correctional treatment is whether any propo-

sition helps overcome the over-emphasis, under-emphasis, blocking, or conflict of needs which causes such imbalance. The concept of immaturity which represents an imbalance in personality development, is one example of the application of such a yardstick.

Without such a yardstick, one gets the impression that many of the findings in the Report are the results of rather academic exercises which demonstrate chiefly the ability of the research staff to conduct correlational research. This kind of intellectual onanism leaves the desire for creative research completely unsatisfied.

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MULTILATERAL COMMERCIAL DIPLOMACY. By *Gerard Curzon*.† Pp. 367. Michael Joseph, London, 1965. 60s.

Prior to 1947, the United States conducted its trade negotiations on a country-by-country basis. In 1947 this bi-lateral approach was abandoned with the negotiation by 23 countries of the General Agreement on Tariffs and Trade (GATT). During the period which has elapsed from its inception to the present day, the number of signatories has expanded to 66¹ (with 13 additional associate members) and has become “. . . one leg of a sturdy tripod—The World Bank and the International Monetary Fund being the others—on which the thriving international economy of the postwar world has been founded.”²

Despite its major importance, comprehensive scholarly research concerning the functioning of the organization, partially hampered by the policy of the GATT to conduct its discussions behind “closed doors,” has been relatively scant. This lack of information is not only unfortunate but rather difficult to explain. Originally intended as an interim measure pending the entry into force of the International Trade Organization (ITO), the negotiating parties failed to provide the GATT with administrative machinery and the signatories were bound to effectuate a majority of the trade rules contained in the Agreement only to the extent that the rules were not inconsistent with existing legislation. When the parties to the ITO charter failed to ratify that document, the GATT became, and has remained, the sole international forum for the negotiation and ad-

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1. Dr. Curzon lists 64 countries as members. CURZON, *MULTILATERAL COMMERCIAL DIPLOMACY* 35 (1965). However, since the publication of the book, Burundi, 52 DEP'T STATE BULL. 646 (1965), and Gambia, 52 DEP'T STATE BULL. 438 (1965), have been admitted as contracting parties.

2. Roth, *Trade Windows to the World*, 53 DEP'T STATE BULL. 401-02 (1965).

ministration of multilateral trade agreements. That the evolution by the GATT of techniques and procedures which have enabled it to survive as a viable and useful instrument of international commercial diplomacy has not heretofore become the subject of numerous studies by those interested in the operation and development of international organizations is both surprising and regrettable. Fortunately, Professor Curzon has risen to the occasion.

Multilateral Commercial Diplomacy is not a comprehensive history of the GATT nor is it a detailed, article-by-article study of the document establishing the organization. Instead, the author has selected certain specified issues of current importance in the field of international commercial policy for detailed discussion. By the adoption of this method, Dr. Curzon has attempted a delicate compromise between the necessity of informing the general public about the GATT and, at the same time, providing a work that will be of value to the specialist. While the avoidance of an extremely detailed technical analysis renders the book accessible to the general public (which, although rarely excited by a treaty, is generally directly affected by commercial treaties), the selection of specific issues for detailed treatment has the benefit of permitting the author to provide the specialist with much valuable information in a work of manageable proportions. In general, the book is successful in striking this compromise and both the general reader and the specialist will find the book readable and enlightening.

Part I of the book consists of an historical treatment of the origins of the GATT followed by a chapter on organization. The chapter on historical orientation, in an attempt to place the GATT in context, is rather brief and consists primarily of a discussion of the commercial policies pursued by the major trading nations during the period stretching between the 1800's to the negotiation of the ITO charter. Much of this material is of interest and one is grateful for Dr. Curzon's lack of "courage"³ to omit it. As the General Agreement on Tariffs and Trade contains only one short sentence concerning organizational structure,⁴ most of the presently existing organization is what might be termed *de facto*. For this reason, the chapter on organization contained in Part I provides the reader with valuable material concerning the actual functioning of the GATT.

Part II of the book consists of three chapters concerning the operation of the GATT with respect to tariffs. The first chapter dealing with this

3. The term is Dr. Curzon's. CURZON, *op. cit. supra* note 1, at 10.

4. "Representatives of the contracting parties shall meet from time to time for the purpose of giving effect to those provisions of this agreement which involve joint action and generally, with a view to facilitating the operation and furthering the objectives of this Agreement." General Agreement on Tariffs and Trade, art. XXV (1), Dep't of State Publication 7182, Commercial Policy Series 178 (1961).

subject consists of a discussion of the history and function of the "most-favored-nation" clause—the "heart" of the GATT with respect to tariffs. The reader who is already relatively well-informed concerning the operation of this clause will find the second chapter in this Part of greater interest. The first section of this second chapter deals with the actual tariff negotiating techniques utilized by the GATT. Of particular interest is the discussion of the so-called "linear method" of tariff negotiations which is being utilized in the current "Kennedy Round." The last section of the second chapter contains a history of each of the six tariff negotiations, including the presently uncompleted "Kennedy Round," which have been, or are currently being, conducted under the auspices of the GATT. The difficulties encountered in writing a book while the subject-matter remains subject to constant evolution becomes particularly evident in this section. The treatment of the "Kennedy Round" now appears rather less extensive than might be desired as one reads it with the benefit of having witnessed subsequent developments. No mention is made in the discussion of the "Kennedy Round" of events subsequent to the Ministerial Crisis of 1963. However, as the recent developments occurred subsequent to the completion of the book, any criticism based upon the omission of further discussion would be totally unjustified. The final chapter in Part II deals with the achievements of the GATT in the area of tariff stabilization.

The major portion of the book is contained in the six chapters which compose Part III. Each of the first five chapters contains a detailed treatment of the manner in which the GATT has dealt with a specific problem in the area of commercial policy, *e.g.*, quantitative restrictions, state trading, economic regionalism. Substantively, Dr. Curzon's treatment of the various problems is interesting and informative. In view of the adverse reaction encountered by the United States representative to the GATT Working Party on the Canada-United States Agreement on Automotive Products,⁵ it will be interesting to observe the possible verification of the author's conclusion in the chapter on economic regionalism to the effect that "it is not likely that many of the regional arrangements at present contemplated or in formation will survive GATT scrutiny for very long . . ."⁶ As a technical matter, it is unfortunate that an appendix reproducing the General Agreement on Tariffs and Trade was not included. While the explanation of the many specific articles of the Agreement involved in a discussion of these areas is adequate for the reader desiring general information, the specialist will no doubt wish to follow the discussion with his own copy of the Agreement readily accessible.

5. The report of this Working Party is reproduced in 4 *INTERNATIONAL LEGAL MATERIALS* 643 (1965).

6. CURZON, *op. cit. supra* note 1, at 289.

The final chapter of the book contains an evaluation of the activities of the organization with particular emphasis on the specific areas discussed in the preceding chapters. Although the formal structure of the organization leaves much to be desired by "Cartesian minds"⁷ (and improvement in this area is to be desired), Professor Curzon concludes, as his book demonstrates, that the GATT has exhibited an ability to evolve in a *de facto* pragmatic manner as the number of commercial problems dealt with on the international level increases. For those nations which believe that the GATT is no longer viable or will be unable to cope with new problems, Dr. Curzon's book will certainly provide a reason to pause and reconsider the capabilities and potentialities of the GATT.

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7. *Id.* at 334.

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