


## REVIEWS AND NOTICES

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*After-Conduct of Discharged Offenders.* By SHELDON GLUECK and ELEANOR T. GLUECK. (English Studies in Criminal Science, Vol. V, edited by L. RADZINOWICZ and J. W. C. TURNER. 1945. London: Macmillan and Co., Pp. x, 110 (8s.6d).)

The Department of Criminal Science of the Faculty of Law of the University of Cambridge, for a number of years has been making an outstanding contribution to the study of the causes of crime and the treatment of offenders.

The results of much of the research work done have been published in **THE CANADIAN BAR REVIEW**. One of the most recent contributions to this work has been a monograph entitled "After-Conduct of Discharged Offenders" prepared by Sheldon Glueck, Ph.D., LL.M., Professor of Criminal Law and Criminology of Harvard Law School, and Eleanor T. Glueck, Ed.D., Research Associate in Criminology of Harvard Law School.

The monograph deals with a problem that should concern every citizen who is interested in the suppression of crime. For many years the authors have been studying the methods used for the punishment of offenders, for the purpose of ascertaining whether these methods are effective to prevent or suppress crime. As stated in the Preface only through a careful examination of the product of our penologic mills can we learn of their value. The grist of those mills consists of many thousands of young men and young women who are annually poured into them by society. But while the mills may be physically examined to ascertain how they work, no periodic examination of the grist is made so as to make an honest evaluation of this product.

The authors have, by this work, made a distinct contribution to this need. It is the result of follow-up investigations into the post-treatment careers of a thousand juvenile delinquents and five hundred women discharged from Massachusetts Reformatory for Women, with a re-visitation after the lapse of five years, in order that conclusions may be drawn which may be of value in judicial practice and in penal administration.

While it must be readily admitted that investigations involving such **limited numbers** ought to be treated with reserve, it is abundantly clear that the results of the investigations that the authors have conducted, emphasize a fact that is concerning all those who are interested in the administration of the criminal law, viz., that the present-day methods are not adequate to correct those who have committed crime, or deter others from committing crime. When both crime and recidivism show such a marked increase as they do to-day, it is time to examine the "grist from the mills of justice" and to consider the efficiency of the "mills".

It is unnecessary to do more than refer to the intricate statistical calculations that the authors have worked out. Students of crime and punishment will find them both interesting and useful. It is not suggested that they form a sound basis for accurate scientific conclusions but the studies demonstrate that there is no proper correlation between the administration of criminal justice and the problems of regulating society considered as a whole.

It is clear that there are causes of crime that must be dealt with by organized society and removed as far as is humanly possible, and that the function of the Courts of Justice is to determine whether the individual has committed crime and to impose punishment. The object of punishment is to prevent crime, but this cannot be accomplished by mere punishment. The penal institutions ought to be designed not only to punish but to correct the individual and rehabilitate him into society, so that he will not himself commit crime or be a focal point of infection in the community.

The authors deal with punishment as "just retribution", "a deterrent", "prevention of recidivism through fear" and "correction or reformation". They conclude that the corrective theory based on a conception of multiple causation should predominate in both legislation and judicial and administrative practice.

The question that troubles every judicial officer engaged in criminal cases is how this is to be put into practice.

The authors believe that a sentencing board would, after investigation by its probation officers and clinicians, be in a much better position to impose the proper sentence. It would be a drastic change in British procedure to commit to an administrative tribunal such wide powers over the liberty of the subject. But to say this is not to answer the allegation that judicial officers are, under our system, far too insufficiently informed of the peculiar characteristics of the individual before the Court and the type of treatment he should be subjected to, to pass a proper sentence.

In England they have found a commendable compromise (especially in the case of young offenders) between the suggested sentencing board and the system now prevailing in Canada. A careful investigation is there conducted by trained officers to ascertain the social background of a convicted person before sentence is passed. If it is decided that he is suitable for Borstal treatment, he is committed for that treatment. It is to be noted that it is referred to as "treatment" and not as "punishment". For a month following committal, the convicted person is kept at a distributing centre where he is examined physically and mentally, if necessary. Further investigations are conducted into the causes underlying his delinquency, and when these investigations are completed, he is by administrative action placed in the institution that is considered most suitable to treat the individual, having regard to the reports of the investigators and based on results obtained in the respective institutions. This system keeps the judicial control over the maximum quantum and the general nature of the sentence, but admits of experienced administrative control over the type of treatment and the termination of the sentence by parole or ticket-of-leave in proper cases, based on the response to the treatment.

When one considers the wisdom of this treatment, and compares it with the difficulties with which judicial officers are confronted with in seeking to impose on offenders the sentence that will best serve society, one is forcibly impressed with the weight of the views expressed by Dr. Felix Frankfurter, Justice of the Supreme Court of the United States of America, in his introduction to the work under review:

"Doctrines or judgments are no stronger than the facts on which they are based. The labours which this report reflects help to undermine still further a number of pre-suppositions of our present system of criminal justice. The characteristic of law in a progressive society is

an adjustment between continuity and change. Our criminal codes should not too rapidly accommodate themselves to the latest guidance of scientific enquiry. But it is equally fatal to be heedless of such guidance. Whatever our metaphysical notions about the freedom of the will may be, we can no longer rest content with the adequacy of the conception of criminal intent as an expression of a full and free choice between doing a prescribed act and not doing it. Again, the inadequacy of our traditional methods for determining the appropriate treatment for offenders, once wrong-doing is established, can no longer be disregarded. The conclusion of this report on the deficiencies of our procedure in imposing punishment has been given weighty support, in essence, by a committee of the federal judiciary of the United States."

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