

contributes much-needed knowledge to Australian penal and criminal science. Maconochie's theories and methods set the foundations of many enlightened prison systems of modern times: he inspired the ideas of appealing to the inherent good in convicts, of encouraging them to help themselves and to accept responsibilities, and of using progressive stages in restoring prisoners to society. His work summarized the humanitarian concept of prisons as moral hospitals for the treatment, cure and release of their inmates.

In Australia penal science and local legal history have been sadly neglected as subjects of serious study. The publication of *Alexander Maconochie* will help to remedy this neglect and to stimulate wider knowledge and interest. It is fortunate that Mr. Justice Barry has been able, in addition to the burdens of his office, to give us this valuable chapter in our country's past, and a chapter no less significant in the long and arduous story of penal practice and penal reform throughout the world.

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The Results of Probation: A Report of the Cambridge Department of Criminal Science. Edited by L. Radzinowicz, LL.D. London, Macmillan & Co. Ltd., 1958. xiv and 112 pp. (£1/14/9 in Australia.)

This is the tenth volume in the English Studies in Criminal Science series published by the Cambridge Department of Criminal Science. Among its important predecessors in this series are *Crime & Abnormality*, *The Modern Approach to Criminal Law*, *Mens Rea in Statutory Offences*, *The After-Conduct of Discharged Offenders* and *An Introduction to the Criminal Law in Australia*, all of which, in their various ways, are important contributions to criminological knowledge. The same cannot, in this reviewer's opinion, be said of *The Results of Probation*. It is incomplete. It is no more than a survey and, as such, is of only slight value in the urgent task of developing knowledge of the efficacy of various methods of treating criminals. It is the report of the first steps, the preliminary ground clearing in a research project, and is not a report of a completed project.

From *The Results of Probation* one learns the results, in terms of later avoidance of convictions and in terms of later avoidance of reappearance in court during the currency of the probation order, of a substantial group of offenders placed on probation. These success (or failure) rates are broken down by age, sex, type of offence, previous criminal record, conditions and duration of probation, and in other ways, until a survey of a considerable group of offenders so treated is achieved. All this is interesting but, in itself, not helpful. It does not assist a court contemplating placing a particular offender on probation (and considering the conditions of such an order) to determine the wisdom of such a sentence (or the conditions to be imposed). It does not help to build up knowledge of how and for whom probation is an effective treatment. It is the basis upon which the answer to such questions can begin to be searched out, and searched out by techniques more methodologically sophisticated than are here deployed.

There can be little doubt of the value of probation as a technique of treating certain offenders—but which? If we learn that of 100 offenders sent to prison for a first offence, 50 later reappear in court, while of 100 offenders put on probation for a first offence, only 20 later reappear in court, can we conclude that probation is to be preferred to prison for first offenders? Of course not. We are comparing diverse treatments for unmatched groups; such

to" the Fish River near Bathurst. See reproduction of McBrien's field book and commentary in E. F. Pittman, *The Mineral Resources of New South Wales* 1. (N.S.W. Govt. Printer, 1901). The discovery by Count Strzelecki in 1839 was of auriferous pyrites in the Vale of Clwydd.

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a comparison is unreliable as a foundation for a tentative hypothesis and impossible as a foundation for any useful conclusions.

The following is an example of the inutility, without more analysis, of much of the information in this work. Having set out the differential success rates between adult and juvenile offenders placed on probation without a requirement of residence and adult and juvenile offenders placed on probation with a requirement of residence, the report continues:

The trend is unmistakable: offenders who had to comply with conditions of residence reverted to crime more often than those whose probation orders contained no such requirements. And this tendency was observed in all groups: males and females, adults and juveniles, first offenders and recidivists. Among adults the differences in the rates of success between those who were and those who were not required to comply with conditions of residence amounted to no less than 17 per cent., and among the younger offenders to almost 12 per cent. . . . These figures may suggest that in many of the more difficult cases the reinforcement of probation by combining it with conditions of residence has not proved to be particularly effective. That conditions of residence may play a useful part in probation cannot be doubted, but it seems that, with respect to certain classes of offender, a more drastic mode of institutional treatment is needed.

The figures do not lead to the suggestions offered. It is likely that the courts placed residential requirements on offenders who seemed to need greater control, who seemed to the courts to be more likely to relapse into crime. In other words—the differential success rates here mean very little indeed once the role of the courts in selecting which offenders will be put on probation with, and which without, conditions of residence is taken into account.

Closely similar problems exist in medical research. The Medical Research Council in England, amongst other organisations, has demonstrated how the relative efficacy of various medical treatments may be assessed. There are, of course, many differences between medical treatment of the sick and penal treatment of criminals; but the methodological problems involved in testing the efficiency of these two “treatments” are very close.

It is proper to be severely critical of such publications as the one under review. The Cambridge Department has demonstrated its great skill in this area of social study and it is to this Department, above all others in the British Commonwealth, to which we must look to push forward the frontiers of knowledge in criminology and penology. Recently, a sum of £150,000 has been given by the Isaac Wolfson Foundation to the University of Cambridge to assist in the further development of that University's Department of Criminal Science. In the light of all this *The Results of Probation* is most disappointing.

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Aims and Methods of Legal Research, a conference held at the University of Michigan Law School, Ann Arbor, Michigan, 1957. x and 199 pp. (\$4.50.)

When many of the great intellects of the American law schools were gathered together for a conference on the aims and methods of legal research, it was thought that their opinions should be preserved. Nevertheless, the result does not satisfy our justifiably high expectations.

The conference involved the presentation of a series of papers each of which was open to informal discussion. The topics chosen were imprecise to say the least—Social Significance in Legal Problems; Research For Legislation;

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