

Dressler: Probation and Parole

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familiar with the Canon, Roman and Civil law and his decision was for the greater glory of God. It was the soul of man and not the property of man that was the Chancellor's principal concern. As a result of the fusion of law and equity under the Codes and Practice Acts this fundamental principle has been submerged in the technicalities of pleading. Property rights have taken on a legal meaning in Chancery, as a result of the departure from Chancery's original purpose, that has divorced them from their divine nature. "Property is communion with God, through the material world."¹ Many of the modern cases on the equity side of the court show that decisions are based on a materialistic view instead of equity, justice, and good conscience.

This volume differs from the 1946 edition, not only by the addition of about forty cases, but by the omission of the chapters concerning Interpleader, Bills of Peace, and Relief Quia Timet. Fundamentally it was a wise move because those subjects are more appropriately covered in courses on pleading and practice. The additional space enabled the editors to expand the tort problems in equity and keep the book within reasonable size. The topic of Specific Relief against Torts has been emphasized and enlarged. There are 1400 pages which provide the teacher a fertile field to utilize. Some careful readers will note that there is a regrettable lack of emphasis on the fundamental principles in the form of the basic equitable maxims. Included, however, as the concluding case, is the new landmark decision, *United States v. United Mine Workers of America*, 330 U.S. 258 (1947), which evolved from the recent coal strike.

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Probation and Parole. By DAVID DRESSLER. New York: Columbia University Press, 1951. Pp. viii, 228. \$3.25.

Probation and parole officers, judges, lawyers, social workers, and those generally interested in the administration of correctional work will find this a useful reference.

The first part of the book is devoted to a discussion of the more general aspects of probation and parole; the similarity of these services; the nature of probation and parole treatment; the selection of offenders for treatment; and the organization and administration of these services in relation to the court or the paroling authority. The author regards probation and parole as aspects of the larger field of social work, showing that a knowledge of human behavior and modern casework skills are far more necessary than technical law enforcement or legal skills, though the latter play important roles in the work of a probation or parole officer. The purpose of probation or parole is the protection of society through efforts at rehabilitation and redirection of the offender's behavior. The author makes a good case at the same time for the need to distinguish between these two concepts. It is easy to select and classify a large number of factors which appear to have some bearing upon crime causation, such as poverty, family conflict, or mental handicap, but as Mr. Dressler observes, the vast majority of individuals growing up under such handicaps do not become delinquent, so we must look to *motivation* and subtle influences which underly each individual's behavior before we can understand causation in any specific instance.

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¹ Mulford, *The Nation* 95 n. 1 (1870), an interpolation of Brownson, *The American Republic* 15 (1866).

It is in this area that casework knowledge is so essential since the focus of casework is upon the particular individual's motivation in relation to his general economic, biological, and social background.

Following his treatment of the general aspects of probation and parole, the author discusses many practical problems and methods characteristic of the field. His chapter on rules and regulations, emphasizing the need for greater flexibility and more emphasis upon positive suggestion than upon negative restriction, should be read by all parole board members. Likewise his chapter on authority and its use should be required reading for probation and parole officers, as he shows how a constructive use of authority, in relation to social reality rather than as police threat, can often be far more effective. There is also an excellent chapter on public relations, and the current need for broader interpretation of our work to the public at large.

Four short chapters in the latter part of the book are devoted to an evaluation of techniques and skills required to implement one's professional understanding of the art of helping probationers and parolees. Without skill in dealing with all kinds of people, such attributes as good intentions, common sense, and a desire to be helpful are seldom effective though, of course, these attributes are essential foundations upon which to develop skills through training and experience. Throughout these chapters the author occasionally draws upon valid case material, though one wishes he had expanded these chapters and drawn more freely upon the case material with which he is so familiar.

One also wishes that the author had included a chapter on the legal origins and leading case decisions underlying the development of probation and parole services. Despite the fact that much of this material is recorded elsewhere it is a serious omission here, and might well have been substituted for the chapter toward the end of the book on law enforcement methods.

In this reviewer's opinion the chapter on law enforcement techniques required of probation or parole officers is completely out of context and belongs in a training manual for police officers rather than for probation or parole officers. It can hardly be said to reflect general practice but seems rather to reflect a personal preoccupation or perhaps a particular department's approach to supervision. It is hard to reconcile this part of the book with the author's description of staff qualifications and casework skills requisite to successful probation or parole supervision. In an age of specialization when police science has become a technical specialty, and when a great variety of investigative and detective facilities are at hand, the wise court or parole authority will do well to counsel its probation or parole staff to utilize such facilities rather than attempting to train them in the use of arms, the methods of a detective, or the skills of a policeman. Certainly a probation officer will be alert to suspected violations, will understand the law of arrest, and will be familiar with the nature of evidence, but he will be far more effective through cooperating with the normally constituted law enforcement, detective and apprehending agencies when emergencies arise and violations are known or suspected than in attempting to duplicate their functions. In this respect the author virtually contradicts himself and materially weakens his position. However, in general, it is a sound volume and a significant contribution to the literature on probation and parole.

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