

what strangely, products liability is still left where it was, widely separated from the other negligence materials, in a chapter entitled "Tort and Contract." Of course the phenomenal contemporary growth of "implied warranty" liability in foodstuffs and other products affords some basis for treating these cases in a chapter on the relation of tort to contract. But the products cases could have been brought up with landowner cases to the duty chapter on the basis of the privity limitation. That "limitation" is no longer really effective, but neither are the "limitations" in some other sections of the chapter. Earlier editions of the casebook had no cases on the liability of an employer for acts of an independent contractor. Abbreviated materials have now been inserted in a new chapter entitled "Imputed Negligence" which also contains imputed contributory negligence.

There is some rearrangement of materials within certain chapters. In the chapter "Negligence," for example, both sections and cases within sections have been revised. The result, I think, is a definite improvement in teachability.⁶

The new edition is about 120 pages shorter than the previous one. This has been accomplished by cutting cases more sharply and providing more textual material. Thus, the chapter on conversion has now been made a section and its length has been cut in half by covering much of the material by means of text notes. The effort in the pruning process is to make it possible to cover more of the book in the limited time that is now given to torts.

If the proof of a casebook is in the using, I can testify from experience that the Prosser casebook is a good one, indeed an excellent one. Its arrangement, its cases, its notes and comments are stimulating and conducive to good classroom discussion. I think the new edition will prove even better.⁷

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⁶ One minor, additional change that I would suggest is to take *Pokora v. Wabash Ry. Co.*, 292 U.S. 98 (1934) from its place as the first case in "proof of negligence" and to place it just before the cases of "violation of statute." This would make it easier to get across the idea that the court is itself adopting the rule of law from the criminal statute rather than having it prescribed by the legislature. Cf. RESTATEMENT (SECOND), TORTS § 286 (Tent. Draft No. 4, 1959).

⁷ We torts teachers are blessed with a plethora of good casebooks. I wish that they cost less so that we could switch around from year to year and experiment with them, without having to put such a financial burden on our students.

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Family Environment and Delinquency. By SHELDON AND ELEANOR GLUECK.
Boston: Houghton Mifflin Co. 1962. Pp. xi, 328. \$6.50.

My eldest boy, aged thirteen, attracted by the title *Family Environment and Delinquency* and searching for an opportunity lightly to torment his father,

picked up this book, skimmed through the pages and announced: "The Gluecks are right. It reads like my biography."

Whatever the state of his family environment, the witticism was misplaced, since the work under review does not aim to present a generalized, discursive description of the relationship between delinquency and the total family environment. It has a much narrower and more scholarly purpose. It is part of the *Unraveling* trilogy, continuing the story of a major research project first described in 1950 in *Unraveling Juvenile Delinquency*,¹ carried forward in 1956 in *Physique and Delinquency*,² and requiring still further exegesis in the future. In *Unraveling Juvenile Delinquency* an attempt was made to isolate the statistically significant observed differences between a sample of 500 "true" delinquents and a matched sample of 500 of their law-abiding brothers; in *Physique and Delinquency* the purpose was to isolate those of the above differences which seemed more fundamentally constitutional than situational; in *Family Environment and Delinquency* the purpose is to isolate and study those differences between the samples which appear to be basically environmental and, in particular, to be found within the family life of the children concerned. But the analysis is cumulative, not merely complementary—the social factors are here studied in relation to the findings in *Physique and Delinquency* concerning body types.

The Gluecks are not, of course, engaged in the exercise of inquiring which is more important—heredity or environment? The best answer to such a question is given by another—for boiling water, which is more important, water or heat? It is the relationship between the environment, particularly the environment within the home, and the personal physical characteristics of their 500 true delinquents that the Gluecks are investigating in this book. They do not pretend to produce any rounded and complete answers. It is unlikely at this stage of research that they could. But they do produce a multiplicity of signposts that will help us immediately to improve our already existing levels of surmise and conjecture—to improve our frame of reference for the understanding of juvenile delinquency.

The whole effort is immensely worthwhile, a fact that is too often clouded by the storm of conflict that rages around the work of Sheldon and Eleanor Glueck. Once the Gluecks moved, with *Unraveling* and their prediction tables, from their follow-up studies into wider spheres of criminological analysis, commentators leaped to take up positions for or against them. These positions often seemed to be dictated by professional assumptions and prejudices rather than by critical evaluation of the Gluecks' writings. One effect of the turmoil that has surrounded their work, and the bitter hostility to it of many sociologists, has been that insufficient attention has been given to the interest-

¹ GLUECK & GLUECK, UNRAVELING JUVENILE DELINQUENCY 13-76 (1950).

² GLUECK & GLUECK, PHYSIQUE AND DELINQUENCY (1956).

ing information that the Gluecks have amassed over decades of dedicated work relevant to the aetiology of juvenile delinquency. This book is another such contribution and deserves the careful and critical reading that the Gluecks ask for in the preface. Indeed, it can hardly be read meaningfully other than by someone who has already grappled with *Unraveling Juvenile Delinquency* and *Physique and Delinquency*. This is no criticism; why should it be thought that knowledge is easier to acquire in this field than in other fields of scientific endeavor? Here, as elsewhere, the advancement of knowledge requires the artificial isolation and the closest of analysis of defined concepts. This can hardly make for reading that appeals to the eye of uninstructed common sense.

All three volumes provide close analysis of extensive information concerning the thousand cases studied, and with successive volumes the analysis, statistical and by way of commentary, becomes even more detailed. The validity and viability of this collection of information depends on at least two things: the representative quality of the sample of children studied, and the precision of the definition of the "factors" and "traits" used to classify them. The former can be tested only as the information here developed is sought to be applied to other groups; the testing of the prediction tables on other groups is a step in this direction. The latter are clearly set out in each volume of the trilogy and the critical student can judge for himself the precision and communicability of the analytic nosology that has been developed.

A reviewer cannot with propriety undertake to summarize such a massive project, but he can at least describe the structure and organization of the work under consideration. The text runs to 165 pages, the appendices and index to 163. The appendices give the tables on which the commentary in the text is based, and there is one appendix that will be of particular interest to those who wish to gain an understanding of the foundation of the whole statistical edifice. Appendix A is called "The Case of Henry W." It was prepared by George F. McGrath, the present Commissioner of Corrections in Massachusetts, and Mildred P. Cunningham, as part of their preparation of cases for the *Unraveling* project. It reveals the skill with which the Gluecks have organized a team to collect full and detailed case records, more complete and carefully collected than this reviewer has seen outside the files of an individual analyst. "The Case of Henry W." covers thirty-five pages of close, detailed summary of his life and personality. In the long run, the entire validity of the *Unraveling* project depends on the accuracy, precision and viability of these case records. It is stated that "each one of the 1,000 cases reported in *Unraveling Juvenile Delinquency* is the product of similarly intensive and thorough exploration."³

It is only when one comprehends the extent of these thousand case records and then tries to relate them to the statistical analysis of over 400 traits and factors on which distinctions were sought to be drawn between "true" de-

³ GLUECK & GLUECK, FAMILY ENVIRONMENT AND DELINQUENCY 169 (1962).

linquents and non-delinquents, that one gets a feeling for the monumental size of the *Unraveling* project and a sense of awe in the face of the incredible determination and diligence of the Gluecks. Their follow-up studies spanned the decades and proved to be milestones in the development of criminological knowledge; the *Unraveling* project has a similar time-scale and, despite the controversy that rages around it, there is little doubt that it too will be a milestone in man's slow and hesitant progress towards understanding the aetiology of delinquent conduct.

From this third part of the trilogy we obtain some guidance to those aspects of family life which, when they impinge upon a child of appropriate personal and physical susceptibilities, are particularly likely to produce persistent delinquent conduct. We thus get some clues for treatment and prevention. But there's the rub. As yet we know little about treatment or prevention. This is not the Gluecks' fault, but it is relevant to the immediate applicability of their findings. Ideally and ultimately, diagnosis and treatment must be linked; but there are many conditions whose aetiology we can understand but nevertheless not treat (*e.g.*, mental defects) and others where the converse is true and treatment techniques far outdistance our aetiological understanding (*e.g.*, cancer). Yet in correctional work, very little attention indeed has been paid to evaluating the relative success of our existing diverse and extensive treatment methods, and virtually none to matching different techniques to different classifications of offenders. And this is perhaps why the chapter entitled "Conclusion: Some Implications of the Findings for Management of Delinquency"⁴ is less satisfying and precise than the rest of the book. The broad advice offered is that recognition of those physical traits, personal qualities and family situations that characterize the true delinquent and his social setting will assist the therapist, lay or professional. It may; it may not. The matter is entirely untested. I am inclined to think it will help; but this is mere surmise unsupported by the critical testing that the Gluecks elsewhere insist upon. Adverse family situations, alcoholic parents, fathers grossly unsuitable as vehicles for the child's identification and emulation may not be treatable at all, other than by programs of social development only remotely connected with delinquency; and it may be quite inappropriate to provide a substitute adult model for the inadequate father in the form of a Boy Scout leader, a Big Brother, or an athletic director, as the Gluecks suggest.⁵ The hypothesis must be tested.

The *Unraveling* project offers a great deal; it should not be criticised for what it does not purport to do. One thing it reveals is the urgent need for information on the efficacy of our treatment methods. It is good to isolate some of the seeds of delinquency and to recognize the soils that are hospitable to them; but that very process renders more urgent the task of establishing

⁴ *Id.* at 153-65.

⁵ *Id.* at 159.

knowledge of the relevant insecticides, weeding processes, manures—the metaphor becomes scatological; it should be discontinued—but the idea, I hope, is clear.

One of the difficulties about writing on such a subject as juvenile delinquency is that everyone thinks that he is an expert. Those from a wide diversity of professions and many vocations implicitly claim that their training or experience gives them a touchstone for understanding the origins of juvenile delinquency and for advising on its treatment. Advice is wonderfully free and plentiful. Homespun solutions are constantly offered. Their steady failure does nothing to inhibit the offering. For such people the *Unraveling* trilogy has little enough to offer, unless perhaps they will make the effort through these writings to appreciate the substantial complexity of the whole problem and the need for a more organized and scientific intellectual approach. The serious student, on the other hand, already appreciates that they are for him an essential and basic tool in the development of his understanding of juvenile delinquency.

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