

basis; sometimes uses an intermediary, *e. g.*, the dummy "loan broker," who, for the use of the lender, exacts a "commission" from the borrower.

The third and more direct type of subterfuge consists of exaction of a charge from the borrower, ostensibly for something other than the use of money but in fact conveying a benefit to the lender under such guises as "service charge," "fee," "bonus," "commission," "brokerage," or "loss reserve." Not meriting even the questionable honor of classification under the caption of "devices" are those practices which constitute sheer, stark dishonesty, such as dating notes prior to delivery of the money to the borrower, use of notes expressing a larger principal amount than that lent, and levying "fines" for delinquency.

Following this interesting discussion is a consideration of the relevant provisions of the Uniform Small Loan Law, showing how this law attempts to meet and prevent these evasions. The work concludes with very helpful appendices—the First Draft of the Uniform Small Loan Law (1916), the Fourth Draft (1923), the Sixth Draft (1935), Citations of Small Loan Laws (as of December 31, 1937) containing a condensed legislative history of the enactments in each state which has a regulatory small loan law in effect, Chronological Classification of Small Loan Laws and Their Relation to the Uniform Small Loan Law (as of December 31, 1937), and a Classified Bibliography.

It is difficult to conceive any manner in which the subject-matter of this book could have been treated more completely or presented in a more usable or understandable manner.

R. FORDER BUCKLEY.†

---

PREDICTING CRIMINALITY. By Ferris F. Laune. Chicago: R. R. Donnelley & Sons, 1938. Pp. 163.

Searching for *the* causes of crime and formulating *the* proper basis for the prediction of success on parole have been the principal plagues of criminologists for the past decade. This book is another interesting expedition in that quest for the "open sesame." The author assumes the social necessity of parole. He introduces his discussion with this terse and thoroughly acceptable statement:

The fact remains that nearly all prisoners will, at some time, leave their prisons, either on parole or by discharge, and since the former method is preferable, from a social point of view, for the sake of the supervision thus obtained, the chief question facing a parole board is not *whether* to parole, but *when* to parole.

The author correctly assumes that those who are responsible for the selections of parolees are interested primarily in doing what is best for society—not to release anyone who is likely to resume anti-social behavior but to release as early as possible the inmate who has learned his lesson and who can no longer be considered dangerous to society.

Even where a parole prognosis is available to the agency selecting

---

† Member of the St. Louis Bar and of the Committee on Small Loans of the Missouri Bar Association.

parolees, the principal method of selection is through a hearing of the inmate by the parole board or other agency granting parole. Much consideration is usually given to the type of crime of which the parole applicant was convicted. It is difficult in most instances to provide any logical basis for the impressionistic opinions formed by members of the parole board. Some parole boards give much weight to a prognosis based upon institutional records. The author points out that this is objectionable for two reasons: first, because the method by which most of the prison history of the inmate is secured and recorded renders it of questionable value; second, it rests on the predicate that there is very little possibility of change in parolability as the result of the influence of prison life.

In this book the author makes two assumptions: first, he assumes "that one chief purpose of penal incarceration is the rehabilitation of the individual delinquent; that such rehabilitation must be based on some element or elements in the penal situation and that it operates through the transformation of attitudes of the individual." He feels that to judge the probability of successful adjustment of a parolee from such factors as his nationality, age, marital status, education, early training, economic status, and other matters connected with his history is to exclude entirely any change which may take place in his ego or attitude after imprisonment.

The second assumption on which the book is based is "that the subjective judgments of properly qualified inmates regarding the probability of success on parole of other inmates possess some degree of validity." This second assumption is based on the author's belief in the well-known statement made by Dean Kirchwey:

I would trust the judgment of a prisoner in whom I had confidence, regarding the probability of a successful parole, more than the judgment of a psychiatrist or of a parole board, and far more than the score derived from any prediction method.

The object of the study is to devise a method by which estimates by inmates concerning parolability of other inmates can be utilized. This book is a discussion of the method used.

First, two very intelligent, well-educated inmates were asked independently to record their judgments concerning a selected group of other inmates. In comparing these scores mathematically on the basis of Pearsonian coefficients, there was found to be sufficient correlation to warrant the assumption of validity of the estimates recorded by the two inmates. These estimates are called "hunches." Each of these two inmates was then consulted concerning the reasons for his "hunch," and these consultations revealed the different factors which entered into the estimates of the two inmates concerning the other inmates.

The author realized that inmates, even though they were good judges of parolability, could not act in an advisory capacity to parole boards because of public policy and because of the ethical principles to which convicts adhere—that is, against "squealing." In order to apply these inmate "hunches" effectively a series of questions was designed to bring out desired information concerning the factors on which these "hunches" were based.

This questionnaire could then be placed before a parole applicant for him to answer and the parole board would then have detailed information concerning the attitude of this applicant.

After the questionnaire was compiled it was submitted to a "truth group," composed of the most dependable and truthful convicts, and also to "random groups." The results thereby obtained were compared mathematically as between the two groups, and as between each group and the "hunches" of the two inmates first selected. On the basis of the correlation coefficients thereby obtained, the questionnaire was shortened and revised, and unreliable and unnecessary questions were deleted. The revised questionnaire was then tested and thought to be satisfactory.

The author mentions another experiment which he has been conducting. It consists of the application of the revised short questionnaire to one hundred and fifty parole applicants monthly. On the basis of this experiment he expects to construct an experience table which will determine quantitatively the relative accuracy of this technique for determining parolability. The results of this experiment have not yet been published.

The author suggests that there is a broad field for the application of this method of approaching social phenomena. He closes his discussion with these remarks:

If the methodology is valid in prediction of outcome on parole, it seems probable on *a priori* grounds that some similar method might be adapted to the prediction of probable outcomes of marriages, the prediction of probability of success in a profession, and many other similar fields.

It is hoped that further studies in the field of attitude-testing will clarify many points which are as yet obscure and that in this technique will be found a powerful implement for social control.

This is an interesting book but one which will be given up in disgust by the reader who is not interested in following a statistical discussion. Even the reader who does follow the discussion through must conclude that there is much doubt surrounding the settling of social problems either philosophically or mathematically. Social problems arise through experience and any new theories regarding them must be tested by experience. Perhaps this author has given a valuable approach to the determination of parolability—perhaps not. Only experience can provide the answer.

PAUL E. RAYMOND.†

---

† Dean, Stetson University College of Law; Associate Editor, Attorney General's Survey of Release Procedures, 1937.