The Linacre Quarterly

Volume 43 | Number 2

Article 12

5-1-1976

[Book Review of] Legal Challenges to Behavior Modification: Trends in Schools, Corrections and Mental Health, by Reed Martin

George J. Annas

Follow this and additional works at: http://epublications.marquette.edu/lnq

Part of the Ethics and Political Philosophy Commons, and the Medicine and Health Sciences Commons

Recommended Citation

Annas, George J. (1976) "[Book Review of] Legal Challenges to Behavior Modification: Trends in Schools, Corrections and Mental Health, by Reed Martin," The Linacre Quarterly: Vol. 43: No. 2, Article 12. Available at: http://epublications.marquette.edu/lnq/vol43/iss2/12

orthodox Roman Catholic position, the party line of orthodox intellectual abortionism. He declares that moral attitudes toward abortion of the medical profession and other leading sections of established society in England and most parts of the U.S.A. have undergone almost complete reversal in one or two generations without stating the basis for his generalizations. His suggestion that those who would protect the lives of the genetically-defective unborn are less aware of the social

impact of such abnormal members is trite.

Prenatal Diagnosis and Selective Abortion can be a useful book but the effect of such a book on a generation of medical students and doctors trained in medicine without an ethic could be disastrous for an unsuspecting society.

> M. F. Jefferson, M.D. President, National Right-to-Life Committee

Legal Challenges to Behavior Modification: Trends in Schools, Corrections and Mental Health

Reed Martin

Research Press, 2612 N. Mattis Ave., Champaign, III. 61820. 1975, VII + 179 p., \$5.95

Behavior modification has come under considerable legal attack in settings ranging from prisons to schools, and techniques ranging from psychosurgery to token economies. The issues are difficult and varied, and the disputes they have occasioned are not likely to be easily resolved. Books which attempt to summarize legal developments in this area for "the practitioners of behavior change and the administrators of such programs in public institutions" are therefore to be welcomed. The danger in any such book, however, is that complex issues will be made to appear simple, and that general statements of the "law" will sometimes be more misleading than informative.

While much of this book is insightful and of high quality, it is marred by its conceptual approach, its uncertain organization, its uneven organization, and its uneven documentation.

The major difficulty arises from the attempt to treat behavior modification problems generically, dealing with programs in "schools, corrections, and mental health" as if the legal issues involved did not vary significantly, depending upon the program's setting. This problem is especially troubling in the chapters on consent and records. What children, prisoners, and mental patients can consent to varies widely from state to state, yet this fact is not mentioned. The chapter on rec-

ords raises some important issues, such as what data should be kept, how it should be stored and when it should be purged, but does not adequately discuss the issue of the subject (be it child, prisoner or mental patient) having direct access to his or her record and his ability to challenge and correct data therein. In the chapters that deal primarily with medical/psychological concepts strong statements are likely to be backed up by weak references. For example, a statement alleging that "extensive research" had been done is supported by a news item in the Kansas City Times, and the periodical most frequently cited by the author is Psychology Today.

All this is not to say that this could not be a helpful book for the intended audience. It does provide a useful starting point for considering issues of due process protections that should be built into any program of behavior

modification, and the questions at the end of each chapter help to sharpen the issues. The author explores many issues of importance to practitioners of behavior modification. He emphasizes the need for treatment and criticizes the present practices of custodial care and punishment. He raises important questions concerning when the use of behavior modification techniques are appropriate, and the need to protect the subjects of these techniques. His overall approach demonstrates a genuine concern for the humane treatment of prisoners, students and the mentally ill.

Readers must, however, be warned that much of the legal analysis in the book is oversimplified, and that it should be used only as a basic introduction to the complex problems of the legal aspects of behavior modification.

George J. Annas, J.D., M.P.H. Boston University Law School

Poverty and Health: A Sociological Analysis

John Kosa and Irving K. Zola, editors

Harvard Univ. Press, 79 Garden St., Cambridge, Mass. 02138, 1975, XV + 456 p., \$15.00

This book was first published in 1969, was refurbished, amended and pruned, in the production of a second edition, published in 1975. It is a multi-authored book which nevertheless comes across almost as if it were written by one person; the editors have succeeded in presenting a coherent, thorough and detailed exposition and analysis of the nature of poverty and its relationship to health and health care.

Social aspects of physical and