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Book Reviews

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BOOK REVIEWS

RIGHTS IN CONCORD: THE RESPONSE TO THE COUNTER-INAUGURAL PROTEST ACTIVITIES IN WASHINGTON, D.C. JANUARY 18-20, 1969. A special staff study submitted by the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence. Prepared by *Joseph R. Sahid*, Director, Study Team. Washington, D.C.: U.S. Government Printing Office, 1969. Pp. xvi, 120, A-5. \$1.00.

SHUT IT DOWN: A COLLEGE IN CRISIS: SAN FRANCISCO STATE COLLEGE OCTOBER, 1968-APRIL, 1969. A staff report to the National Commission on the Causes and Prevention of Violence. Prepared by *William H. Orrick, Jr.* Washington, D.C.: U.S. Government Printing Office, 1969. Pp. xiii, 172. \$1.00.

SHOOT-OUT IN CLEVELAND. BLACK MILITANTS AND THE POLICE: JULY 23, 1968. A staff report to the National Commission on the Causes and Prevention of Violence. Prepared by *Louis H. Masotti* and *Jerome R. Corsi*. Washington, D.C.: U.S. Government Printing Office, 1969. Pp. xviii, 100. \$0.75.

THE POLITICS OF PROTEST. VIOLENT ASPECTS OF PROTEST AND CONFRONTATION. A staff report to the National Commission on the Causes and Prevention of Violence. Prepared by *Jerome Skolnick*. Washington, D.C.: U.S. Government Printing Office, 1969. Pp. xxvi, 276. \$1.25.

These reports reflect the mixed and often unfathomable purposes of officially-sponsored investigations of socio-political crises and the multifarious problems that arise when investigations are limited by a tight deadline, mixed personnel, political exigency, and a lack of conceptual refinement and appropriate theory in the more general area of study. Despite these burdens, three of the four volumes are of considerable interest to the criminologist and those working within the criminal justice system. There is, at the outset, a general point to be made regarding the three research reports. The peculiar practical exigencies of the research and publication seem to have required a greater reliance on certain rhetorical devices for establishing objectivity than is typically found in

normal sociological writing, specifically, the use of putatively representative quotations, the citation of official documents and pronouncements, the display of alternative points of view, and the employment of the chronological convention for sequencing information. As a result, the reports, to varying degrees, gloss over decisive factors in interpreting factual material and in locating findings within a coherent frame of reference.

Of the four volumes, only the report on the response to the counter-inaugural protest is not worth reading. Nowhere in evidence are the results of the "extensive interviewing" mentioned by the director of the study team. Its scant forty-one pages of text demonstrate how easily a group of investigators can miss the opportunities provided by advanced briefing and an initial location at the scene of the action (p. ix). Aside from its strange sensationalism (p. 94), the heavy-handed bias of its presentation (pp. 81, 95), and its many unsubstantiated factual inferences, the report consists of what seem to me to be fragments, or field notes, arranged by a principle that I cannot discover; it solves problems of empirical analysis by reifying ideals (e.g., the substitution of an idealization of the constabulary function and the police organizational chart for a description of police practice, and a treatment of the ideals as key factors determining the shape of events). At best, the book reads like a public relations printout for the Washington Police Department or a campaign speech for a law and order candidate. Otherwise, it is undistinguished.

The report on the crisis at San Francisco State is fairly good investigative journalism fortified by a solid, though inexplicit, sociological intuition. The strength of the report lies in its descriptions of associations, organizations, and interorganizational relations. The prominence of such material in the account suggests an approach to collective deviance and violence far more sophisticated than those that rely on such key variables as norms, beliefs, opportunity to communicate, agitation, frustration, or the unresponsiveness of established authority (p. 141). From this point of view, the report describes the college as at the nexus of, and as in-

cluding, social structures and socio-political movements entirely beyond its control. The report illustrates how the demands of various parties to a conflict can be at the same time realistic, urgent, legitimate, and utterly incompatible—deeply and inextricably rooted in social structure. It is this sense of inevitability, of organizational tragedy, that is the distinctive and original contribution of the report. Unfortunately, the concluding sections shy away from these implications. Instead, they advocate a “reevaluation of aims and purposes of education at San Francisco State” (p. 142) that seems impossible, or at least unlikely to be carried out in practice by the terms in which the staff developed the empirics of the proposition, if it is true, that “higher education in California is woven inextricably into the politics of the State” (p. 143).

The report by Masotti and Corsi provides a plausible though journalistic reconstruction of many of the occurrences that made up the Cleveland episode. Unfortunately, perhaps because of the difficulty of studying such events, its factual material is less rich than that assembled by Orrick. Consequently, no picture of the connections among and structure of the events emerges. The report follows an ordinary, and by now highly dubious, model for explaining episodes of collective violence. It treats aggregates as collectivities, and focuses on the uniformity of the crowd (p. 61), individual leaders, a background of social strain (loosely and vaguely defined by reference to grievances, the role of specific groups and an earlier “long hot summer”, a “war of conflicting viewpoints” (p. 38), and the interactions of police and citizens. The report is most interesting when it deals with negotiations among the various parties and the internal politics of the city government under crisis. However, these matters have more to do with the official practice of control than with how the episode came about or took the form the authors attribute to it. Even the account of official actions begs serious questions. For example, the mention of a “lack of contingency planning for such emergencies” (p. 65) suggests that official structures are simpler and more flexible than political and social realities described elsewhere in the report would permit. A prior lack of planning may reflect these realities and their persistence throughout the episode rather than a failure of an idealized and otherwise entirely competent decision process. The authors offer no guide in these crucial matters. In fact, they often obscure the problem by statements such as “the depths of anger and extreme beliefs from

which the violence spring are indicated by the fact that presence of a Negro in the mayor’s chair did not prevent it from happening” (p. 95). However, their discussion of the controversy surrounding the Mayor’s decision to shift at one point from police to community control and their description of “Cleveland in the Aftermath” (chapter 5) which focuses on political responses to the episode suggest that the forces at work during and after the events must not have been dormant beforehand, that the political structure of “the Mayor’s chair” is more important than the simpler relationship between the mayor and his putative constituency. Similarly, the use of so value-laden and ambiguous a concept as “extreme” must be seen as an attempt to fill a conceptual gap by an appeal to a presumed common sense of riot.

The authors suggest that the “Shoot-out in Cleveland” may herald a new pattern of violence, “violence aimed at personal injury” (p. 95), which departs from earlier instances of urban conflict. They do not support this. In fact, as they describe the episode, that phrase applies to the precipitating incidents rather than the episode as a whole. But even if one were to grant that the episode reveals a new pattern, the report does not state conditions that could account for the shift from earlier forms—inter-race combat and property-oriented riot—and therefore begs the question of whether the personal violence was accidental to or an essential element of the episode. Thus, the authors anticipate the possibility of “insurrection” without justifying their expectation. That is why a statement so mundane in other contexts is here a surprise. In fact, the last part of the report relates intellectually more to the general middle class climate of fear than to sociological analysis.

The value of the report lies, then, in its supplementary character as investigative reporting. The lack of an explicit point of view impoverishes the work. Still, like the Orrick report, it seems more compatible with the politics of protest approach than with any other general theoretic framework, despite the fact that the report clearly indicates an unhappiness with the very concepts—strain, belief, and leadership—and the theoretic commitments that they imply that the authors are ultimately unable to avoid. This dilemma illustrates a point made by James S. Campbell, former general counsel for the National Commission on the Causes and Prevention of Violence, that the analytic tools for understanding collective violence need “sharpening” if there is to be fruitful investigation

of such episodes.¹ One might go further and state that as analytic tools or concepts are sharpened, they reveal problems of theory as well. My hunch is that the vagueness of such terms has not simply produced weak approximations of an explanatory model, but has served to cover a lack of interesting and appropriate theory.

It is precisely in this regard that the Skolnick report is important. That report suggests that "mass protest is an essentially political phenomenon engaged in by normal people . . ." (p. xxvi). The Skolnick report has been variously criticized for being too willing to see collective violence from the exclusive standpoint of crowd participants, as vague in its concepts, as lacking in scholarship, and as inconsistent in its application of theory. Yet, these criticisms, though valid to some extent and applicable to every other theory in the area, miss the point. By treating collective behavior as unauthorized political action, the report blocks out a new approach to violence that places the study of collective deviance and violence within the framework of general sociology and thereby takes advantage of work done in fields of criminology, political sociology, and the study of organizations. The main thing about the report that irritates critics is, I think, its concentration on variables that are simply not manageable within the scope, jurisdictions, and ideologies of official agencies of control. It raises the possibility of structurally-irreconcilable differences in society and thereby hints at the necessity for structural rather than procedural reform. Campbell's evaluation of the work of national commissions gives articulate form to the basic practice that is violated by these implications of Skolnick's approach. He says:

"The real usefulness of commissions lies simply and primarily in their ability to present significant facts about national problems to those who possess political power and make political decisions."²

From this point of view, the significance of facts depends precisely on their capacity to provide material that is useful as a practical matter and therefore can be received within the parameters of normal political operations, which explains the traditional importance of such variables as material deprivation, failure of communication, and the weakening of authoritative systems of control

in the conventional literature on violence and collective behavior.

The Skolnick report is initially vague in its specification of some major concepts. For example, "political action" is defined as activity whose purpose is to alter "the existing arrangements of power and authority in contemporary society" (pp. 5-6). This definition is, in fact, no more vague than the definitions of "political violence" and "civil strife" offered in the typically more favorably reviewed volume *Violence in America*, prepared for the Violence Commission by Graham and Gurr.³ Yet, the Skolnick report has been singularly called to task for its vagueness by those hostile to its program. The weaknesses of Skolnick's definition (e.g., the fact that it deals in purposes in a way that is difficult to understand) may be obvious, but they are by no means fatal to the report. Its strength lies in the fact that it orients the reader to competing perspectives and associations and to interorganizational conflict about power and institutional arrangements. The various contexts of its use throughout the book clarify the concept, placing it in a distinctive conceptual space or theoretic frame. In this respect, Skolnick uses the term as what Alfred Schutz called a "key concept," one that redistributes a formerly homogeneous domain by noticing an important distinction that can be made. Thus, collective behavior becomes a species of political action, namely political action which is unauthorized. This demands a new orientation both to the problems of explanation and to the problem of determining what are the significant facts. This theoretic program is most in evidence when Skolnick writes about the police. The material on antiwar protest, student protest, and black militancy tends to focus on one or another of the factors that Skolnick sees important for the analysis of unauthorized political action and episodes of situated conflict. Yet even there, the refusal to dissociate the events from a specifiable institutional and organizational context yields valuable insight. Nevertheless, the failure to tie organization, ideology, institution, and context, among the other implicated factors, together in a tight conceptual net leaves the nature of action problematic though manageable within the lines of the literature the report opens to the study of collective behavior.

Throughout, the report is suggestive. An especially interesting feature, so far as criminology is

¹ Campbell, *The Usefulness of Commission Studies of Collective Violence*, 391 ANNALS 168 (1970).

² *Id.* at 169-70.

³ H. GRAHAM & T. GURR, *Violence in America* 82, 545 (1969).

concerned, is that its treatment of collective behavior as unauthorized political action hints at a category of crime, political crime, that can be understood as an act of agency and thereby distinguished from other types of crime by the fact that it transpires within a community of interest and is motivated by participational rather than egoistic motives. This and similar suggestions highlight the special contributions of the report, in particular, its heuristic value and its skepticism. In regard to the latter, the Skolnick report raises serious questions about the suitability of conventional treatments of collective behavior to the understanding of protest and violence. It also raises serious questions about the adequacy of the anecdotal literature and early research that has traditionally served as the empirical base for models of collective behavior. Finally, and in addition to its heuristic value and the skepticism it introduces into a normally uncritical discipline, the report answers to the need to make publically comprehensible events that have been described as collective violence, riot, mob behavior, urban unrest, protest, and crowd action.

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SOCIETY OF SUBORDINATES: INMATE ORGANIZATION IN A NARCOTIC HOSPITAL. By *Charles R. Tittle*. Bloomington, Indiana: Indiana University Press, 1972. Pp. 200. \$7.95.

The study of human relations in controlled or closed social settings has made the analysis of inmate populations attractive. The totalitarian characteristics of authority and the effects thereof in prisoner of war camps, asylums and prisons have received detailed attention. One important aspect of these settings has been the "captive's" or "subordinate's" response to restricted freedom. Charles Tittle concerns himself with this latter theme in an attempt to lay the ground work for a generic theory of inmate organization. His analysis of a federal narcotics hospital leads him to conclude that present theories of inmate organization are too narrow in focus and have not identified all of the relevant variables in explaining inmate relations.

Tittle uses the existing literature very skillfully in generating five problems around which his own analysis is centered: ". . . (1) the nature of inmate adaptation, (2) the forms of inmate organization

that occur under various conditions, (3) the etiology of typical inmate adaptations, (4) appropriate explanations of inmate behavior, and (5) the consequences of inmate organization" (p. 26). Utilizing a stratified systematic random sample, he studied 275 patients (male-female, volunteers-prisoners). The peculiar inmate composition of the institution raises doubts as to how generalizable these data are to more typical inmate populations. Though aware of this problem, Tittle does not hesitate to compare his data with the existing literature on inmate populations, especially in prisons.

In the course of evaluating the previously listed problems, the author presents 59 tables (in 179 pages of text). His success at communication to the reader is only moderate. More "summary" type statistics would have made his presentation easier to follow and some of these statistics are more powerful than those that he used.

Tittle's summaries are sometimes misleading—as when he describes his subjects—but they generally aid in following the author's presentation of data. Several conclusions are drawn with regard to the problems addressed. For example, both primary and collective organizations exist, but primary need not promote collective organization. Sex differences existed in organization, but they were not explainable. Also, preinstitutional and situational factors seem important in the formation of an inmate society and, lastly, short term therapy was not affected by inmate organization.

However interesting these findings, one wonders if these are not an artifact to some degree of the peculiar composition of the inmate population studied. Perhaps the author's greatest contribution is an emphasis on the synthesis of existing materials on inmate societies.

FRANK CANNAVALE, JR.

George Mason University

PRISONS, POLITICS AND PROTEST. By *Burton M. Atkins* and *Henry R. Glick* (Eds.) Englewood Cliffs, New Jersey: Prentice Hall, 1972. Pp. 180, \$5.95 (\$2.45 in paperback).

This book consists of fifteen (previously published) articles arranged in four sections. Sections one and two attempt to document the fact that American prisons and jails are places in which "vicious and brutal degradation of inmates regularly takes place" and that, legally, there is not much the inmates can do about it. For some con-

victs life is short, for most others, poor and brutish, and for all, fundamentally unconstitutional. Ramsey Clark—Prisons: Factories of Crime—and Karl Menninger—The Crime of Punishment—are included in section one. Also included is a fine analysis of race polarization and violence in San Quentin by convict Edward Bunker.

Sections three and four contain articles which attempt to answer two major questions. First, what are the consequences—for prisons—of the conditions described in the first two sections? Second, why can't something be done about these conditions. The answer to the first question—presented mainly by inmates (Cleaver, Coons, Seale, Browning)—politicalization, radicalization, organization, within and across racial groups. The answer to the second question is given in terms of, first, legislative, executive and judicial barriers and second, the ability of prison administrators to subvert, for social control purposes, those reforms which do manage to circumvent these barriers. This latter point is well illustrated by Jessica Milford, with reference to the indeterminate sentence and the parole board. (Kind and Usual Punishment in California).

Although on the whole, the articles included in this book are interesting and well worth reading, the book itself suffers from the apparent unwillingness of the editors to do little more than describe the articles they had selected. For example, Menninger writes about the "crime of punishment" in the first section. Articles in subsequent sections—Milford's article particularly—make it clear that in the California system such allegedly "therapeutic" devices as the indeterminate sentence are equally punitive. Yet, Menninger who disapproves of punishment, quite uncritically, approves of the California system.

Again, the relationship between the prison conditions described in section one and the subsequent political violence and protest described in section two, is by no means self-evident. The causes of racial tension and racial violence may be different from the causes of the "non-political" or "routine" types of inter-personal violence described earlier.

In none of these instances, and others that could be mentioned, was any effort made to work upon—critically-analytically—the material included in the book. As it stands, it is simply convenient to have all these articles in one place. For those to whom convenience is not an unimportant criterion, the book will be worth the price. As I mentioned earlier, most of the articles are not only interesting,

they are relevant to significant and recent developments in American prisons.

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READINGS IN CRIMINOLOGY AND PENOLOGY
(Second Edition) Edited by David Dressler,
New York and London: Columbia University
Press, 1972. Pp. 743. \$15.00 (Cloth); \$7.50
(Paper).

This book of readings is addressed, as the preface indicates, to students taking courses in criminology, penology, juvenile delinquency, and police science. Selections are drawn from a wide range of sources and disciplines. In addition to excerpts from scholarly books and articles in social science, selections are taken from government documents, articles in prison newspapers, speeches and the press releases of public officials.

Because the "...collection supports a text rather than being one in itself..." the question arises as to the quality of support given. From this reviewer's point of view, supplementary readings should present a more analytic and intensive view of selected issues in crime and corrections than is usually presented in a text. To proceed in the opposite direction is to appeal to superficial and misguided notions of relevance and contemporaneity. This collection of readings tends to move in the latter rather than the former direction. If we assume that students taking criminology, penology or juvenile delinquency courses are literate and are aware of media reports, do they really need a selection giving us the view of a police chief about the death penalty? By paying attention to the media, wouldn't we know what J. Edgar Hoover is going to say about the "alarming increase in crime?" In fairness to the editor, it should be pointed out that where one side of a controversial issue is presented, other and opposing points of view are also presented. My disagreement is not with a balanced presentation or the points of view expressed, it is the quality of the material included; students in college level courses deserve, and frequently demand, more penetrating analyses of issues.

A similar objection can be raised about the selections in areas "...covered extensively in practically every textbook in criminology, penology and juvenile delinquency." In agreement with the editor, the selections should not repeat text content. However, this reviewer thinks a reader could

usefully extend points raised by a text presentation. While theories of delinquency are explained by a text, a reader selection might, for example, examine the current status of the theoretical efforts by such people as Merton, Cloward and Ohlin, Cohen, and Matza.

MARC RIEDEL

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FIREARMS AND VIOLENCE IN AMERICAN LIFE: A STAFF REPORT TO THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE. Prepared by *George D. Newton* and *Franklin E. Zimring*. Washington, D.C.: United States Government Printing Office, 1970. Pp. xxiii, 268. Paper, \$1.25.

The creation of a national commission is Washington's standard bureaucratic answer to annoying social problems. Undoubtedly, it is a most effective method of buying time, cooling the tempers of inflamed pressure groups, and at the same time maintaining all possible options. The commission's mandate can hardly be fulfilled in less than a year. Political allies placed in strategic positions of power among the commissioners and directors neutralize any threat of a radical attack upon the regime in office. Circumspect leaks of preliminary findings test the barometer of public opinion. If the report is pleasing to the administration, it may be implemented; if not, it can easily be buried in the archives.

The final report usually emerges as a political document, rather than as an objective account of social research. Before its submission it is expurgated, amended, and then reconstructed to express the compromise hammered out among the powers. The real work—the observations, the interviews, the data gathering, the analysis, and interpretation—the heart of the project, are ordinarily hidden in the fine print of interminable appendices.

It is heartening to observe a new trend, the publication of the task force reports in separate volumes, such as *Firearms and Violence in American Life*. The task force on firearms and violence was the fifth of the original seven groups established by the National Commission on the Causes and Prevention of Violence. (An eighth task force was later formed to investigate the disorders at the political conventions of 1968 and the violence on college campuses.) The mandate for the firearms task force required

an investigation of the role of firearms in accidents, suicides and crime, and an evaluation of alternative systems of firearms control.

What are the roots of America's fascination with guns? Why are we among the first nations in gun ownership and gun violence, and among the last in powerful controls? The explanations offered by the task force range from the persistence of our frontier tradition to our fear of guns in the hands of criminals, and from the satisfaction of psychological needs to the influence of the mass media. But the vital question remains, Why isn't something done to stop the senseless destruction?

The sobering conclusions of the study warn us that:

There are 90 million firearms in civilian hands and 24 million of them are handguns.

One-half of all American homes contain a firearm.

Ownership of guns is highest in the South, and lowest in the East.

Regional comparisons show that violence involving firearms rises and falls with the rate of ownership of guns.

Owning a gun for self defense or protection of homes is deeply rooted in American tradition, but the rationale for it is largely an illusion. There is rarely time or opportunity to use the gun to defend against an assault, robbery, or burglary.

Federal and state laws to regulate firearms are a patchwork quilt. Many of them are obsolete, unenforced, or unenforceable.

The Second Amendment, which states in part that the right of the people to keep and bear arms shall not be infringed, actually raises no legal barrier to gun control legislation. The Supreme Court has interpreted the amendment so that it applies only to the state militias. However, the Fifth Amendment may possibly be invoked as a bar to the enforcement of such laws.

The task force's recommendations for an effective program of control fall under three principal headings: restrictive legislation, public education, and continued research. How galling it must be for the members of the task force to realize that the platforms of the Democratic and Republican parties in 1972 totally ignored the work of the commission, and blatantly refused to endorse strong gun control legislation.

The crowning touch was the feeble bill approved by the Senate. The senators knew the facts, debated the issues vigorously, and considered various schemes to end the slaughter of 20,000 persons

each year, traceable to suicide, accident, or murder by gun. All they accomplished was to outlaw the "Saturday Night Special"—the cheap snub-nosed handgun that can be bought by mail order. The Senate compounded this travesty by eliminating the restrictions on the sale of .22-caliber rimfire ammunition. The rimfire cartridge was used in half the gun murders. It is less expensive and easier to obtain than the center fire cartridge; it can be used in the cheaper, mechanically imperfect guns that would be incapable of firing the other type of ammunition.

The late J. Edgar Hoover, The International Association of Chiefs of Police, and leading police commissioners have all recommended strong gun control legislation to no avail. Finally, and with some justification, the police are becoming cynical about the effectiveness of the legal approach. A survey by the American Bar Association found police spokesmen quick to advocate more aggressive police tactics as the solution to the illegal gun problem. Their position was that police should be granted the legal power to stop and search suspects and their possessions on the chance of illegal possession of a firearm, although there was no probable cause for arrest. This discretionary power would go far beyond the present "stop and frisk" laws.

The lobby most responsible for the continual defeat of sensible gun legislation, the National Rifle Association, has swelled to one million members. A small group of New York National Guard officers formed the association in 1871 in order "to promote and encourage rifle shooting on a scientific basis." Subsidized by the Department of Defense through the Army's National Board for the Promotion of Rifle Practice, it is commonly believed to operate as a front for the gun industry.

It is tragic that in our nation, only two states, New York and Massachusetts, require the applicant to offer a valid reason for ownership of a gun before the police issue a permit. So many illegal guns are brought into those two states from other lax jurisdictions that research is unable to determine clearly whether strict controls reduce the number of gun deaths.

Obviously, a violent America is unable or unwilling to impose proper regulation upon firearm ownership and use. The flood of firearms dooms us to a plague of crime, horror, and death. And ineluctably, the dedicated effort of the firearms

task force ends not with a whimper but with a bang.

ARTHUR NIEDERHOFFER

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BUSTED: A HANDBOOK FOR LAWYERS & THEIR CLIENTS. By *Oliver A. Rosengart*. New York: St. Martin's Press, 1972. Pp. 175. \$.

"Busted" is an introductory guide to practice in the Criminal Court of New York City. It is, however, a book that can be of assistance to any lawyer practising in the criminal courts of his locality.

The book was sponsored by the National Lawyer's Guild and profits will go to the Guild and "other movement organizations."

The preface to the book written by the National Lawyer's Guild sets the record straight as to where the Guild stands in relation to the criminal justice system. "If you are poor, non-white, or political, you will face the brunt of racism and repression that characterizes criminal courts everywhere." This line was written in 1970. The validity of this assertion, then, or now, is best left to the reader's judgment and personal experience. The recent decision of the United States Supreme Court in *Furman v. Georgia*, 408 U.S. 238 (1972), condemning the imposition of the death penalty to a "capriciously selected handful" with grievous discrimination against "minorities and the poor," certainly points up the relevance of this position.

A clue to the book's merit may be found in the subtitle, "A Handbook for Lawyers and Their Clients." As this would imply, the author shuns the abstractions normally treated in a book on criminal practice, but rather delves into the field, in a frank, pragmatic manner. The end result is a book that belongs in the lawyers' briefcase, to be consulted as frequently as each decision needs to be made.

In time, the criminal lawyer who faces these decisions acquires the sophistication which enables him to act confidently and with resolution. It is only then that he truly serves his client's best interests. *Busted* was written with the purpose of providing "instant sophistication" and it does this admirably.

Drawing on his varied experience as a staff attorney with Mobilization for Youth Legal Services, on New York's Lower East Side, practising only criminal law, the author displays formidable

knowledge of the pragmatic aspects of criminal practice. The reader is led through the initial encounter at the arrest stage, and along each phase of the prosecution. Each chapter sets out what the attorney may expect to be confronted with, together with expert advice on how best to cope with the several options, alternatives and decisions he must face.

The chapter on arrest, for example, details the lawyer's function at "Demonstrations", and in addition to the expected treatment of the applicable law, goes so far as to advise the lawyer how to dress, where to station himself and even what to look for. This fastidious attention to detail exemplifies the author's treatment of such chapters as the arraignment, preliminary hearing, youth practice, plea bargaining, and other relevant topics.

There are occasional citations of leading cases, and these may be of some help to the attorney, but the book's true worth is not as a reference source, but in its realistic treatment of the procedural aspects of criminal practice.

This reviewer has no hesitation in recommending this book for every criminal lawyer's briefcase. The attorney, newly engaged in the defense of criminal cases, needs more than a solid knowledge of the substantive law. For the lawyer who has not yet acquired that sophistication which comes with experience in the field, this book is a must.

SAM W. KLEINFELD

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THE MARK OF CAIN: THE STIGMA THEORY OF CRIME AND SOCIAL DEVIATION. By *Shlomo Shoham*. Dobbs Ferry, N.Y.: Oceana Publications, 1970. Pp. 282. \$7.50.

Shoham's primary concern in this book is the analysis of social stigma, defined as the "derogatory tags applied to social roles and statuses." The analysis is related to "its effects on the etiology of crime and deviation and its use by the various agencies of social control to curb the infringement of norms."

In the first chapter the author begins with a discussion of the function of stigma in norm sending and norm receiving and with the help of descriptive definitions he prepares the ground for the analysis of stigma as related to crime and deviation. Shoham then discusses the stigma of a psychopath. After a careful survey of the definitions of a psycho-

path he identifies five syndromes and asserts that the validity of these syndromes in the diagnosis of psychopathy is a matter of degree. Only when they reach a certain intensity is the person displaying them diagnosed as a psychopath. In other words, boundaries must be defined beyond which the syndromes will cease to be normal and signify an abnormality. In the assessment or determination of these boundaries the social context of the individual plays a significant role. Although this chapter is well presented, its relationship with the rest of the book seems somewhat tenuous.

Two types of disposing factors, behavior deviation and value deviation, are discussed in the next chapter. A typology of behavior deviation is presented with clarity. Later on, Shoham revives the concept of "Accidie" and suggests that unlike anomie and alienation (which deal with value deviation and deviant behaviour as a single entity), Accidie concerns itself with value deviation alone. The interrelationship between the three independent variables, *viz.*, deviant behavior, value deviation, and social stigma are examined next. According to the author, these three form the cluster of the total syndromes of social deviation of individuals. Of these three, social stigma wields maximum power followed by deviant behavior and value deviation. Shoham presents a model of ideal types which will facilitate testing and measurement of social deviation.

The process of social stigma is analysed with the help of a causal model. In the analysis Shoham traces the psychogenic causal pressures of stigma, the sociopsychological factors of stigma which stem from the relationship of the individual to his group, and the meaning and nature of stigma as a social act of power. The gist is that a group or an individual with power (not law or moral ethics) brands and treats the criminal, the deviant, or the antisocial person as such.

The model of stigma theory is applied to prostitution, which is used as an empirical referent. This is followed by a discussion of the effects of formal stigma. With the help of typologies the author presents the interrelationship among types of societal reaction to deviance and the strength of interrelation among societal modes of reaction to crime and deviance. The form, the process, and the effects of stigma need not be identical for all deviants at all places and time. The context or the situation in which a person is stigmatized may be

vitaly important. A deviant act when so defined by an influential segment of the society carries different implications than a deviant act which is not so defined. Shoham has also presented the influence of reference group on the form, process and effects of stigma. Moreover, he attempts to examine the relationship between stigma theory and delinquent subcultures. A case study of Jean Genet is used as a prototype illustrating the stigma theory developed by the author.

The Mark of Cain is well documented and the author imaginatively employs a variety of illustrations and cases from various sources. Although there is a lack of reference to more recent works, the author's use of the dated literature is scholarly.

The strengths of the book are many. It is a major work in a relatively new area in criminology. It presents an integrated approach and a model which seems multidisciplinary. The treatment of the entire subject is macrocosmic. The author has not given a definitive theory, nor can a theory of social stigma be expected from an almost pioneering attempt. The work offers a sound conceptual framework and a model and the author invites tests of the model. The book should receive wide use.

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LA CRIMINALITÉ A PARIS. By V. V. Staneiu. Paris: Centre Nationale de la Recherche Scientifique. 1968. Pp. 365. \$.

The author, lawyer and anthropologist, suggests that "anthropologie criminelle," after having replaced the "study of crime" with the "study of criminals" should now study the latter in his familial and socio-economic habitat, rather than only in prison, as too many criminologist still do (p. 9). Thus the first half of the book (parts I and II) is a "Geography of Crime" together with its supporting statistics with names and addresses and type of crime for criminal and victim. Most of the data are taken from Paris police arrest records, spread over the years 1950-65. A strong case is made for the fallacy of computing crime statistics for any areal unit larger than an "ilot", a Paris city block (that, because of the many small sidestreets and alleys is a much smaller unit than an American city block). Detailed listings and maps for the 16th arrondissement, very largely a crowded slum area, and for the 20th, largely a

middle and upper class area, show that even the "ilot" is too large a unit to yield meaningful results. Most perpetrators of crime live within a few individual houses or clusters of houses, with few others in even the same crowded "ilot".

Part III ("Forms of existence in the 'criminogene' zones") concentrates on overcrowding as a prime 'criminogene' force. From detailed listings of living space, family income, budget, rent, food habits, and such leisure activities as they have, together with brief sketches of individual families and their histories, a gripping picture of living conditions emerges that matches in its starkness descriptions by Zola and Victor Hugo. "23 rue des Couronnes: an old and dilapidated apartment house with grimy walls. One climbs up a narrow stair case. The 'logements' are all of the same type: one room per family, whether 1 or 6 persons. The area of each room is approximately the same: 2 x 2.5 meters (7 x 8½ ft); occasionally, but only rarely, 2.8 x 4 meters (9½ x 13½ ft). Gas and Electricity are inside, but no running water. Water and common toilet are on the stair landing. No central heating." (p. 184). What deterministic school of criminology could derive criminality, i.e. prostitution, robbery, thievery, violence... from overcrowding more cogently than does the long series of individual case histories offered by the author?

The last part ("Psycho-sociologie criminelle") describes types of crimes and criminals, mostly from police records and the author's own law practice. Again dramatic documentation of overcrowding as a 'criminogene' force, even worse in the case of strangers (among whom he also reckons Frenchmen from small towns and villages) because these are even more mercilessly exploited and socially rejected. The author inveighs again and again against the notion that the majority of criminals are "sick". Most of them, he avers, are as normal as can be, fighting back with all kinds of infractions against the law in the daily battle for sheer physical and social survival, with a perfectly normal kind of reaction against a world that treats them as brutes. He does, however, become chatty at times while reporting cases that are fascinating in themselves but have little to add to the argument. He is perhaps at his weakest when he veers off into general criminology.

After presenting countless cases of petty thievery in Department stores (mostly by young teenagers), unauthorized selling of flowers, shoelaces, etc., violation of vagrancy statutes (by the "clo-

chards", Paris counterparts of America's skid-row and Bowery inhabitants) etc., that keep the judiciary busy and fill the prisons with bodies without serving any social purpose whatsoever, the author makes some useful suggestions. For example, in part following Swiss law, he argues that in cases of minimal social consequence, where the delinquent acted out of a situation of distress, and where his behavior does not let him appear as socially dangerous, the appropriate authorities should be given considerable power of discretion not to prosecute these pseudo-delinquents. Instead they should turn them over to appropriate welfare authorities, following the old wisdom of Roman Law: "De minimis non curat praetor" (p. 339).

Another recommendation is that immaturity due to socio-economic factors should be a mitigating circumstance just as immaturity of age or immaturity due to some mental or other anomaly. (p. 339-40).

On balance *La Criminalité a Paris* is an interesting presentation and discussion. Where it is overloaded with details, these can easily be skipped. While many of the cases are not so much "Parisian" as general "big-city" phenomena, enough of them show the special situation in Paris to justify the title of the book. One could wish that similarly detailed studies were available for other cities as well, (New York and Chicago, to name two) that might serve as a basis for a better big-city criminology.

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POLITICS AND PUNISHMENT: A HISTORY OF THE LOUISIANA STATE PENAL SYSTEM. By *Mark T. Carleton*. Baton Rouge: Louisiana State University Press, 1971. Pp. xii, 215. \$8.40.

"... [Livingston] suggested that imprisoned felons be taught useful trades, reading and writing, and be rewarded for good behavior. He also recommended separation of first offenders from hardened criminals and believed that prisoners under age of eighteen should be detained in special institutions" (P. 4). These familiar proposals embody not the recommendations of yet another study of our penal institutions, but the advice of a Louisianan in the 1820's. Needless to say the proposals were not heeded, and *Politics and Punishment* is an examination of the state's rejection of Livingston's advice.

There are several constant themes. Prior to the

Civil War, prison administration proved to be a financial burden on citizens who were reluctant to support social outcasts. After the Civil War, with increasing numbers of black prisoners, convict-leasing proved attractive for two reasons. First, the lessee was to be responsible for the sheltering and feeding of prisoners. Second, the profits derived from leasing were to be divided between the lessee and the state treasury. In short, citizens would not have to support the penal system and they could lower their own general tax burden. Indeed it was a profitable system, but predictably the margin of profit was in large part due to poor convict treatment and a resulting high death rate.

Most reform movements, at least until the late nineteen-fifties, revolved more around the state taking direct control of the leasing, thereby increasing its own profit, than concern over bettering the lot or providing rehabilitation for the prisoners. The fact that most prisoners were black contributed to the general lack of concern for rehabilitation. Blacks were capable only of manual labor. Following the Civil War even black Republicans expressed interest in the plight of prisoners only insofar as they competed with their constituents for jobs. Carleton reviews the history of personal corruption and state greed that was good politics until levee and agricultural pursuits proved unnecessary and/or impractical, and tractors replaced human labor.

This book, despite its potential for dramatizing the dismal state of our modern prison systems, fails on a number of grounds. First, it is little more than a competent local history. It possesses little depth or breadth. Several precise, detailed and descriptive pages on the daily lives of prisoners, particularly during the early years, would have added considerable life to an otherwise sterile story. The best chapter, "'America's Worst Prison': 1940-1956," made the only movement in that direction. Second, the book is often repetitious, and could have been significantly cut. Further, Carleton often fails to provide data that would help the reader comprehend some of the more subtle facets of Louisiana history and politics. For example, he never explains how the state lottery worked, how it corrupted politicians and participants, although in the early chapters the lottery shares the stage equally with the prison system. Likewise, some social and political background on the Populist movement would have been helpful.

True, the author set the limits to his study. He

contends that his is the first history of the Louisiana penal system, that no comparative histories of other prison systems exist, and he could not practically consider broader application of some of his criticisms. Some movement in the direction of broader application occurs (Pp. 193-99), but it has every appearance of a hasty appendix. In short, this book is by a native Louisianan for Louisianans. While the author's point that prison

histories have been neglected is well taken, future authors would do well to develop more carefully their criteria of relevance to include broader objectives, or we will only have a number of local penal histories with no basis for comparison. *Politics and Punishment* unfortunately seems to be of limited value.

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