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## Book Reviews

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# BOOK REVIEWS

## REVIEW ARTICLES

### THE PROFESSIONAL FENCE

SHELDON L. MESSINGER\*

THE PROFESSIONAL FENCE. By *Carl B. Klockars*.  
New York: The Free Press, 1974. Pp. xii, 242.  
\$8.95.

In January 1972, Carl B. Klockars met Vincent Swaggi, the pseudonymous buyer and seller of stolen goods whose life history and fencing operations are the main subject of this engrossing volume. Swaggi understood that Klockars was a "college professor" who would attempt to write and publish a book based on Swaggi's experiences; indeed, the book seems to have been Swaggi's main incentive for cooperating. Swaggi hoped for a book like *The Godfather*; Klockars, apparently, saw *The Professional Thief* as a more appropriate model. Neither can be fully satisfied with the result of their collaboration.

Klockars met with Swaggi for several hours once and sometimes twice a week until April 1973, about 400 hours in all. Swaggi recounted his experiences as a hustler, occasional thief, and fence, as well as aspects of his personal life, and permitted Klockars to observe his fencing operations both inside and outside the general merchandise store he runs for profit and cover. He furnished documents and led Klockars to still others, facilitating Klockars' conversations and interviews with current and former family members and associates. Swaggi also read and commented on Klockars' manuscript (although it is unclear whether that manuscript became Klockars' doctoral dissertation or this book, if there is a difference), giving Klockars a chance to check the reliability of Swaggi's accounts and the validity of his own portrayals of them. Klockars was also able to assure himself that he had kept two promises to Swaggi's satisfaction: to disguise Swaggi's identity, and to omit description of certain "aspects of Vincent's methods of doing business . . . because Vincent considered that [it] . . . might endanger his security or the security of others."

The volume opens with a brief description of the early 18th century career of Jonathan Wild, the West's most famous fence to date. Wild gained access to a large and steady flow of stolen goods by providing thieves with a convenient, reliable, speedy means for converting stolen goods into as much cash as they were likely to get from anyone; he also promised and sometimes delivered protection from punishment. His outlets were mainly the wealthy individuals who had "lost" the goods he "returned" for a price. Wild was able to stay in business for over a decade by bribery and through his willingness to bring selected criminals to "justice." Superior information about London's underworld made him able to do the latter, more ably, it seems, than even the police. This activity established Wild as a valuable "thief-taker," which helped to balance the widely appreciated fact that he was also a buyer and seller of stolen property.

The main purpose of Klockars' description of Wild's career may well be to highlight bribery and informing; both are plausibly among those aspects of Swaggi's "methods of doing business" which Klockars and his subject felt should not be publicized. The ways Wild solved his other operating problems throw less light on Swaggi's solutions, or, probably, on those of most other fences active in industrialized nations. Wild applied his "predatory intimacy" (Klockars' insightful term) in the London of his day in order to capitalize on the possibilities for large, illegal, but hopefully relatively safe profits; Swaggi applies his to the same end in contemporary East City, U.S.A. And, as the social structures differ, so will modes of exploiting them. Swaggi's most important sources of stolen goods are not, as seems to have been true for Wild, persons whose main support derives from thievery. Nor are the goods that Swaggi buys and sells mainly the personal property of individuals. Instead most of Swaggi's stolen goods come from the employees of shipping and manufacturing firms, warehouses, and wholesale and retail

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businesses—in a word, organizations—who divert goods to him. Even when “career thieves” are Swaggi’s sources, their thefts—large or small, regular or intermittent—appear to be from organizations. Similarly, Swaggi’s customers differ from those of Wild. The individuals buying for use or consumption from Swaggi’s store are seldom if ever buying back property they have “lost”; instead, each is buying a “bargain.” In addition, Swaggi’s most important customers do not buy for direct use or consumption at all; rather, they purchase for use in manufacturing, or for bulk or retail resale. Whereas Wild seems mainly to have dealt in used goods, Swaggi deals in new goods. And, although Wild smuggled some of the stolen goods he received to the Continent for resale, the quick turnover of substantial batches of goods for resale seems to be Swaggi’s major source of profit. Wild, so far as one can tell from Klockars’ account, traded only in stolen goods. Swaggi, on the other hand, also trades in unstolen goods—and it is possible, though one cannot tell from Klockars’ materials, that such trades may make up the most profitable part of Swaggi’s business just as, presumably, the legal part of the activities of his suppliers and customers make up the most important part of theirs. Wild, by and large, was a full-time retailer of stolen goods, mostly used; Swaggi is a mass merchandizing middleman who deals in part in stolen goods, mostly new. Each reflects his time.

Klockars does not focus on these differences, although he is aware of them; instead his interest is in what are sometimes called “career contingencies.” After the chapter on Wild, there are chapters sketching Swaggi’s early years and development of “hustling skills” (“hustling” here means selling “inferior merchandise under the pretense that it is of high quality but can be had at a bargain because it is stolen”); his entry into fencing and first arrest for this crime; the routines of the trade, with particular emphasis on how Swaggi’s legitimate merchandising operations are exploited as a resource and cover for fencing; aspects of his relations with suppliers and outlets; and Swaggi’s justification for his way of life. Swaggi’s early life clearly helped prepare him for fencing. His parental family accepted criminal gains; his hustling, begun early under the tutelage of an uncle, brought considerable experience with the continuity of legal, semi-legal and illegal merchandising. Both contributed to providing “connections” to those in a position regularly to supply “hot goods”

and to those in a position to buy them in large quantities. Since a substantial portion of such persons are willing to sell and buy if opportunities present themselves, perhaps Swaggi gained what eventually proved of most value: a grasp of how to make such opportunities visible and attractive. His spreading reputation as a buyer and seller of “bargains” with “no questions asked” contributes to this. Swaggi, thus, has done well for more than two decades in his own and, it seems, others’ eyes. These matters, and more, are depicted mainly in Swaggi’s own colorful, anecdotal style.

Klockars’ analysis, given in the seventh chapter, is less successful. The broader structural sources of fencing are largely unconsidered; the place of fenced goods among all stolen goods is not dissected; varieties of fenced goods and fences are treated unsystematically. But even in terms of his chosen analytic framework—the social psychology and microsociology of becoming a “professional fence” like Vincent Swaggi—Klockars’ work is wanting. Much emphasis is given to the ways in which Swaggi exploits his legal general merchandising business to avoid getting caught at his illegal enterprises. What is insufficiently emphasized is that Swaggi is doubtless less concerned that his own role in such enterprises will become known than he is that the roles of his suppliers and outlets will be publicized. The latter have much to lose through rumors of dishonesty; Swaggi little. Indeed, as Klockars implies through his discussion of both Jonathan Wild and Vincent Swaggi, a reputation as a buyer and seller of stolen goods is a business aid. More important, Swaggi’s sellers and buyers may be quite unable to protect themselves against successful prosecution. Swaggi, in ways not made apparent but hinted at through the material on Wild, seems well protected. And with this we come to the heart of the matter, for the fence’s distinctive competence among mass merchandisers is his ability to avoid successful prosecution while routinely dealing in stolen goods and being known widely, particularly by the forces of “justice,” for doing so. Bribery and selective informing must continue to play the large role they did in the early 18th century. The techniques, dynamics, and consequences of them should play a larger role in a theory of becoming, and remaining, a “professional fence” than Klockars is willing, or perhaps able, to give them.

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## MEN RELEASED FROM PRISON

JOSEPH E. SCOTT\*

MEN RELEASED FROM PRISON. By *Irwin Waller*. Toronto, Canada: University of Toronto Press, 1974. Pp. xi, 267. \$15.00.

Waller's book, *Men Released from Prison*, is the second in a series to be published by the Centre of Criminology at the University of Toronto; the first book was John Hogarth's, *Sentencing As a Human Process*. Both books address critical questions in the field of criminology based on Canadians' experiences. Like Hogarth's book, *Men Released From Prison* is written by a Canadian professor of law with considerable quantitative skills. Similarly, both books are, or soon will be, necessary reading for all criminologists who intend to keep informed of the best research on courts and parole.

*Men Released From Prison* is a study of a representative sample of ex-prisoners released in 1968 from Ontario's federal penitentiaries into Southern Ontario, Canada. The sample consists of 423 men of whom 210 were granted an early release on parole. The remainder of the sample were discharged from prison after having completed their sentence. Of these 213, 100 had applied for parole but been denied. The study focuses upon the men's adjustment, personal life and legal problems over a two-year period (some data is given for up to three years following their release). Noteworthy is the fact that 68 per cent of the discharges and 44 per cent of the parolees had been *rearrested* and *reconvicted* of an indictable offense within two years. This percentage is predicted to be 75 per cent and 50 per cent respectively within three years. Although there are significant differences in the rearrest and reconviction rates of parolees and dischargees, Waller attributes these differences to the types of individuals granted early release on parole rather than to the parole supervision. Waller maintains that in Canada, the prisoners paroled are better risks, thus accounting for their lower rearrest and reconviction rates. Neither group's failure rate is low, however, especially in comparison to Glaser's review of other studies on recidivism as reported earlier in *The Effectiveness of A Prison and Parole System*. Waller maintains that when one allows for the fact that better risks are selected for parole, dischargees are no more likely to be arrested than those released on parole. Waller does point out that parole apparently has a delaying

effect on future criminality. Parolees are temporarily deterred from criminal involvement while on parole and have a lower than expected rearrest and reconviction rate. Both of these rates, however, increase faster than expected upon termination of parole. Waller argues that parolees may be more discrete with regard to their criminal activities while on parole for fear of having their parole revoked and thereby being forced to serve additional time.

Waller concludes his book with the often heard dictum that parole *is in no way a correctionally effective tool*. However, even before Waller's book was published, Canada enacted legislation creating mandatory parole supervision for all prisoners sentenced after August 1970. This is somewhat ironic given Waller's conclusion, the fact that the research for *Men Released From Prison* was supported by the Federal Department of the Solicitor General and the fact that Professor Waller was an active member of the Hugessen Task Force on Parole.

The book is divided into four sections. First, a review of previous research on the effectiveness of prison and paroles is presented. Next, the men in the study sample are described. Third, information on adjustment, rearrest, and other indicators of recidivism are examined. Last, parole as a correctional tool is discussed and recommendations are made.

The review of the literature on prison and parole effectiveness is helpful. It is based primarily on research reports from California, the United States Federal System, and England. It concludes by stating that the parole supervisor is of minor importance in affecting the criminal behavior of parolees. Waller holds out hope that parole officers may be providing other valuable latent functions such as assisting parolees in finding employment, resolving marital disputes, making referrals to alcohol or drug clinics as well as providing a friendly listening ear. These functions may or may not be true, but they allow Waller to overlook the crucial question: Why allow parole officers (literally control agents of the state) the discretion to control people's freedom if what they are doing is not appreciably reducing crime? Waller appears to be fairly objective and critical throughout the book of the entire parole system while on the other hand desirous of some justifiable explanation for its continuation. It seems rather ironic and shortsighted to attempt to justify a large government bureaucracy on grounds other than those

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it has been assigned, formally assumed, or than have been investigated in the study. It is in this sense that Waller appears to have been led astray and co-opted.

Of interest to non-Canadian criminologists is Waller's rather extensive description, in the first section of the book, of release procedures (parole and discharge) from penitentiaries in Canada. Included is a brief historical account of the use of parole in Canada. The second section of the book describing the men in the study is rather rudimentary. Cross tabulation comparisons are continually made between parolees and discharges on every conceivable trait even though Waller points out that the two groups are different in numerous respects including for example, time served, seriousness of offense, marital status, education, prison adjustment, and psychometric tests including the M.M.P.I., Jesness Inventory, C.P.I., and the Ali Self-Perception Test. Notwithstanding the acknowledged differences between these two groups, little effort is generally made to correct for such spurious or intervening variables. Rather, numbers or percentages are often simply reported and sometimes rather rudimentary nonparametric statistics, such as chi squares, reported without any indication as to the strength of the significant relationships.

A great deal of interesting information was gathered by Waller and his associates on released prisoners during interviews conducted five weeks, six months, and twelve months after each man's release. Although the typical parolee or dischargee in this study had been in prison at least once before, approximately half reported learning new more sophisticated criminal techniques while incarcerated for their most recent escapades. The principal areas of new knowledge mentioned were safecracking, circumventing burglar alarms, picking locks, and nullifying electronic gadgets. Similar to Glaser's earlier research, Waller found the majority of ex-prisoners had little if any money upon release—59 per cent had \$100 or less, 85 per cent had \$200 or less and only 5 per cent had \$300 or more when released from prison. Given these facts, it is not surprising that finding employment was listed as the major concern for released offenders followed closely by obtaining meals, securing a place to stay, managing financially, and maintaining employment. This condition may change rapidly in Canada since the passage of a guaranteed minimum wage for prisoners. At the time Waller's research was conducted, however, the inmate pay ranged from 35c to 65c per day. Certainly such levels of pay demonstrate little commitment on the part of society to provide basic needs to the downtrodden and oppressed.

Waller's chapter on "Obtaining a Job" is one of the best in the book. It begins by pointing out that 58 per cent of the men in the sample were unemployed at the time of their original offense. Further, he reports that the arrest rate twelve months after release for employed men was 29 per cent compared to 43 per cent for those unemployed. Waller reports that 10 per cent of those employed found work related to the work they had performed in the penitentiary. He predicted this percentage would increase to 20 per cent by twelve months. This appears to be comparable to the 19 per cent of the delinquents, studied by the Gluecks, who used their training within five years of their release; or the federal prisoners studied by Glaser, of whom 30 per cent reported using their prison job training on the outside. Certainly, all three of these figures underscore the need to bring penitentiary job training in line with work needs in the free society.

Waller reports that 68 per cent of the discharges and 44 per cent of the parolees were arrested at least once within twenty-four months from their release. Unlike most other studies on recidivism and parole, Waller found the rearrest rate lowest for both groups during their first month out. The proportion rearrested peaks around the fourth month at 6 per cent per month and remains constant from the seventh month through the twenty-fourth at about 3 per cent per month. Similar to other studies such as those under the auspices of the Uniform Parole Studies, Waller found that the more serious the original offense the less likely the person is to be rearrested after release. Those ex-prisoners who were most socially immature as gauged by the Jesness Combination Score had higher rates of rearrest, as did those involved in fights, those who did not go to church, those who did not try to avoid former friends, those who did not see their children after release, those who drank regularly, and those who did not have a steady girlfriend.

The fourth section of the book deals with the prediction of arrest and parole as a correctional tool. Here Waller, using regression analysis, attempts to develop a prediction equation using static as well as dynamic data to predict the likelihood of arrest for parolees and discharges. The attempt is for all intents and purposes futile. He does demonstrate quite adequately that the *only* positive affect of parole supervision, in regards to recidivism, is in employment. In other words, those parole officers who consistently badger, intimidate, or harass their parolees to find work are likely to affect the recidivism rates, at least temporarily, of their parolees. Other activities of parole officers, regardless of

intent, apparently have little if any appreciable impact upon recidivism. Supervisors who assist parolees in finding employment reduce the likelihood of rearrest. This was the only variable associated with the type of supervision which affected rearrest. The number of contacts between the parolee and the parole supervisor was found not to be related to rearrest nor was the closeness of the relationship between the parolee and the supervisor.

*Men Released From Prison* is probably not suitable for a classroom text on penology, but certainly it should be used as a reference guide and a reliable source book. It will be invaluable to penal administrators to acquaint themselves with the wide array of topics dealt with in *Men Released From Prison*.

AGAINST THE LAW. By *Leonard W. Levy*. New York: Harper and Row, 1974. Pp. xvi, 506. \$12.95.

The Warren Court criminal law revolution of the 1960's is now replaced by the Nixon Court and its criminal justice views of a decidedly conservative character. Levy concludes:

While the Nixon Court goes about its quiet business of creating its own regressive "revolution" in the criminal law, striking a pose of doing no more than refusing to open new frontiers, it has systematically closed old frontiers and made daring incursions that cripple many rights of the criminally accused. (p. 423)

Levy vividly describes the rapid changes in the United States Supreme Court membership starting in 1969 with Chief Justice Burger replacing Warren; and Blackmun, Powell, and Rehnquist replacing Black, Harlan, and Fortas. An excellent analysis compares the Warren and Nixon Courts in litigation involving criminal justice cases: the Fourth Amendment—Search and Seizure Cases; the Fifth Amendment—Right Against Self-Incrimination Cases; the Sixth Amendment—Right to Counsel, Trial by Jury, and Fair Trial Cases; and the Eighth Amendment—Death Penalty Cases. This focus enables Levy to exercise his remarkable analytical talents and facile expression of complex issues to achieve a lucid style which is readily grasped.

The book solidly establishes the remarkable changes wrought within a few years in criminal justice constitutional law doctrine. It shows by legal analysis, statistical voting patterns, and historical review that the Nixon appointees immediately polarized against the views of incumbent justices. The breadth and depth of profound disagreement is explored in convincing and objective detail.

Those in criminology professions will find the

book a scholarly and useful review to early 1974. It establishes a standard of excellence to be expected of United States Supreme Court opinions—a standard of reasoned judgment which commands respect, not mere edict or fiat. Disinterestedness, convincing explanations, facing dissenting arguments fully, weighing of criticisms, absence of result-orientation—all of these and more are articulated soundly. While Levy states his personal biases at the outset, his book goes a long way towards reasoned and objective criticism of the Nixon Court and its tendency to abandon reasoned judgment; a tendency which commands respect in the criminal justice field where a "law and order" mood prevails, upsetting norms of judicial behavior in the highest court of the land. His book reawakens a concern for what the public should expect from appellate judicial behavior.

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THE SOCIAL WORLD OF IMPRISONED GIRLS: A COMPARATIVE STUDY OF INSTITUTIONS FOR JUVENILE DELINQUENTS. By *Rose Giallombardo*. New York: John Wiley & Sons, 1974. Pp. viii, 317. \$13.95.

The book contributes to the long discussion in the literature on the formation of inmate social organizations (roles, values, culture, etc.). Rather than a simple prison deprivation explanation (*e.g.* Goffman) or importation explanation (Shray, Irwim & Cressey), Giallombardo states that

adult male and female cultures are a response to deprivations of prison life, but the nature of the response in both prison communities is influenced by the differential participation of males and females in the external culture. (p. 3)

In this book, Giallombardo looks at

an assessment of the impact of the differential cultural definitions of sex roles upon informal social organization of the inmates of correctional institutions for court adjudicated delinquent girls and of the conditions under which the social system of female inmates is independent of formal organizational goals. (p. 11)

Anyone interested in female youth institutions should read Giallombardo's book; she presents data and intelligent discussion of various aspects of life for imprisoned girls in three closed juvenile facilities. The chapter on language and communication codes used by the inmates is rich with examples and alone would make the book worth reading. The description of pseudo family roles and the girls' skill at conducting secret marriage ceremonies in public gatherings

considerably extends our comprehension of the extent of human motivation and ingenuity in symbol formation and culture development. To get such data is the sign of true skill in field work.

Giallombardo asserts that differences in outside-prison social roles of men and women are correlated with inside-prison roles. While this seems reasonable, I find no immediate reason to accept her stereotyped conceptions of these differences in outside-prison sex role conceptions ("concepts such as 'fair play' and 'courage' . . . are not meaningful to the female." p. 4). At any rate, no data or empirical studies of female role-specific behavior are related to prison behavior.

Despite the subtitle, the study is not comparative. Data from three unidentified institutions are presented in successive chapters and several tables headed "Eastern," "Central" and "Western." The objective of comparative analysis is to replace proper names with variable names and to account for observations in terms of an explanatory framework. The study does not do this because the institutional data are not moved into a classification of institutional environments but remain identified as simply three places. The rough characterization of the three places early in the book will not suffice, and the many differences in inmate populations on race, narcotics history, and education introduce exogenous factors into even the implicit comparison. Nonetheless, this is a valuable source of data and insight into the female prison.

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**DEVIANTS AND DEVIANCE: AN INTRODUCTION TO THE STUDY OF DISVALUED PEOPLE AND BEHAVIOR.** By *Edward Sagarin*. New York: Praeger Publishers, 1975. Pp. xi, 458. \$8.95.

The wide variety of behaviors and statuses classified as deviant share one common element: they are disapproved. Sagarin frames his investigation on this unifying concept rather than searching for explanations of these disparate behaviors.

The first chapter is a discussion of the idea of deviance and other related concepts. The second and third chapters review perspectives and theories of deviance. Some readers will be disappointed to discover that important subcultural theorists (*e.g.* Miller, Wolfgang, and Ferracuti) and control theorists (*e.g.* Nye, Trasler, Hirschi) are given little or no attention. However, Sagarin's treatment of other approaches to deviance is equitable and instructive. The fourth and fifth chapters are a discussion of

conceptual, methodological, and ethical problems associated with the study of deviance, and a review of the literature concerning the actions taken by deviants to cope with disapproval. The final chapter is an analysis of the functions of deviance and the utilities and limitations of decriminalization. The chapter and book close with an examination of the effects of ethnocentrism on the definition of deviance as a concept and an area of inquiry.

*Deviants and Deviance* is oriented more toward ideas than evidence. When Sagarin drops to the empirical level, he does so more to provide examples for concepts or perspectives than to shed light on the etiology of disvalued behaviors or statuses. This and the author's antipathy toward eclecticism will annoy some social scientists and appeal to others. However, Sagarin has produced a readable and thought-provoking book. His examination of the concepts and current issues in the sub-field is illuminating and will interest most students of deviance.

A. R. GILLIS

University of Western Ontario

**CAREERS OF THE CRIMINALLY INSANE.** By *Henry J. Steadman* and *Joseph J. Coccozza*. Lexington: Lexington Books, 1974. Pp. xix, 207. \$14.00.

The United States Supreme Court's decision in *Baxstrom v. Herold* provided a natural experiment in the ability of the psychiatric profession to predict dangerousness in mental patients housed in maximum security mental hospitals for the criminally insane. Johnnie K. Baxstrom had been convicted in 1959 of assault and sentenced to Attica State Prison where he was diagnosed as mentally ill and transferred to Dannemora Correctional Hospital for treatment. When his sentence expired in 1961, Baxstrom petitioned the Court for release on the ground that his continued detention in Dannemora violated his right to trial by jury regarding his mental fitness to return to society. The Court ruled in Baxstrom's favor, and the State of New York, rather than provide equal protection for 967 patients covered under the ruling, decided to transfer all 967 from Dannemora and Matteawan to civil mental hospitals.

*Careers of The Criminally Insane* reports on the careers of the Baxstrom patients in civil mental hospitals and charts the success or failure of seventy-three of the 967 who eventually were released into the community. By comparing a sample of 359 patients who were psychiatrically approved for transfer from Dannemora and Matteawan in the two years prior to the Baxstrom decision, Steadman and Co-

cozza were able to study and evaluate the criteria upon which psychiatric estimations of dangerousness rest. "[T]he age of the patients and presence or absence of a conviction for a violent crime," were the "two characteristics that most seem[ed] to differentiate those transferred to civil hospitals with psychiatric consent from those passed over because of their potential dangerousness." (p. 89) The institutions were apparently rehabilitating violent patients by letting them grow old (seventy years) before releasing them to civil mental hospitals.

This policy proved unwarranted. The research indicated massive overprediction of dangerousness on the part of the psychiatric profession. Only 3 per cent of the Baxstrom patients were reinstitutionalized in correctional facilities in the four-year follow-up period. In comparison to pre-Baxstrom patients, the release rate from civil mental hospitals was higher and the adjustment in the communities was better.

*Careers of The Criminally Insane* accomplishes its aim of empirically documenting ". . . the manner in which the mental health and criminal justice systems actually process the people we call criminally insane." (p. 181) Herein lies the major value of this important book. It clearly demonstrates that predictions of future criminality based on current estimations of dangerousness are an unsound basis for imposing prolonged incarceration—unsound because such a policy presupposes a capacity to predict dangerousness far beyond our present ability. Our tendency has been to overpredict and needlessly keep patients in protective hospitalization.

Hopefully, this book's major impact will be to force policy makers to re-evaluate their growing reliance on the mental health system as a means of protecting us from the so-called "dangerous" criminal. Coming at a time when the Justice Department is planning to implement its career criminal program and the "nothing works" and "lock'em up" advocates are making their influence felt in penal policy, this book will perhaps encourage policy makers to critically examine the popular notion of the "irreducible minimum": that group of offenders who are so dangerous as to require lifelong incarceration. To my knowledge, the "irreducible minimum" has never been empirically verified.

*Careers of The Criminally Insane* is not without its limitations. As Jackson Toby cautions us in his preface, "The Baxstrom patients were quite old when they were finally released—over 50 on the average. Since the younger patients tended to be more aggressive in the community, it is likely that the conclusions of this research would be less applicable

to younger inmates of hospitals for the criminally insane." (p. xiv) In addition, no "Not Guilty by Reason of Insanity" cases were included in the research. Although they make up only 2 per cent of those labeled criminally insane, such cases are nonetheless significant.

Yet, this is an important book—one which demands thorough reading because it provides us, for the first time, with data on the social and demographic characteristics of the criminally insane and their institutional processing.

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CRIMINAL LAW: THEORY AND PROCESS. By *Joseph Goldstein, Alan M. Dershowitz, and Richard D. Schwartz*. New York: The Free Press, 1974. Pp. lxxii, 1287. \$22.50.

This casebook is different.

For the typical law school text, in criminal law no less than other subjects, a principal theme is Detail. Students plumb their cases for the "general rule" that governs a particular problem, but they inevitably discover the variety and complexity of circumstances to which the rule may apply, the existence of qualifications, limitations, and exceptions. They learn to recognize subtle shadings of fact and to make distinctions with surgical precision. From the welter of legal rules, they learn to discern the purposes, often conflicting, that the law serves. They see that judicial decisions, by limiting the scope of this or that exception to the rule, can change the "delicate balance" between conflicting policies, or mark the recognition of new values. They discover the importance of what Cardozo called the "interstices" of the law, the narrow spaces between the exception applicable in one situation and the rule governing another, and observe how courts fashion social policy by microscopic interstitial movements. They learn how they as lawyers can understand this process and influence its shape and direction.

This kind of approach permeates law school teaching and the legal profession generally. It is a good part of what we mean when we speak, whether with admiration or impatience, of "thinking like a lawyer." And this hegemony of Detail is normally all to the good, for it promotes effectiveness in virtually all the tasks that lawyers are called upon to perform.

A casebook that for the most part disdains Detail, that lends itself to this "lawyerly" approach poorly or not at all, is an improbable creation. Yet *Criminal Law: Theory and Process* is precisely that. Its vision of the law and the questions worth asking about the

law differs sharply from that of the "lawyerly" tradition. The result, however, is not a book that is simply curious or irrelevant, but rather one that is exceptionally thought-provoking, exciting to teach or to learn from, one that adds a much needed dimension to law school education.

What is this book's special vision? Crudely put, it is one that relegates the exceptions and details to the background, that constantly and insistently focuses upon the general rule itself, that tirelessly probes its validity and implications. Consider the book's treatment of the law relating to voluntary manslaughter under provocation. Only one case is presented, that of an Australian aborigine who speared a woman member of his tribe after she launched in his direction the opprobrious epithet "karlu." (p. 989). Not very useful for the average practicing lawyer. But the authors are less concerned with the fine points of voluntary manslaughter than with such questions as: why we consider provocation in mitigation at all; whether we expect the criminal law to influence actual behavior in these circumstances; whether the norms enforced by the law should or can differ from the customs of the community or even of a subculture within it; and if so how these norms are to be determined and their rightness or wrongness tested. In this context as in others throughout the book, the authors force us to rethink our premises as to what we mean by "criminal" conduct, what institutions should have the power to label activity "criminal," and what means can and should be used to enforce the judgment. They insist upon our recognition that these too are "legal" questions, that the lawyer's special skills are needed to shed light on such problems, and to devise procedures for dealing with them.

The book is not alone in raising such questions; others, particularly the classic Michael and Wechsler text,\* do so frequently and well. But none provides such a wealth of material from non-legal disciplines to assist in probing the problems. The extensive readings not only give much greater meaning to the legal issues at hand, but also force us to think carefully about the extent to which these disciplines can be helpful and how legal institutions can be designed to make better use of their insights.

With these missions the book can scarcely afford to ignore the variety and complexity of experience, and it does not. Classic cases like *Stephenson v. State* (causation), *Commonwealth v. Welansky* (criminal negligence), *United States v. Holmes*, (the necessity

defense to homicide) and *M'Naghten's Case* (insanity) in fact receive much fuller description than in the usual casebook excerpts. But the emphasis is less on the differences between the factual details of one case and another, than on the depth and texture, the human drama that must be sensed to understand any case. The authors want us "to grasp [our subject] and feel it rather than just reading about it." (p. lxxii).

Given its focus, *Criminal Law* provides an ideal text for an advanced course or seminar. Its use in an introductory course in criminal law calls for some adjustments. Adequate treatment of the complexity of the law may require supplementary assignments in such areas as search and seizure, the degrees of homicide, larceny, or accomplice liability. In other areas, the book includes sufficient material provided it is suitably rearranged; the conspiracy sections, for example, are amply detailed. But for an introductory course the teacher probably will not wish to begin, as the book does, with the *Spock* case. (p. 898) All of this, however, is a small price to pay for the book's unique spirit and vision. Students in fact are so excited by the book that they read its longest cases with enthusiasm and accept the necessary supplements with scarcely a murmur.

Of course, Detail still rules in our law schools, and it would be a very bad thing if it were dethroned. But we can surely afford, indeed we need, at least one course that focuses systematically on different aspects of the lawyer's role, that gives students, teachers, and scholars other ways of thinking not only about criminal law but also about other subject areas and about the legal system as a whole. In providing an exciting vehicle for efforts in this direction, *Criminal Law* makes a unique and valuable contribution.

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PERCEPTION IN CRIMINOLOGY. Edited by *Richard Henshel* and *Robert A. Silverman*. New York: Columbia University Press, 1975. Pp. xviii, 471. Cloth, \$15.00, Paper, \$6.00.

The collection of readings by Henshel and Silverman is an effort to integrate and promote what they term to be an "emerging perceptual perspective" in criminology. They contend that while perception has been an integral part of the writings in the field, these works have not been dealt with as a unique body of literature and, therefore, the concept has not received the attention that it deserves. The main thrust of their argument is that perception is central to virtually all aspects of crime, from the creation and

\* J. MICHAEL & H. WECHSLER, *CRIMINAL LAW AND ITS ADMINISTRATION* (1940).

implementation of criminal law to the very development of criminal behavior.

To illustrate the importance of perception, the editors present a series of substantive, theoretical, and empirical articles and excerpts from books bearing on the concept. Following an introduction in which they attempt to demonstrate the significance of perception to criminal process, they present their readings in three parts: *Part One* deals with the role of individual perceptions in the decision to engage in crime; *Part Two* focuses on the ways in which the perceptions of those involved in legislating and enacting laws affect the outcomes of the various aspects of legal procedure; and *Part Three* deals with the effects of public perceptions of crime in the development of criminal careers. Each of the sections is preceded by an introduction highlighting the significance of perception to the area and a general discussion of the readings that follow.

The value of this work is that it brings together in a single volume a number of important writings on the role of perception in criminal process. Unfortunately, Henshel and Silverman have not integrated this perspective in a theoretical sense, either through their attempt to develop the concept in the general introduction or through their discussions of the articles in the introductions to each part. Nevertheless, they have taken an important step in emphasizing the significance of a seriously neglected dimension of crime. The work should be useful both as a source book for scholars in the area, as well as a supplement for use in graduate courses in criminology.

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GROUP INTERACTION AS THERAPY: THE USE OF THE SMALL GROUP IN CORRECTIONS. By *Richard M. Stephenson* and *Frank R. Scarpitti*. Westport, Conn.: Greenwood Press, 1974. Pp. xiii, 235, \$12.50.

This volume provides a useful assessment of "guided group interaction" as a treatment technique utilized with juvenile offenders. After presenting a brief overview of the theoretical and empirical support for viewing crime as a product of group processes, the authors examine various programs which have employed these same group processes to facilitate lawful, rather than law-violating, behavior. The major portion of the book (chapters 2-7) is devoted to an in-depth description and analysis of one such program, Essexfields, which incorporated the principles of guided group interaction in attempt-

ing to alter the behavior of adjudicated delinquent boys.

Utilizing data gathered during their four-year study, the authors compare the experimental group with sample populations drawn from the state reformatory, the state's three residential group centers, and probation—the major alternatives available to the Essex County (N.J.) Juvenile Court. Three dependent variables are employed: (1) success or failure in completing the program; (2) psychological changes during treatment; and (3) the nature and extent of recidivism, as measured by seriousness of court disposition.

Given the primary goal of the experimental program (behavioral change), the study might have been aided by the addition of "pre" and "post" measures of self-reported delinquent behavior. This would have permitted an analysis of acknowledged changes in actual behavior, in addition to "official" recidivism, which is all too often a statistical artifact of other processes operating in the juvenile justice system.

On the whole, the data produced in this study demonstrate the relative efficacy of *probation*, not guided group interaction. Noting the discrepancy between the theoretical soundness of guided group interaction and its relatively poor showing in empirical tests, the authors point out some performance differences among subsamples and advocate the increased use of research as a tool for making more sophisticated judgments in assigning offenders to various treatment programs. Comparative research findings are also synthesized to suggest various improvements that might help to increase the effectiveness of group-based correctional programs.

Stephenson and Scarpitti have produced a generally sound, scholarly piece of work. It should be read by criminologists, correctional program administrators, group therapists, and others interested in improving and/or restricting our interventions into the lives of offenders.

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RESIDENTIAL CRIME. By *Thomas A. Reppetto*. Cambridge, Massachusetts: Ballinger Publishing Company, 1974. Pp. xviii, 163. \$13.50.

Oftentimes, scholarliness and practicality, when forced into partnership between the covers of a book, become as unbending and unyielding in their partnership as the covers which enclose them. Fortunately for the readers of *Residential Crime*, this is not the case with this book. While academic and

intellectually sophisticated in its approach, the book has much to offer urban residential dwellers and the law enforcement practitioners who protect them in the way of crime deterrence and abatement.

Perhaps it is the dualistic professional background of the author which is responsible for this approach. Thomas Reppetto, a former patrolman and detective who rose through the ranks to become detective bureau commander of a large city police force, is also a Harvard Ph.D. He is presently an associate professor of criminal justice at City University of New York. Here is a man who has known cops, crooks, and victims of crimes in an intimate, day-to-day working relationship. Yet here is also a man who is conversant with criminology and advanced research methodology from the standpoint of membership in the academic community. And, when Reppetto decided to write a book, both components of his personal background obviously had their influence.

The book is a summary of a joint (LEAA, HUD) funded research study into residential crime in metropolitan Boston during 1970 and 1971. Unlike other similar studies which have approached their task wholly from the perspective of a specific academic discipline, such as geography, sociology, or economics, this investigation is more case study, or victim-centered. Its first three chapters analyze, in turn, the nature of the three major components of crimes: criminals, the environment, and victims. In the fourth chapter, pragmatism comes to the fore and the reader is given the author's views on crime prevention. A fifth section, the appendix, is wholly statistical and geographical in nature, and highly specialized to the urban Boston situation.

The author's conclusions, while helpful and in-

sightful, smack of pessimism. Reppetto acknowledges that while intensification of law enforcement effort into high crime areas succeeds in reducing crime in these target areas, crime does not cease. Rather, burglars merely transfer operations to other places. He discounts reliance upon law enforcement agencies as being, at least in itself, an effective deterrent to criminal activity. Three "effective" models are cited as being successful in stopping residential crime: the environment of homogeneous ethnic communities; living in fortress-type, high security apartment complexes; and establishment of residence in a non-affluent suburban location far from the inner city. All three, according to the author, exhibit very low residential crime rates.

Some will fault this book as an admission that crime really cannot be stopped, in that the three successful or effective models for stopping it are for many persons difficult, if not impossible, to achieve. Despite whatever pessimistic interpretations may be put on its conclusions, *Residential Crime*, between its lines, has one vital message for lay and professional readers alike. This message could be termed an admonition against "letting George do it." In this case, "George" is the police. Without citizen cooperation and vigilance, police no matter how well-trained, dedicated or numerous, in themselves, cannot stop crime. It is significant that an author who is a sort of "scholar-cop" has arrived at such a view. Perhaps in his pessimism he has done all who are concerned with stopping crime a great service; his conclusions may be a light, albeit a faint and distant one, at the end of a very dark and treacherous tunnel.

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