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Book Reviews

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BOOK REVIEWS

REVIEW ARTICLE

PROPERTY THEFT AND THE FENCE*

JAMES A. INCIARDI**

The fence is a relatively unknown figure in the world of crime and has been the subject of only minimal scholarly investigation in the current century. Conventional wisdom has typically portrayed the fence as something of a Runyonesque tragicomic figure of New York's Times Square and garment district with a string of watches on his sleeve. Walsh's *The Fence* demonstrates that this portrayal is not true and suggests that contemporary receivers of stolen property are marketing barons controlling a commercial stream handling more than one billion dollars in stolen goods each year. The focus of the book is the manner in which the receiver "affords aid . . . furnishes incentives . . . provides a market . . . and organizes and finances" property theft.

The Fence begins with an historical overview, examining the life and times of Jonathan Wild, as well as the fagins and pawnbrokers who comprise much of the folklore of fencing. This overview is followed by a more detailed analysis of current property theft principals. Fences are described in terms of their demographic characteristics, legal occupations, and arrest records, and the products, prices, and promotional considerations of the fencing business are presented. Based on the data of this study, fences are essentially white males who are primarily respected businessmen with thriving enterprises or marginal types with businesses ranging from the less successful to the barely surviving in nature. Fences are generally in their mid-to-late forties, and they are rarely arrested.

Crucial to the inquiry is the notion of "fencing networks"—those systems of relationships and functions of varying types that develop between persons engaged as either producers or marketers

in the theft and disposal of stolen property. Furthermore, there are linkages between fencing networks which offer a unified front to the thief, thus controlling the nature and direction of property theft. Consequently, the notion of fencing networks challenges the conventional view of theft—one that typically focuses on the thief as the primary entrepreneur and controlling figure. Rather, since the fence functions as the marketing agent for the flow of stolen goods, it is he who realistically dominates the commerce of property theft.

As a contribution to criminology and the sociology of deviance, *The Fence* may occupy a somewhat ambivalent position. Initially, the reader is left somewhat displaced, for although the study was undertaken in Albany, New York during the early 1970's, this is never stated. Secondly, the author maintains that contemporary fences are inaccessible criminals and, as such, "the police are the single best source for research." One might bring this opinion into question, especially since *The Fence* was published shortly after Carl B. Klockars' *The Professional Fence* (Free Press, 1974), which was based on information drawn directly from the fencing underworld. The Walsh volume, however, used data from police files, and we are limited for the most part to a perspective bounded by the confines of "officially known" cases. The author clearly recognizes this limitation and addresses it in a methodological appendix.

It is explained that data gaps were reckoned with through extensive interviews with a professional burglar who was the state's chief informant witness. But if we are to learn anything from Klockars' *The Professional Fence*, we would be aware that receivers repeatedly dupe their thief vendors, and the star witness' interpretation may indeed be tarnished. Klockars' work also suggests that the fence plays the dual role of dealer in stolen property and police informant, further compromising the representativeness of Walsh's official sample. Not

* A review of *The Fence: A New Look at the World of Property Theft*. By Marilyn E. Walsh. Westport, Conn.: Greenwood Press, 1976. Pp. xvi, 215. \$13.95.

** Associate Professor and Director, Division of Criminal Justice, University of Delaware.

only does this tend to impact on the usefulness of the Walsh findings, but in addition, it is further complicated by the research site's position as only a semi-metropolitan outpost in the upper regions of New York State.

Yet on a more positive note, *The Fence* is not to be dismissed. It provides us with new insights into various patterns of property theft from a perspective not typically found in most research studies. Information is offered relative to the career and action patterns of various types of thieves, including that of the "professional thief," perhaps among the most obscure of our contemporary urban predators. There is the "good burglar," for example, who is a skilled older thief, using extensive planning in executing a theft, and selecting only targets of high value. Similarly, there is the "known burglar" who is less skilled than the "good" burglar but more highly active; he is less subtle, his pattern of theft focuses on quantity rather than on quality, and he has frequent contacts with the criminal justice process. These types are to be contrasted with "juvenile burglars" who steal low volume merchandise in their own neighborhoods and under the direction of older thieves; with "boosters" who have extensive records in both narcotics and larceny and who are similar to Mary Owen Cameron's shoplifters (*The Booster and the Snitch*, Macmillan, 1964); and with "junkies" who are unskilled addict thieves and who are the most hapless, least respected, and least rewarded of thieves. What is important here are their different patterns of theft, alternative product lines, and different interactional patterns with fences. A sample of one hundred of these various burglars is analyzed in the study.

Perhaps the most important aspect of *The Fence* is that it stands as the first empirical examination of criminal receivers, and as such it represents the only hard data base on this rather obscure criminological phenomenon. We are given specific and tangible information on price structures, marketing indicators, clientele, product lines, business fronts, and occupational data relevant to fencing as a business. In this respect, *The Fence* should be recognized as a unique information source in criminology and represents a worthwhile investment for both researchers and students of crime and deviance.

Typically, a book's preface or foreword contains an informal, sometimes implied, contract between the reader and the author: the author promises certain deliverables in return for the readers' time and attention. Nothing is more disappointing and irritating for a reader than entering the "contract" in good faith and realizing, only too late, that the author has not fulfilled his contractual obligations. Such contractual carelessness occurs entirely too frequently in academic work, especially in the area of criminal justice. Broderick's book, regrettably, is yet another example of this reader/author contract violation.

If a court of "academic inquiry" existed, Broderick's book would certainly have a judgment rendered against it for contract violation. In such a court, the indictment of Broderick's book would read: it contracted to present sociological and social-psychological explanations of police behavior, but instead delivered a description of police activity through the medium of episodic "war stories." In order to elaborate on this indictment, this review will include a discussion of the book's content, a criticism of the book's substance and presentation style, and concluding remarks.

Broderick's book, a report of findings of research, attempts to explain police behavior by identifying and describing (1) police "personality" types, (2) their implications for policy, and (3) individual and organizational changes directed at ameliorating their negative effects. The research findings are based on (1) an attitudinal questionnaire administered to 109 officers, (2) interviews, and (3) participant observation. The findings are used to generate a "personality" taxonomy consisting of four ideal types. These types are labeled the *Enforcer* (one who is more concerned with enforcement of law than the protection of individual rights), the *Idealist* (one who highly values individual rights), the *Realist* (one who is neither concerned with enforcement nor rights), and the *Optimist* (one who values individual rights and is service oriented). Each "personality" is typified by an attitudinal set. The Enforcer and Idealist are typified by feelings of resentment. The Realist is identified by his "the hell with it" attitude, while the Optimist is recognized by his low levels of resentment and high levels of occupational commitment. Thus it appears, though it is never explicitly stated, that the underlying criteria of the taxonomy are based on the enforcement/individual rights dichotomy.

After each description of a "personality type," the author attempts to explain its origin by presenting brief excerpts of existent sociological and

social-psychological "theories." As examples, Broderick employs Sutherland's Differential Association, Cohen's Reaction Formation and Scheler's theory concerning resentment. Finally, elements of the taxonomy are elucidated by the presentation of field notes which depict episodic events.

The author then switches focus in Chapters 5, 6, and 7 and attempts to identify those structural factors which generate the "personality types." He presents these factors in a role set framework where the patrolman is defined by interaction with his role reciprocals. The selected role reciprocals include (1) other policemen (the chief, fellow patrol officers, recruits, detectives, and specialists), (2) citizens, (3) courts, and (4) clients or "outsiders." Again, field notes are used extensively to illustrate the contributing factors. The author, however, does not extensively discuss the principles depicted in the field notes. He relies on the readers' ability to identify concepts and relate them back to the personality types.

The final chapters are devoted to a discussion of possible change mechanisms designed to ameliorate current police problems. The first of these chapters deals with change strategies directed at police personnel (recruitment, selection, training, and unionism), while the last chapter discusses change mechanisms designed to affect the organization (professionalism, control of the police, and participatory management).

Although the preceding appears to address the breadth of the problem identified in the preface, there is a disappointing and aggravating lack of real substance in each chapter. In general, Broderick presents simplistic, superficial, and often conflicting "explanations" of his observations. He readily confuses levels of analysis and continually fails to distinguish among any unique effects of his identified contributory factors. In short, what is offered as an explanation is not an explanation at all. Rather than present a "sociological perspective" of police behavior, the author presents an ill-conceived, unorganized, and confused array of partially elaborated "descriptions."

The author's use of "explanatory" systems is neither developed nor consistent. The Enforcer "personality" is seen as a product of the officer's differential associations. However, the application of Sutherland's theory is very superficial. Broderick does not (1) fully apply the theory, (2) explain how the officer selects one association group, given the existence of other association sources, and (3) explain why *most* recruits do not assume such a "personality" although they are exposed to what

the author defines as a pervasive system. In addition, the author ignores this theoretical argument when he attempts to "explain" the next personality type: the Idealist. In the case of the Idealist, a totally new explanatory system is offered. The reader is left with a gnawing feeling that the phrase "theoretical explanation" is used more as a "buzz word" than a means for understanding a phenomenon.

His explanatory arguments would have been more consistent and certainly more believable if he had again applied a differential association analysis; varying only the reference source. Because this was not done, the reader is led to ask why one segment of the force is shaped by the effects of differential association while another segment is not. The author ignores this issue and jumps to an explanation for the third personality type: The Realist. Finally, Broderick does not even attempt to offer an explanation of the Optimist, the final "personality" type.

Sloppy conceptual development is also evidenced in the author's treatment of levels of understanding. Broderick continually changes levels of analysis without either informing the reader of this change or affording the reader continuity by integrating the various levels discussed. As an example, the Enforcer "personality" assumes a social level of analysis, while the Idealist and Realists assume an individual level. Paradigmatic flip-flopping continues throughout the book and the reader is left in a confused state without any real understanding of the problems and their possible solutions.

Even if the reader could wade through the conceptual confusion woven by Broderick, the validity of the findings presented must also be questioned. Broderick's discussion of the methods employed in the study, at best, is incomplete. There is no real discussion of how the three agencies used in the study were selected. Furthermore, no mention is made as to how the subjects ($N = 109$) within these agencies were sampled. Similarly, no mention is made as to how the observational field notes were selected for presentation. The reader has no way of knowing if these field notes were representative of all observations or whether they were selected to demonstrate a point already conceived by the author. Thus, the critical reader is left with serious doubts as to the representation of the findings and, subsequently, the validity of the "personality types."

Finally, the conclusions drawn by the author do not specifically relate to the main body of the text.

Broderick rightfully reasons that if the cause of the personality types can be identified, changes in these causes will bring about concomitant changes in their manifestations. Although his reasoning is sound, his use of this reasoning process is fraught with problems. As an example, the author maintains that an increase in the educational level of the officers will reduce the incidence of the detrimental "personality types." However, if one accepts the description of both the Optimist and Idealist as true, one realizes that an increase in education increases the incidence of both these personality types. Although taken on its face this would not be problematic, an increase in one of the personality types renders a negative effect while an increase in the other renders a positive effect for the amelioration of police problems.

I am thus at a loss to see how education, as defined by the author, will have amelioratory effect on the negative aspects of the "police personality." As one reads through the conclusion section, one sees that such contradictions are not isolated occurrences. The existence of these contradictions further substantiate the feeling that this book was ill-conceived, unorganized, and confused.

Although the subject, because of its ramifications for democratic rule, demands scholarly attention, works of questionable merit should not be indiscriminately published. Publishing only those works that rigorously address the problem would certainly reduce the number of books on the market, but what is lost in quantity would certainly be compensated for by what is gained in quality and understanding.

RICHARD R. BENNETT, PH.D.
Highway Research Safety Institute
The University of Michigan

CIVIL COMMITMENT AND SOCIAL CONTROL. By *Martin L. Forst*. Lexington, Mass.: Lexington Books, 1978. Pp. xiii, 175. \$16.00.

The topic of the changing roles of the criminal justice and mental health systems, particularly with regard to the "criminally insane," is one the relevance of which increases as more states update their legislation and policy in line with recent Supreme Court decisions. The contemporary relevance of this book is thus assured by its organizational context and, to a lesser degree, by its content.

The author's stated goal is to evaluate two possible models of civil commitment—the medical model and the "conspiracy model" of Szasz, Platt and Kitzie. This goal is promptly abandoned at

no great loss to the reader. What follows is a comparison in organizational theory of the dispositions of Mentally Disordered Sex Offenders (as defined by statute) in three California jurisdictions.

This analysis provides sufficient information to warrant careful reading by those interested in the topic. However, careful reading is necessitated by the book's lack of defined theme and organized plan of presentation. These drawbacks prevent the recommendation of this work to those who are not already acquainted with the subject. But, for those possessing knowledge of the subject, the value of this work lies in the presentation of data which support Blumberg's view of the Court as a social system, admonish Emerson's view that judicial outcomes are to a great extent determined by organizational contingencies, and adopt the recent conclusions of Steadman and Sosowsky that the functional overlap of the mental health and criminal justice systems increases as commitment becomes a judicial, rather than a medical, responsibility. Yet, it is the reader, rather than the author, who makes the comparison with these and other recent works on the changing role of the criminal justice system, particularly those of Scull, Aviram and Blumberg.

The author's choice of method—a mixture of ethnography, interviews, observation and official statistics—is wise in that, outside of the studies by Emerson, it has not been widely used in this field. Had the author made reference to the above mentioned works, which reach similar conclusions by different methods (again with the exception of Emerson), the contribution of this book to the existing body of knowledge in the field would have been enhanced.

The choice of ethnography as a main method does not warrant the superficial treatment of empirical data. The author refers to "significant differences" in the absence of statistical testing, and draws conclusions from percentage differences without demonstrating that the jurisdictions studied are sufficiently similar in other respects to warrant his (unstated) assumption that the judicial process alone caused the observed differences.

The validity of the author's conclusions are demonstrated by the adoption of at least one of his policy recommendations by the Supreme Court. However the use of multiple methods, in what appears to be an attempt to seek breadth rather than depth, to present the subject in the total organizational context, is a difficult goal which was not reached. The reader is thus presented with a variety of facts and conclusions from which he

must draw information of value—with very careful reading.

SUZANNE FLEMING
Visiting Assistant Professor
School of Criminology
Florida State University

THE SUPREME COURT AND THE CRIMINAL PROCESS—
CASES AND COMMENTS. By *Peter W. Lewis and
Kenneth D. Peoples*. Philadelphia, Pa.: W. B.
Saunders, 1978. Pp. xliv, 1248. \$19.95 (1978
supplement available for \$6.95).

Procedural law relates to each decision point, from police investigation to discharge from sentence. This means of dealing with the criminal justice system requires some familiarity with appellate court decisions. "Knowing" the law is obstructed by its constant change—an inherent difficulty for any study of procedural law—but the decisions of the Supreme Court, as the ultimate arbiter, are an appropriate reservoir of knowledge for the legal scholar seeking to understand jurisprudential approaches to criminal justice.

Lewis and Peoples have completed the formidable task of presenting "more than 170 leading Supreme Court decisions relevant to the fields of criminal justice and political science. Every effort has been made to include these decisions that contribute most to the understanding of the constitutional issues important to the criminal process. . . . Accordingly, special attention is necessarily devoted to those constitutional guarantees found in the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments."

As a teaching tool, the book is a worthy and up-to-date instrument of the casebook approach typical of law schools. Court decisions and comments comprise the bulk of this very large volume. The authors accept the educational philosophy of law schools that generates casebooks: "One cannot learn to play a musical instrument by listening to another's performance; the instrument itself must be practiced." Rather than being exposed to already processed interpretations, law students examine Supreme Court decisions and comments directly. With only modest guidance, they are expected to see for themselves the principles and patterns of law, and thereby to acquire the intellectual skills unique to the profession of law, become socialized in the legal subculture, and become familiar with career contingencies. The casebook constitutes a kind of portable and preselected law library.

In this vein, the authors organize the book and

lend substance to the sixteen chapters. The first four chapters sketch in several backgrounds: the political setting of the Supreme Court, with special reference to the differences between the Warren and Burger courts; the functions of the Court as a branch of government, including relations with the states; the processes of Court decision-making; a description of the steps of the criminal process; the principle of due process; and the application of the fourteenth amendment to assure equal protection of the law.

After the introductory section, separate chapters are devoted to particular topics. Chapter 5 associates the fourth amendment with the law of arrest and search and seizure. Chapter 6 relates the fifth amendment to double jeopardy, self-incrimination, and the grand jury. In Chapter 7, the sixth amendment is related to the issues of the right to counsel, jury trials, speedy trials, confrontation, defense witnesses, and public trials. Chapter 8 describes and analyzes the application of due process safeguards in juvenile justice. Chapter 9 considers due process for convicted offenders under probation or parole or in prisons. In Chapter 9, there is a particularly promising treatment of the effects of the Civil Rights Act of 1964 on police officers, prosecutors and correctional officers. Chapter 10 applies the "cruel and unusual punishment" issue to status offenses and capital punishment. Separate chapters are allocated to the issues of excessive bail and fines; the plea bargaining process; sentencing, appeals, and post-conviction remedies; first amendment guarantees of freedom of speech, religion, and assembly; and the military justice process.

Following the casebook approach, each chapter usually offers limited interpretation by the authors and relies almost exclusively on Supreme Court opinions ("carefully" edited to avoid "unnecessary dicta and repetition") and comments. In addition, selected articles, extracted from the popular media and scholarly journals, give flavor and substance to some topics.

From the perspective of law schools, a worthy addition is made to teaching resources. This achievement alone justifies the book; in addition, the authors have contributed a valuable reference work for administrators at a time when criminal justice practice demands a familiarity with Supreme Court thought. However, the ambition of the authors exceeds the grasp of their product when they aspire to the market of courses in political science and criminal justice. They assume that a casebook approach, suitable to the purposes and circumstances of law schools, will also meet these other curricular demands. They speak of special

topic seminars, the usefulness of their book for these other kinds of curricula, and its relevance to "highly publicized disputes." They intend that the introductory section serve college students who "never take a traditional course in constitutional law." They refer to the feasibility of assigning only certain portions of the book for one-semester courses.

Only in an exceptional situation can any textbook for upper division or graduate courses assemble otherwise specialized instructional needs into a single market. Each career field demands particular theoretical generalizations and content knowledge because the vocational contingencies and job role expectancies differ. Political science and criminal justice students necessarily approach jurisprudence as an important but auxiliary field; the course in law would be supplementary to the curricular objective of grounding them in the theoretical concepts and empirical knowledge areas unique to their fields.

Instructors of auxiliary law courses require a textbook which would be a bridge between the law and the given field of primary academic concentration. This casebook leaves the instructors adrift, dependent on their own resources for creating a meaningful learning experience for these students, because the introductory section and other chapters are insufficient for managing the topics from the perspective of either political science or criminal justice curricula. Because creation of a multidisciplinary textbook is an awesome enterprise, Lewis and Peoples should not be faulted for the difficulties of the casebook approach when applied to diverse academic functions, but their market claims have exceeded the reach of their product. Without modifying the casebook approach and the great volume of materials it generates, the development of further bridging concepts would extend the length of their book which already complicates its use in criminal justice education.

ELMER H. JOHNSON
Southern Illinois University
at Carbondale

JAIL MANAGEMENT. By *E. Eugene Miller*. Lexington, Mass.: Lexington Books, D.C. Heath and Co., 1978. Pp. 192. \$16.00.

This book proposes to offer "an overview of the contemporary American jail and addresses the major aspects of jail operation with a view to their improvement." The author examines a number of issues including: reasons for the jail problem, security arrangements, classification, program serv-

ices, work release, legal rights of prisoners, and logistic-hardware questions. The book is significant not so much for what it says, but rather for what it omits. Important policy questions, in particular, are dealt with superficially despite the author's expressed intention to address them. The purpose of this review is to examine the glaring omissions.

Initially, the author does not address the reasons for jail overcrowding. He fails to discuss factors such as the role of the Federal judiciary, the changes in sentencing practices and the more punitive criminal statutes. These trends show that there must inevitably be an upward spiral in detainees in local jails.

Additionally, one of the most equitable and cost-effective solutions to jail overcrowding is the use of pretrial alternatives, especially pretrial release. But, where he addresses this important option, the author appears to have little familiarity with those methods. He erroneously refers to pretrial release as pretrial diversion. The diversion option is an alternative to prosecution and generally occurs after a defendant has already secured pretrial release. The author also fails to address key policy questions such as: identifying high- and low-risk defendants; developing ways in which jailers and pretrial release agencies can expeditiously release defendants during the pretrial period; the use of supervised release for defendants who appear to be high-risk; and the inappropriate pretrial incarceration of low-risk defendants.

Furthermore, the topic of management information systems and their value in managing jails is totally neglected. The author should have described the antiquated information procedures of many jails and pointed to the experience of more innovative jails which use extensive computer processing to manage the flow of detainees.

The author suggests that the classification at the time of admittance and screening for programs such as work release should take place on the basis of criteria such as community ties, prior record, or behavior in jail. Yet, there is no indication that the author is cognizant of the great difficulties inherent in prediction. The text is also silent on why these particular elements should be used in making either classification or screening decisions.

Similarly, the author misunderstands crucial research issues in determining the effectiveness of various jail programs. He dismisses the use of recidivism as an outcome variable, stating that the numerous ways in which it can be measured (*e.g.*, arrest or conviction) negates the relevancy of this outcome. An even greater fault is the lack of understanding that a control group or a comparison

group can provide valuable information on the effectiveness of any program.

The work is also very limited in not addressing the cost questions involved in the jail crisis. Obviously, there are cost tradeoffs between building new jails and using alternative programs. In addition, determining the cost effectiveness of particular programs is not an especially easy task. However, the author offers no insights, but rather confuses the issue by stating that cost questions can involve the examination of nonmeasurables such as: cost of crime to the victim, revenues lost, ability of the defendant to work, etc. Though these are important social benefits, they are close to impossible to measure and do not affect the budget of the jurisdiction making policy decisions for the jail.

In addition to these major problems, there were a number of glaring omissions in other areas. Even with regard to hardware issues, the author did not discuss construction of physical facilities; emergency plans in case of riots, fires, and escapes; and personnel management issues (*e.g.*, dissatisfaction of guards, guard-prisoner relationships, etc.). Also, even though extensive data is available, he dismisses the public opinion question in a superficial way and without using the multitude of public opinion surveys which are available. The author refers to the "communal tendency to fill . . . [the jails] because, not unlike Mount Everest, they are there." But the text does not offer any data, information or analysis on this question. This is an important issue which clearly has policy ramifications, if presented in an objective context.

Rehabilitation is discussed, which seems inappropriate in the context of the local jail where the majority of the defendants are held for relatively short periods of time and where programs are most times non-existent. Detainees are characterized as "functioning on the level of twelve to fourteen year olds," "losers," etc. However, a profile of detainees, based on existing studies, would have provided the reader with empirically based observations. Similarly, work release is discussed as having positive and negative aspects. However, there is no allusion to the research which shows whether or not it has any demonstrated affect on the client. Apart from these arguments, the lack of a research focus means that we know little about the actual impact of work release (at least as presented by this book). The author seems to be suggesting that a central intake center with early screening and prosecutorial decisions would be highly valuable for local jails. Unfortunately, he neither develops arguments for such a center nor does he describe the organizational structure of such a center.

DR. MICHAEL P. KIRBY

Research Associate

Pretrial Services Resource Center

Washington, D.C.

CRIME AND PUNISHMENT: A RADICAL SOLUTION. By Aryeh Neier. New York, N.Y.: Stein and Day, 1976. Pp. 239. \$8.95.

In the book's sub-title, Mr. Neier (executive director of the American Civil Liberties Union) promises "a radical solution" to the problems of crime and punishment. The derivation of the word "radical" leads one to expect that the author will deal with fundamental causes and will offer new, exciting and thorough proposals for solutions. But the author quickly dispels such expectations in the Introduction. Noting that his proposals are open to the criticism of superficiality because they do not concern the basic economic causes of crime, the author responds: "So be it. In my view, the surface wounds caused by crime must be bandaged before America will submit to the major surgery needed to remedy gross inequities in the opportunities afforded its citizens." This perspective sets the tone for the whole book. Neier is a civil libertarian lawyer, not a radical; his proposals might be most favorably characterized as prescriptions for "radical band-aids," not as a radical solution.

To be fair, a misleading title is not cause for quibbling. If the book offers fresh insights and new proposals, hyperbole in the title can be excused. But a menu of the author's suggestions fails to exhibit much that is new or interesting: pseudo-modern pragmatism cocktail à la James Q. Wilson as an appetizer, filet of extensive decriminalization à la Edwin Schur and Nicholas Kittrie for the entree, and anti-rehabilitation bandwagon jubilee for dessert—all prepared by a chef whose work resembles, but does not equal, that of Norval Morris.

Specifically, in Part One of the book, Neier suggests decriminalization of victimless crimes (prostitution, consensual sodomy, public drunkenness, marijuana use, gambling, possession of small quantities of narcotics), which would allow the police to concentrate on really serious crime, reduce police corruption (which is inevitable when the police deal with victimless crimes), and decrease the criminal court workload (so that plea bargaining could be eliminated). Also proposed are the establishment of heroin-maintenance clinics for addicts (this would lead to a decrease in property crime); the banning of private ownership of all guns; an end to state intervention into the lives of children on the basis of truancy, incorrigibility,

runaway, and other status offenses; and the dismantling of the FBI's National Crime Information Center (but Neier is unclear about this).

Part One ends with two chapters about the "roots of crime," which lie in "the rootlessness, transiency, and lack of family cohesion that characterize American life." To alleviate these problems, Neier proposes a loosening of adoption rules, restriction of state power to take children away from their parents, and a reorientation of public policy (in areas such as welfare, education, and housing) in ways that will keep families together, keep children in school, and reduce transiency.

Part Two of the book deals with punishment. Neier would eliminate plea bargaining, parole, and the stigma associated with criminal records, and he would require judges to explain the reasons for the sentences they impose so that appellate review of sentences would be encouraged. He suggests probation, public service and restitution as alternatives to prison for property offenders, but "intrusive therapies" (drugs, aversive conditioning, etc.) would be banned. Prisons would be made more humane by loosening current restrictions, allowing conjugal visits, paying the minimum wage for prison work, and so forth.

The author offers a new penalty structure based on faith in incapacitation and general deterrence, and on distrust of whatever is called "treatment." Property crimes would have a maximum penalty of one year in prison (for the nighttime burglary of a private residence). The state would provide compensation to the victims of property loss (this is perhaps the most novel suggestion in the book).

The proposed penalty structure for violent crimes hinges on a "public-private" distinction. A public crime of violence is defined as "an assault on a stranger or as a crime performed for profit or committed by a person previously convicted of a violent crime." Private crimes "are products of tangled personal relationships." For private crimes of violence, the maximum penalty would be three years in prison. Incapacitating sentences (10 to 15 years) would be applied for extremely serious public crimes of violence. The purpose is to protect the public from the predators while they "mature out" of their criminality.

So Neier's proposals are not radical and not even very new. Is his book informative or enjoyable to read? Although space does not permit presentation of examples in this review, Neier ignores data most of the time and uses data selectively at other times—in short, the book is not very informative.

This reviewer did not even find the book enjoyable. Neier communicates a disdain for the great

majority of people who are less "cosmopolitan" than he. For example, in his justified concern for how prostitutes, heroin addicts and unruly youth are handled by the criminal justice system, he gives short-shrift to honest working people who are morally outraged by the presence of hookers, derelicts, and disrespectful bands of teenagers in their neighborhoods. But Neier's most forceful condescension is reserved for gun-owners. Noting that hunters might object to his proposal to take away all guns, Neier responds: "For myself, I confess never to have found much charm in slaughter." Target shooters might also object, but Neier responds: "Let them throw darts." This attitude permeates the whole book and reveals a social distance from and a lack of empathy with the very people (the majority of Americans) who Neier's "radical solution" is supposedly designed to protect.

JAMES GAROFALO, DIRECTOR
Statistical Analysis Center
New York State Division of Criminal
Justice Services

WOMEN, CRIME AND CRIMINOLOGY: A FEMINIST CRITIQUE. By Carol Smart. London: Routledge & Kegan, 1977. Pp. xv, 208. \$5.50.

Women, Crime and Criminology provides an analysis of the role of British women as perpetrators and victims of crime, that bears many similarities to the analyses that have been drawn from American data. The author reports an increase in female involvement in most of the same types of crimes for which American women have shown increased participation: larceny, fraud, forgery, and other white collar offenses. In addition to reporting British arrest and conviction data by sex, Smart reviews classical and contemporary studies of female criminality and concludes that the recent studies especially of juvenile female delinquency are as biased and anti-feminist as were the works of Lombroso and Freud. The work of Cowie et al. and Konopka have retained, according to Smart, the view that criminology is a sign of pathology, "an abnormal occurrence which can be eliminated if the causal factors are isolated." While Smart condemns those who view the women's movement as responsible for the increase in women's crime rate, she believes that the women's movement has been influential in some ways. In essence, Smart asserts that "the perceived changes in female delinquency and criminality may be based on statistical fallacy, a changing consciousness on the part of researchers and social workers or on actual changes in the frequency and character of the behaviour concerned,

but whatever the basis it would seem that the Women's Movement has been influential in some way."

The author also devotes several chapters to an analysis of women as victims of rape and sexual politics, and she concludes that sexual differentiation and exploitation are the basis of both prostitution and rape. In her discussion of the treatment of female offenders, Smart observes that while the law may be favorably inclined toward female offenders in some contexts, there are as many situations in which the law discriminates against women. For property offenses women may be treated more leniently than men, but in matters pertaining to sexual behavior women are treated more punitively. In proving this contention, she points specifically to the situation in which a prostitute is arrested and her customer is exonerated. She also proves her point by noting that in rape trials, the female complainant does not enjoy the same rights as complainants in all other criminal proceedings.

Consistent with the concerns expressed by others who have written on the issue of women's prisons, Smart is critical of the vocational opportunities or lack of them afforded female inmates. She notes that women inmates are usually given the opportunity to sew, cook, and do other domestic tasks. In general, she claims that women's prisons reinforce the traditional sex role stereotypes.

The author also devotes one chapter to a discussion of the comparative rates of mental illness between men and women. In this chapter, she attacks the thesis that women are more prone to mental illness than men.

In concluding, the author adds her voice to those of almost all other researchers who are working in the area of women and crime, and asks that more data be collected and analyzed for a better understanding as to what changes are actually occurring. Not only are more data needed, but in the author's view, just as important is the need for researchers who do not share the male-oriented ideology about women's criminal behavior and what to do about it.

In all, *Women, Crime and Criminology* is a useful addition to the small but expanding library of recent empirical work in the area of women and crime.

RITA J. SIMON
University of Illinois

VICTIMS, CRIME AND SOCIAL CONTROL. By *Eduard A. Ziegenhagen*. New York, N.Y.: Praeger Publishers, 1977. Pp. xii, 156. \$17.50.

At a time when an increasing proportion of criminal justice resources is being allocated to victim-service related programs, there seems to be ample need for a study tracing the role of the victim within the broader issue of social control. Eduard Ziegenhagen views that role as an integral part of the criminal justice process.

A major thesis of this book is that the victim's participation depends on the amount of institutionalized law and level of social differentiation. In a cross-cultural analysis, the author shows victims in societies with a minimal amount of social differentiation to be directly involved in procedures against the offender, rather than merely as reporters of crime. Thus with the development of law, the interest of victims is surrogated to that of the state. The victim, for example, is primarily concerned with the prevention of further injury or the recovery of lost property, while the police are mainly interested in determining the occurrence of a crime.

Although the author has accomplished a difficult task in assembling numerous unpublished studies in the growing literature on victimology, the astute reader may find that the author's observations are lacking in empirical support. For example, a study indicating that elderly females have a higher rate of robbery is supported with the LEAA victimization statistics for person larceny with contact—pick-pocketing and purse snatching. However, this is not consistent with data for surveyed robberies indicating that the probability decreases with an increase in age.

Despite its empirical limitations, I think that the book will be of particular value to criminal justice practitioners involved in victim service related programs. For those already acquainted with the basic concepts in victimology and the sociology of law, the beginning chapters may appear to repeat the existing literature, *e.g.*, Stephen Schafer's book *The Victim and His Criminal*. Nonetheless, the book accomplishes its major task in presenting the case for the victim as an integral part of social control. Much still remains to be done in terms of verifying many of the author's observations.

SIMON I. SINGER
University of Pennsylvania