

Winter 1991

## Book Reviews

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Book Reviews, 81 J. Crim. L. & Criminology 1102 (1990-1991)

This Book Review is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## BOOK REVIEWS

SERIAL MURDER: AN ELUSIVE PHENOMENON. By *Stephen Egger*.  
Praeger, 1990. Pp. 238.

*Serial Murder: An Elusive Phenomenon* is a collection of essays authored by six scholars/researchers with varying degrees of experience with the investigative aspects of serial murder. This compilation, undertaken by Professor Stephen Egger of Sangamon State University, utilizes both his research and field expertise to make this book of interest to academicians, practitioners, and policy makers. Egger, formerly a homicide investigator and Project Director of H.A.L.T. (Homicide Assessment and Leading Tracking System for New York State), interviewed serial murderer Henry Lee Lucas for more than forty hours as part of his doctoral dissertation. In addition to writing six of the eleven chapters, Egger provides introductory comments to the four main subdivisions. Although he attempts to integrate these chapters into a cohesive whole, he is not entirely successful; certain chapters are not smoothly integrated into the book and thus impede its flow. Overall, however, the book adds depth to the study of this type of homicide. Its major strengths and some of its limitations are highlighted below in the context of the major subdivisions.

Part I, "A Critical Examination of the Phenomenon of Serial Murder," is one of the two best subdivisions in the book. This section, composed of four chapters written by four authors, is analytical, myth-breaking, and provocative. Egger begins the book by addressing the attempts to define the phenomenon of serial murder, the body of accumulated knowledge regarding its prevalence, the characteristics of serial murderers and their victims, and the typologies that have been adapted and developed in response to research. Egger's synthesis of the literature and research is up-to-date, comprehensive, well-organized, and appropriately critical.

In this first chapter, Egger also offers one of the few existing definitions of serial murder. (p. 4) His definition appears to be derived, in part, empirically and is ideologically-based. Consequently,

he appears to capture a *specific type of serial murder*, rather than serial murder in general. According to Egger,

[a] serial murder occurs when one or more individuals (males, in most known cases) commit a second murder and/or subsequent murder; [this murder] is relationshipless (no prior relationship between victim and attacker); is at a different time and has no apparent connection to the initial murder; and is usually committed in a different geographical location. Further, the motive is not for material gain and is believed to be for the murderer's desire to have power over his victims. Victims may have symbolic value and are perceived to be prestigeless and in most instances are unable to defend themselves or alert others to their plight, or are perceived as powerless given their situation in time, place or status within their immediate surroundings (such as vagrants, prostitutes, migrant workers, homosexuals, missing children, and single and often elderly women. (p. 4)

Articulated in its present form, Egger's definition may exclude some "killers" who would fit under this general rubric, were the phenomenon not so over-defined (an observation also suggested by Eric Hickey in Chapter 3). For example, the definition's "relationshipless" requirement would exclude health care professionals (*e.g.*, female and male nurses, and physicians) who murdered a number of patients left in their care. It would also eliminate cases of parents, particularly mothers, other relatives, guardians, and babysitters, who have killed a number of children and gone undetected over time. An individual who murders others in discrete episodes over time, whether he or she knows the victims, would appear to be a specific type of murderer. The motivational dynamics behind these killings would appear to differentiate the serial murderer from other types of murderers. Those who kill serially would appear to intend to kill and to derive satisfaction from killing.<sup>1</sup> Differences in victim selection would be more appropriately investigated in a heuristic framework rather than used as a criterion for exclusion.

Kenna Kiger's analysis (Chapter 2) of the incidence of serial murder and the prevalence of serial murderers is insightful. She raises critical questions about the reliability and validity of various official data sources, given the tendency of the mass media to invent social problems and legislators and practitioners' tendency to base policy decisions on perceived public threat. She notes, for example, that estimates of the number of serial murderers currently active in the United States range from thirty to five hundred, depending upon the source consulted. Her observation that the data currently collected by the Federal Bureau of Investigation (FBI) and recorded

---

<sup>1</sup> Heide, *A Taxonomy of Murder: Motivational Dynamics Behind the Homicidal Acts of Adolescents*, 1 J. JUST. ISSUES 4 (1986).

in the Supplementary Homicide Report make it "virtually impossible to assess serial murder incidence and prevalence" is on target (p. 39), and buttresses her argument for revisions in the FBI's data collection efforts and procedures.

Eric Hickey's historical research on serial murderers (Chapter 3) challenges the commonly held view that serial murder is a recent and almost exclusively male phenomenon. His review of various biographical materials covers almost two hundred years (1795-1988), and reveals that over two hundred individuals in the United States have killed three or more persons over a period of days to years. Interestingly, 34 of the 203 (16.7%) serial murderers identified were women, a percentage that closely approximates the current involvement of females in overall homicide arrests in the United States.

In the final chapter of Part I, Harold Vetter discusses the possibility that serial murderers may kill in a dissociative episode. He makes an excellent suggestion that the prevalence of dissociative disorders among apprehended serial murderers should be systematically investigated by use of an instrument such as Bernstein and Putnam's Dissociative Experience Scale (DES);<sup>2</sup> such an approach could provide a valuable insight into the arenas of causality and prevention.

Part III, "Law Enforcement's Response to Serial Murder: Problems and Solutions" is the other strong section of the book. Egger's contribution to the literature is particularly apparent in Chapter 8 in his exploration of the concept of "linkage blindness," or "the nearly total lack of sharing or coordinating investigative information and the lack of adequate networking by law enforcement agencies." (p. 164) The taxonomy of nine law enforcement responses presented in Chapter 9 is well-conceptualized, and fills a gap in current scholarship. The section on the "central investigative network" is unfortunately very dated. The discussion of the Violent Criminal Apprehension Program would have been much stronger, for example, had Egger provided evaluative data on the success of the system in apprehending serial murderers or even the extent to which law enforcement has utilized the sixteen page instrument since its development in 1985.

Part II, "Those Who Kill, and Kill, and Kill, and Eventually Are Caught" is the weakest section of the book. Richard Doney's paper on the Yorkshire Ripper (Chapter 5) appears out-of-place in the

---

<sup>2</sup> Bernstein & Putnam, *Development, Reliability, and Validity of a Dissociative Scale*, 174 J. of Nervous & Mental Disease 449 (1986).

text. It is more of a detailed description of police investigations and advances in computer applications in the United Kingdom than a discourse on the phenomenon of, or responses to, serial murder. The essence of Doney's article could have been incorporated in a few paragraphs into Egger's discussion in Part III of "linkage blindness." David Ford's essay (Chapter 6) is an excellent discussion of the investigation of apparently related homosexual murders in Indiana from 1980 to 1983, and the arrest of one man presumed to be responsible for a number of these deaths. However, the implications of this chapter would have been stronger in the context of Egger's analysis of law enforcement's response to serial murder in Part III.

In addition, Egger's case study on Lucas (Chapter 7) is a disappointment, particularly given the amount of time Egger spent with this man. The author seems to take a defensive posture in reporting and avoids in-depth analysis of Lucas. In discussing his application of "a grounded theory of methodology," Egger stresses that "the process and products that began to emanate from this research were . . . shaped intentionally from the data rather than from preconceived, logically deduced theoretical frameworks." (p. 138) The reader gets the impression that Egger equates the systematic exploration of myriad content areas across various serial murderers (even in the context of open-ended semi-structured questions) with the introduction of bias into the study. Although Egger employs "triangulation," that is, he uses various methods to validate case related material, he refrains from evaluating seriously and at length Lucas' recantation of his confessions. The chapter is repetitious (*e.g.*, the reader is told three times in six pages that Lucas lived in a two room shack as a child) and simply ends without discussion of the implications of Egger's research, or potential future directions in the field.

In the fourth section, "The Future: Investigation and Research," Egger highlights six areas (Chapter 10) in which police and criminal investigators require specialized training to respond more effectively to serial murder. In the final chapter, Egger presents a list of unanswered questions and an invitation to his readers to explore the phenomenon further.

KATHLEEN M. HEIDE  
DEPARTMENT OF CRIMINOLOGY  
UNIVERSITY OF SOUTH FLORIDA

DEVICES AND DESIRES. By *P.D. James*. Knopf, 1989. Pp. 943.

Criminologists and legal scholars continually struggle to discover the root causes of crime. We measure people and events; we count and compare things; we use control groups, independent variables, and regression analysis. We fill volume after volume with our findings. And yet, the answers—and even the questions—remain elusive, ephemeral, and frustrating.

How surprising and refreshing, then, to find a piece of fiction that offers singular and clear insight into the elemental “whys” of crime and human nature. P.D. James’ novel *Devices and Desires* does just that, and offers a thrilling read at the same time.

James, arguably the greatest living British mystery writer, has been called “the new Agatha Christie.” But she is more than that; her mysteries are not solved by a super sleuth who detects arcane clues overlooked by the stolid police. Rather, James’ work reflects her own background in medicine and the criminal justice system. Her characters are psychologically complex, and their decision-making is beset by subtle, seductive moral ambiguities—believable ambiguities like those faced by us all in our individual and communal lives.

Several of her earlier novels involving Adam Dalgliesh, the urbane, existential detective from New Scotland Yard, have been produced for television by the BBC, and have received wide play recently on American educational and cable networks. Her newest book, *Devices and Desires*, is built around a trip by Dalgliesh to a remote headland on the Norfolk coast where he must settle the estate of his lately deceased aunt. He finds that the newly built Larksoke nuclear power plant has brought welcome prosperity to the area, but its immense, sterile presence seems to loom menacingly over everything and everyone on the otherwise charming old headland.

In the meantime, a serial killer is terrorizing the region. Called the Whistler, he strangles his victims, and cuts a bloody “L” into their foreheads. The search for the Whistler takes a turn toward Dalgliesh when he discovers the body of Hilary Robards, the loathsome administrator of the nuclear power plant, on the beach near his aunt’s place. She has been done in by a killer using the *modus* of the Whistler, but, it is soon obvious, not by the Whistler himself.

In this tale, James uses paradox and ambiguity to explore the

human condition and the moral dimension of human choices. Ambiguities abound with the Whistler. With a wig, he appears to be what he is not; James writes of his last unsuspecting victim, "[w]ithout even troubling to slam the door of the car, she called out happily and ran smiling toward the horror of her death." (p. 75) He whistles a Sunday school hymn over the corpses of his victims. And he disfigures their foreheads—a paradoxical, inverse "Mark of Cain." Perhaps in this, James is reminding her readers that the innocent do suffer in the inexorable scheme of things; the memories of murder victims are stained by the bestiality of their deaths, and families and friends suffer a lifetime of grief.

Other ambiguities populate the tale. The nuclear plant is the most obvious, with its economic benefit for the moment gauged against possible future fratricide. James uses the nuclear facility as a symbolic icon for the personal ethical dilemmas faced by the characters in the plot. Set in relief against the nuclear plant itself are other old buildings: an old windmill, a Victorian rectory, and the ruins of an old abbey, all symbols of very different sorts of power.

Because moral convictions and social understanding give birth to the law and sustain it, the law necessarily must deal with the ambiguities and gray areas in the range of human conduct. James treats the ironies familiar to the student of justifiable homicide: impelled perpetration, choice of evils, even public authority. As well, she treats what the law labels "negative acts:" those situations in which a failure to act becomes a criminally culpable *actus reus*. Is a child justified in letting her father bleed to death if he has been sexually abusing her? Is her brother justified in letting that father die to protect his sister? Is the murder of one person justified if it helps to ensure that a competent engineer will be in charge of a mighty nuclear power plant, with its potential for mass destruction? Is a serial killer to be considered insane, just because his actions are inexplicable in terms of normal human conduct? Is political terrorism justified for the sake of a more humane system?

These are among the story's dilemmas, and with them James poses the question: Is there a "why" to evil? In the modern world, can we really say that there is an absolute morality, any apodictic rule which supercedes "situation ethics?" Surprisingly, for a mainstream contemporary author, James answers both questions in the affirmative. For James, the "why" of evil continues to be satisfactorily explained by the biblical notion of original sin: there is something in humans which tempts us to rival God himself, to prove that by our brains and our efforts, we can master everything; yet there is at the same time a stain of imperfection which prevents our master-

ing anything absolutely. The only healthy posture for humanity, James implies, is to recognize the folly of intellectual and spiritual arrogance.

The title of the book answers the second question. James has borrowed it from the confession in the Church of England's venerable old Book of Common Prayer: "We have followed too much the devices and desires of our own hearts . . ." The phrase, penned centuries before Freud, recognizes that ambiguities reside in all human choices, and that our subconscious can and will conjure up powerful "devices" to justify following our personal "desires" as rational choices, at the expense, perhaps, of that which is right.

In the end, James argues for free will and moral responsibility. She uses Chief Inspector Rickards, an uncomplicated man who sometimes serves as the foil to the sophisticated Dagliesh, to slice through determinist obscurities and Dagliesh's consternation. Rickards, she explains, "had never supposed that the evil of the world should be condoned because it was frequently inexplicable and its perpetrators unfortunate." (p. 63)

Keeping with this view, she offers something of a brief for the old M'Naughten's Rules, and, apparently, would say that modern "irresistible impulse" and lack-of-volition definitions for criminal insanity have misjudged primordial truths. At one point, Dagliesh asks Rickards if he would hang a serial killer. "I wouldn't hang anyone, I'd find a less barbaric method," Rickard responds.

But they aren't mad, are they? Not until they're caught. Until then they cope with life like most other people. Then we discover that they're monsters and decide, surprise, surprise, to classify them as mad. Makes it seem more comprehensible. We don't have to think of them as human anymore. We don't have to use the word 'evil'. Everyone feels better. (p. 176)

The heart of James' work is a warning that the ambiguities inherent in moral issues readily lead to a slippery slope of relativism. In such a pragmatic environment, evil can easily don the disguise of "the greater good." For James, basic values are not ambiguous. Her novels are, in the end, morality plays for twentieth century men and women. For James, no matter how attractive the justification of the situation, it is unacceptable to commit murder—"that iconoclastic act of protest and defiance, that simple step across an unmarked, undefended frontier which, once taken, sets a man apart forever from the rest of his kind . . ." (p. 315)

Denouement comes when Meg Dennison, a sympathetic character in the story, realizes the identity of the murderer of Hilary Robards, and must decide whether to reveal it. There were, after all,

good reasons for the killing: the victim was despicable; the world may indeed be a better place because the woman is dead; the killer is an otherwise good person and friend to whom Meg owes loyalty; and anyway, nothing can be done to restore the victim to life. Meg consults a tired old clergyman, who tells her simply, “[w]e must do what we know is right, and leave the consequences to God.” (p. 401) The advice did not seem relevant or helpful, and it would surely cause her pain. But she took it. In the aftermath, there was much unhappiness, for the guilty and the innocent. But, somehow, a balance seemed to be restored to things. And the world went on. In the moral universe of P.D. James, it is the only way to make sense of the human condition.

We lawyers and social and behavioral scientists who deal in the criminal justice system do not frequently talk of ‘right’ in a simple, objective moral sense.<sup>1</sup> We are trained to see all sides of every issue. Our experience has given us a high tolerance for ambiguity. We temper justice with mercy, and are proud of it. Thus, for this audience, *Devices and Desires* offers a fascinating look into crime and its philosophical antecedent, the problem of evil in the world.

MICHAEL CLAY SMITH  
DEPARTMENT OF CRIMINAL JUSTICE  
THE UNIVERSITY OF SOUTHERN MISSISSIPPI

---

<sup>1</sup> For those involved in the criminal justice system, perhaps James’ moral absolutism is too easy and too naive. The notion that killing transfigures an individual from the realm of humanity to the realm of evil makes for an easy yardstick to gauge human behavior. However, the real world actor does not begin with an *a priori* notion of evil; stripping acts from their contexts to calculate their objective moral worth can only be seriously entertained in the world of fiction. Perhaps the genre of, and audience for, detective stories requires a fixed menu of the moral quality of acts. The lawyer, academician, criminologist, judge and jury cannot afford the luxury of so settled an opinion.  
*Ed.*

ORGANIZED CRIME (3D ED.). By *Howard Abadinsky*. Nelson-Hall, 1990. Pp. xii, 568.

The news media convey the impression that organized crime has become a serious criminal and social problem in the United States. But impressions can be misleading. How significant or far-reaching is the impact of organized crime on American life? The answer is not at all clear. Many people seem to believe that violent "disorganized" street crime is a more serious problem. That there is a concern with organized crime among professionals is reflected in books like the one under review—now in its third edition.

The text is organized into ten chapters. In chapter one, Abadinsky defines organized crime as crime committed by a criminal group or gang that is non-ideological, hierarchical (has a vertical power structure), exists in perpetuity (the group does not depend on the presence of a particular individual, but continues on even as personnel change), and monopolistic (there are attempts to destroy competition in a given area or industry). Membership in the gang tends to be limited and exclusive; further, members of the gang use violence and bribery, each has specialized tasks, and all are governed by some set of fairly explicit rules. By this definition, a terrorist group would be excluded because, while they engage in crime, they do so for political or ideological reasons. Likewise, two burglars who work together would probably not be characterized as organized criminal activity, because they presumably lack both a hierarchical structure and the ability to exist in perpetuity.

Abadinsky notes other definitions, so there is no obvious consensus about what organized crime is. While it seems clear, as Abadinsky claims, that organized criminal groups have all or most of these attributes, I am not totally persuaded by the adequacy of this definition. My own sense of organized crime is that it is criminal activity conducted by a sizable number of individuals working together and who typically have been able to corrupt, to some degree, law enforcement officials.

In chapter two, Abadinsky reviews the historical antecedents and discusses the relevant theories of organized crime. He begins by identifying three "historical antecedents" to present day organized crime: the "robber barons"—Astor, Vanderbilt, Drew, Russell Sage, Stanford, Rockefeller, Morgan; the urban political machine—

Tammany Hall, the Pendergast machine; and prohibition, which presumably created conditions in which organized crime could flourish. He implies that these antecedents served as causes for organized crime. For example, he asserts "American business entrepreneurs provided the role models and created a climate that was conducive to the growth" of organized crime. (p. 60) At the same time, he dutifully discusses each of the extant theories of crime (*e.g.*, anomie, differential association, differential opportunity, *etc.*). In my judgment, however, these fail to provide an adequate explanation for organized crime.

Chapters three and four focus on the history of organized crime in New York and Chicago. In contrast, chapter five discusses the emergence of "nontraditional" organized crime (*e.g.*, drug trafficking), which developed without the tacit support of corrupt political machines that, in the earlier periods, formed symbiotic relations with particular immigrant groups, *viz.*, Irish, Jewish, and Italian. Among these nontraditional groups are the New Mafia (who come from urban areas in Italy and are primarily concerned with money, whereas the old Mafia came from the rural areas and were concerned with power), the "zips" (immigrants from southern Italy known for their rapid speaking of the Sicilian dialect and who are involved in drug trafficking), outlaw motorcycle gangs, Hispanic organized crime (such as Columbian drug traffickers), Asian organized crime (*e.g.*, yakuza in Japan, Chinese tongs), Black organized crime (*e.g.*, the Haitian "posses"), and prison gangs.

After the initial discussion of past and recent organized crime, which is mainly a recitation of crime figures and criminal gangs, Abadinsky examines in chapters six and seven the various illegal businesses that these groups conduct, including gambling, loan-sharking, theft, fencing, prostitution, and drugs. These two chapters overlap the previous three on the diverse organized crime groups; they tell a similar story but organize it differently.

Chapter eight describes the infiltration of criminal groups into organized labor and legitimate business activities. For example, they have taken over some labor unions (*e.g.*, the teamsters)—and thus controlled both labor supply and activity. By dominating labor unions, crime bosses have been able to control many construction projects; in promising labor peace to certain construction firms, they enable those firms to underbid competitors and consequently gain an economic advantage. The labor bosses are, in turn, paid off.

The ingenuity of some of those in organized crime seemingly has no bounds. For example, a businessman who finds his business failing may "rent" stolen securities, which are presented to a CPA as

part of the business' assets; the CPA then certifies the business as sound, which in turn enables the businessman to obtain bank loans.

Just as there is a vast organized crime industry, there is also a vast law enforcement industry, which Abadinsky explores in chapter nine. Abadinsky discusses both the limitations that impede law enforcement efforts to combat organized crime (*e.g.*, the constitution, jurisdictional boundaries, interagency competition, and corruption), as well as some successful law enforcement strategies (*e.g.*, prosecutions for violating the Internal Revenue Code). Abadinsky describes police and prosecutorial efforts to counter organized crime, including electronic surveillance, witness protection programs, and grants of immunity, and he details recent legislation that has helped law enforcement efforts.<sup>1</sup>

Finally, in Chapter ten, Abadinsky discusses various commissions on organized crime and important policy issues. The author reviews the efforts of various committees, commissions, and task forces—the Kefauver Committee formed in the Senate in 1950; the McClellan Committee (officially known as the Senate Permanent Subcommittee on Investigations); Lyndon Johnson's 1965 President's Commission on Law Enforcement and Administration of Justice; and Ronald Reagan's 1983 President's Commission on Organized Crime. According to Abadinsky, the last two commissions were torn with internal strife, but the Johnson Commission produced new legislation and new initiatives.

As Abadinsky also notes, a number of dilemmas and problems confront this country in its attempt to deal with organized crime. One such problem is what our drug policy should be. Some voices call for legalization, arguing that, despite William Bennett's assertions, we have made and will probably make only a little dent on illegal drug use. Others are more optimistic. Most observers agree that drug use is a serious problem, and—optimistic or not about the future—oppose legalization.

The reader of this book will come away with the following impressions about organized crime: first, it is pervasive; second, it is seemingly a phenomenon of large urban areas; third, it could not survive without the support of the allegedly law-abiding community

---

<sup>1</sup> These initiatives include (1) strengthening legislation that regulates the use of controlled substances; (2) strengthening legislation that deals with the interference of interstate commerce; (3) defining the agreement by two people to commit a crime as the crime of conspiracy; (4) the adoption of the RICO statutes, which broadened the definition of racketeering that had been earlier promulgated in the Hobbs Act; (5) passing legislation that allows the government to seize the assets of those who have committed a crime; and (6) defining as criminal those activities known as "money laundering."

and the cooperation of police and the judicial system; fourth, many people in organized crime have cleverly devised ways to evade the spirit of the law; and fifth, it seems almost impossible to reduce significantly the amount of organized crime.

The strength of this text lies in its historical emphasis—in the recitation of the activities of specific organized crime groups. Its weakness is its analysis of organized crime in respect to broader theoretical and more abstract themes. Further, what I would like to see, though it may be difficult to do, is a discussion of the role of the legal profession in aiding or abetting organized crime. This, of course, leads to a consideration of the role of the lawyer, characterized by some as that of a legal mercenary who rationalizes his activities with the proposition that anyone who can afford it is entitled to the best available courtroom defense.

The professional, whether judge, prosecutor, or social scientist, may find little new in this book. However, its intended audience consists of those college students enrolled in a course on criminology, variously named. In my judgment, this would be a useful and necessary part of their reading.

DEAN HARPER  
PROGRAM IN SOCIOLOGY  
UNIVERSITY OF ROCHESTER