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## RECENT BOOKS

### WILL SUCCESS SPOIL JAMES Q. WILSON?

CRIME. JAMES Q. WILSON & JOAN PETERSILIA EDs., ICS PRESS 1995. Pp. 635.

FRANKLIN E. ZIMRING\*

The revision and republication of an edited volume of essays on crime and public policy is not usually an event of large public significance. This volume is an exception. A revised and expanded version of a collection edited by James Q. Wilson and published in 1983, the new edition deserves attention because of the high quality of many of the essays and because of the way in which the changing list of topics covered in the new collection reflects shifting priorities and fashions in academic thinking about crime. Comparison of Professor Wilson's earlier sentiments with the 1995 vintage also shows the extent to which the policy impact of two decades of hard line hegemony have disappointed the more rigorous partisans of law-and-order policies.

Professor Wilson edited the 1995 edition of *Crime* with Joan Petersilia, a longtime Rand Corporation researcher now on the faculty of the University of California at Irvine. About one half of the new book's materials are chapters of the old volume that the original authors have redone. Included in this category are chapters on criminogenic traits by Richard Herrnstein, on the family and crime by Travis Hirschi, on school violence by Jackson Toby, on police by Lawrence Sherman, on prisons by Alfred Blumstein, on criminal prosecution by Brian Forst, and on defensible space and crime prevention by Charles Murray. The authors have extensively revised and updated most of these chapters. And while some of the redone chapters retain the conceptual organizations of their earlier incarnations, the authors have included every major empirical finding of the intervening

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decade.

The new topics in the 1995 volume include American crime in international perspective, juvenile crime, community-level influences on crime, biomedical correlates of crime, gangs, mass media and violence, gun control, alcohol and drug policy, criminal justice research, and the federal role in crime control. Some of these new essays are state-of-the-art statements that are as good as any in the literature; for example, Phillip Cook and Marc Moore on gun control, and Robert Sampson on community-level influences. The general quality of the all-new essays is somewhat higher than that of the chapters carried forward from the earlier volume. In part, this is because the editors have recruited an all-star cast for the additional chapters. Further, the new essays have diluted the rightward tilt of the 1983 volume.

The result is a large collection of diverse and high-quality articles on various aspects of criminal justice. There is evidence that the two co-editors of this volume maintain somewhat different perspectives on the venture. There are two separate concluding essays to *Crime*. The first, written by Alfred Blumstein and Joan Petersilia, combines a critique of what the authors call "policy driven by ideology" with a plea for a substantial federal program of criminal justice research. By contrast, co-editor Wilson's concluding essay is more confident that it knows the answers to key questions about crime and its control; Wilson is anything but bashful about the role of his ideology in the policy analysis presented. But this inconsistency in tone and emphasis has created a better book on crime and justice than the more single-track predecessor volume. Readers who get dizzy when encountering sudden changes in perspective might profit from pausing between chapters.

#### CRIMINAL JUSTICE THEN AND NOW

The table of contents of a volume like *Crime* reveals what topics are of special importance at the time the editors assembled the book. Thus, comparing the topics in the 1983 and 1995 volumes provides a view of the changing priority issues in crime and criminal justice. What were the hot button issues of *Crime and Public Policy* in 1983 that fell from prominence between editions? What does the pattern of new topics reveal about public perceptions of crime and criminal justice? How well did the priorities in the 1983 volume predict the pressing concerns of the ensuing decade?

The topics that the editors dropped from the earlier book include two efforts to analyze the crime control potential of selective long prison terms on "high-rate offenders." The pursuit of what was

then called selective incapacitation fell from favor in the late 1980s because high-rate offenders turned out to be difficult to identify in advance, so the topic disappeared from academic discussions. Meanwhile, the policy focus of the current political season, so-called three strikes programs for repeat offenders, continue to echo the claims that supporters of selective incarceration used to make. Also missing from the new book is an essay in the 1983 collection repeating the standard conservative objections to the exclusionary rule and federal court habeas corpus review of state criminal convictions.

Many of the new entries in the 1995 edition reflect rising public concern with life-threatening violence as a criminal justice priority. The earlier edition split a single chapter between alcohol, drugs, and guns as three so called "criminogenic commodities". The new edition separates guns and drugs for extended treatment and also provides chapters on gangs, on the mass media, and on juvenile crime that reflect current anxiety about violent crime. An excellent new chapter on international comparisons shows how U.S. rates of property crime other than robbery are near the rates of other Western nations, while U.S. lethal violence rates are four to eight times the rates of other highly developed nations. So a cluster of new coverage responds to some aspects of the current emphasis on violence. What is missing here, however, is a sustained analysis of violence as a special problem.

Two other influences on the selection of topics are notable. The chapters on biomedical and community-level influences reflect scholarly attention to these subjects over the past decade. By contrast, the note on the role of the federal government in crime control reflects the press of current political events, notably the high visibility consideration of federal omnibus crime legislation during the period 1991 to 1994.

Time has revealed the limited capacity of the authors in the earlier edition to anticipate the major developments of the twelve years that followed its publication. There was no chapter devoted to drugs in a volume published less than three years before the War on Drugs exploded as the dominant force in criminal justice policy. No author in the 1983 volume could have predicted a one-million-prisoner United States of 1994, just as no author in the 1995 volume can explain the explosive expansion of prisons and jails, even in retrospect.

Perhaps the moral here is that if people want to know what will be the major future trends in crime, they should not ask an academic expert. The inability of experts to make good predictions could in fact be comforting news given the glum outlook for violence that many of them see on the horizon with increasing adolescent populations in the coming years. The prospect of one million more teenag-

ers translates into a specter for Professor Wilson of "thirty thousand more young muggers, killers, and thieves than we have now. Get ready." One can only hope this dire prediction proves as inaccurate as many prophecies past.

#### THE WAGES OF SUCCESS

When James Q. Wilson was putting the finishing touches on his influential book *Thinking About Crime* in the mid-1970s, the U.S. prison population was under 250,000 and the rate of imprisonment was near its low point for the twentieth century. At that time, Wilson established himself as a major proponent of substantial increases in the level of imprisonment in the United States. He justified his position with optimistic expectations of crime prevention benefits that would flow from incapacitation.

Those who called for expanding imprisonment in the United States twenty years ago should consider themselves successful advocates. The increase in prison and jail populations has been unprecedented and uninterrupted; the number of persons in prison in 1994 is four times the total of 1974, and the combined total in prisons and jails was 1.5 million at the beginning of 1995.

But the optimistic projections of crime prevention benefits have not materialized. Instead of the near zero crime condition that some incapacitation models would predict for a quadrupling of the population in prison, rates of violent crime increased with the rise in prison population from 1976 through 1980, then declined substantially in the early 1980s only to turn up again after mid-decade. The problem for the proponent of prison-generated incapacitation on this record was summarized by Walter Mondale in the campaign refrain, "Where's the beef?"

In his concluding essay in the present volume, Wilson offers three quite different responses to this problem. First (and least persuasively), he attempts to downplay the size of the policy shift since 1974, avoiding the brute increase in prison and jail inmates in favor of refined and artificial measures such as prison time per unit of reported crime. After this, he assembles data to suggest that incapacitation savings have resulted from the crackdown. He has some interesting data on property crime rates in this part of his essay, but the fact-free character of his argument about violent crime is quite striking:

Though one cannot measure the effect of prison on crime with any accuracy, it would be astonishing if it had no effect. For example, by 1986 there were 55,000 more robbers in prison than there were in 1974. Assume that each imprisoned robber would commit five such offenses per year if free on the street. That means in 1986 there were 275,000 fewer robberies in America

*than there would have been had these 55,000 men been left on the street.*<sup>1</sup>

The only real data in this argument is the increased number of offenders convicted of robbery in U.S. prisons in 1986. There is no reference to any literature that accompanies the back-of-a-napkin inspiration of five robberies per year, and one searches the twenty chapters of this book in vain for support for this estimate. Why not fifty robberies per year per robber? Why not 0.5? What does research on incapacitation reveal about the plausibility of his guess?

By contrast, the third account Professor Wilson provides for the lack of more conspicuous success in crime prevention from the prison boom concerns the diminishing marginal returns to be expected from increasing rates of imprisonment. This is by far his most persuasive reasoning on this point, and is supported by the scholarly literature on the topic.

But what makes reading Wilson exciting is the variety of levels of sophistication and rigor one is likely to encounter at different points in the same text. A reader can make the long journey from scholarship to salesmanship and back in the space of a single Wilsonian paragraph.

There is one other remarkable element to be found in most of the chapters in this volume. Most of these criminal justice experts do not dwell on their past mistakes. Even in this revision of an earlier volume, the motto for the enterprise seems to be "never look back." In a field as error-prone as criminal justice policy, a forward-looking focus is undoubtedly good for morale. But this lack of concern for past mistakes must contribute to the absence of visible humility in a book on a subject where the level of understanding is profoundly limited.

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<sup>1</sup> CRIME 500 (James Q. Wilson & Joan Petersilia eds., 1995) (emphasis added).

## CRIMINAL LAW AND CRIMINOLOGY: A SURVEY OF RECENT BOOKS

JULIET M. CASPER\*

### ASSISTED SUICIDE—NEW YORK (STATE)

NEW YORK STATE TASK FORCE ON LIFE AND THE LAW, WHEN DEATH IS SOUGHT: ASSISTED SUICIDE AND EUTHANASIA IN THE MEDICAL CONTEXT (New York, NY: New York State Task Force on Life and the Law, 1994) 217 pp.

Currently, New York law treats suicide assistance as a form of second degree manslaughter and euthanasia as second degree murder. The Task Force on Life and Law recommends that these laws not be changed, and instead, proposes the adoption of some public policies and medical practices concerning do-not-resuscitate orders, health care proxies, and surrogate decision making. The elderly, the poor, and the socially disadvantaged would be placed in a dangerous position if assisted suicide and euthanasia were legalized.

### CHILDREN'S RIGHTS

BRENDA GEIGER AND MICHAEL FISCHER, FAMILY, JUSTICE AND DELINQUENCY (Westport, CT: Greenwood Press, 1995) 143 pp.

The authors discuss John Rawls' *Theory of Justice* and apply his principles to children and child rearing in the hopes of solving the juvenile delinquency problem. Theories posed in the fields of philosophy, criminology, psychology, and education are explored as well. The Israeli kibbutz is compared with conventional homes to determine which environment best promotes social responsibility in children, instead of delinquency.

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**CONFESSION (LAW)—UNITED STATES**

DAVID M. NISSMAN AND ED HAGEN, *LAW OF CONFESSIONS* (Deerfield, IL: Clark Boardman Callaghan, 2nd ed., 1994-) 1 v. (looseleaf).

Updating and revising the first edition (1985), the authors discuss the current law and practice in state and federal courts concerning confessions. The authors have also created a companion diskette containing text materials and leading state and federal cases.

**CRIME—UNITED STATES**

ANDREW PEYTON THOMAS, *CRIME AND THE SACKING OF AMERICA: THE ROOTS OF CHAOS* (Washington: Brassey's, 1994) 365 pp.

This author believes that America has become a place for random lawlessness. The rising crime rate for juveniles of all races and all social classes particularly concerns him. Recent crime bills have only addressed the symptoms of the problem of crime, not the real causes. Thomas discusses these causes and suggests a number of reforms aimed at improving policing and the court system.

**CRIMINAL JUSTICE, ADMINISTRATION OF—UNITED STATES**

MICHAEL H. TONRY, *MALIGN NEGLECT: RACE, CRIME AND PUNISHMENT IN AMERICA* (New York: Oxford University Press, 1995) 233 pp.

The crime control policies advanced in the 1980s by Presidents Reagan and Bush, and currently continued by President Clinton, have decimated the black communities, according to the author. Harsher mandatory penalties have not enhanced public safety, and the war on drugs with its increased arrests of low-level dealers has not reduced the drug trade. But both of these policies have succeeded in putting more blacks, particularly young black males, in jail or prison. Tonry believes there is a better way to attack crime and violence without harming poorer minority communities.

JEFFREY H. REIMAN, *THE RICH GET RICHER AND THE POOR GET PRISON: IDEOLOGY, CLASS, AND CRIMINAL JUSTICE* (Boston: Allyn & Bacon, 4th ed., 1995) 228 pp.

The fourth edition of this book updates the statistics on criminal and non-criminal harms to society, and it includes

the results of some research projects as recent as 1993. The author has revised the book based upon the recommendations of teachers who use it in the classroom. The author's original thesis, that the rich are treated more gently by the legal system than poorer nonviolent criminals, continues to hold true.

CRIME AND JUSTICE IN THE YEAR 2010 (John Klofas and Stan Stojkovic, eds.) (Belmont, CA: Wadsworth, 1995) 301 pp.

A product of a discussion at a meeting of the American Society of Criminology, this work is a collection of essays about the future of the field, written by criminal justice scholars and researchers. The future of such things as the death penalty, the war on drugs, sentencing, and juvenile justice will be impacted, argue the essayists, by demographic changes, economics, technology, specialization in police work, and conservative justices on the Supreme Court.

#### CRIMINAL PROCEDURE—UNITED STATES

F. LEE BAILEY AND KENNETH J. FISHMAN, CRIMINAL TRIAL TECHNIQUES (Deerfield, IL: Clark Boardman Callaghan, 1994-) 3v. (looseleaf).

The authors designed this looseleaf service to guide defense counsel through the entire criminal trial process, from interviewing the accused to the sentencing hearing. In addition to the scholarly discussion and citations to caselaw, the authors provide research references to treatises, *American Jurisprudence* (AmJur), and *American Law Reports* (ALR). Some of the many topics addressed are expert witnesses, scientific evidence, plea negotiations, and jury selection.

#### CRIMINOLOGY

CHARLES H. MCCAGHY AND TIMOTHY A. CAPRON, DEVIANT BEHAVIOR: CRIME, CONFLICT, AND INTEREST GROUPS (New York: Macmillan College Publishing Co., 3rd ed., 1994) 502 pp.

McCaghy and Capron update the coverage of current theories, statistics, and research findings in the third edition of their textbook in the field of criminology. Hate crimes and the status of homosexuals are two issues discussed in this new edition. Like the previous editions, specific behaviors are

viewed in the context of interest group conflict.

THE FUTURES OF CRIMINOLOGY (David Nelken, ed.) (Thousand Oaks, CA: Sage, 1994) 250 pp.

The ten essays in this book are written by scholars working in the area of theoretical criminology, and their essays examine the theoretical developments in other fields with an eye to their own individual thoughts about crime and its control. Some of the topics included are constructionism and reflexivity, criminology's practical applications, postmodernism, and historical and comparative perspectives of criminology.

#### HOMICIDE—UNITED STATES

N. PRABHA UNNITHAN, ET AL., THE CURRENTS OF LETHAL VIOLENCE: AN INTEGRATED MODEL OF SUICIDE AND HOMICIDE (Albany, NY: State University of New York Press, 1994) 230 pp.

The authors create an integrated model for studying suicide and homicide, two alternative expressions for the same underlying motivations and social forces. Specifically, the authors review the literature on lethal violence from 1972 to 1992, discuss the nature of violence in America's South, examine the differences between the lethal violence exerted by blacks and whites, and incorporate some of the recent developments in social psychology. They then empirically apply their new model and gain insights into the structural and cultural factors surrounding lethal violence.

#### IMPRISONMENT—UNITED STATES

FRANKLIN E. ZIMRING AND GORDON HAWKINS, INCAPACITATION: PENAL CONFINEMENT AND THE RESTRAINT OF CRIME (New York: Oxford University Press, 1995) 188 pp.

Incapacitation has become the dominant justification for imprisonment in the United States, yet it has received little scholarly attention. Reviewing the literature dating from Jeremy Bentham in 1802 to some recent studies in the 1980s, Zimring and Hawkins present a comprehensive assessment of the history and jurisprudence of incapacitation.

TODD R. CLEAR, HARM IN AMERICAN PENOLOGY: OFFENDERS, VICTIMS, AND THEIR COMMUNITIES (Albany, NY: State University of New York Press, 1994) 242 pp.

A critique of penal harms, this work explores the ideologies of harm, debates the justifications for punishment, and offers changes for the future. The central argument advanced by the author is that the growth experienced in the penal system from 1973-1993 has not been beneficial to society. Four forces have directly influenced the penal system: race, politics, science, and drugs. The author views these forces as the key to future improvements in the system.

#### INSANITY—JURISPRUDENCE

RALPH SLOVENKO, *PSYCHIATRY AND CRIMINAL CULPABILITY* (New York: Wiley, 1995) 436 pp.

The legal system has employed a number of insanity tests: the wild beast test of 1265, the right from wrong test of the English *M'Naghten* case in 1843, the Durham rule set out by Judge David L. Bazelon in 1954, and the American Law Institute's test advanced in 1955. Dr. Slovenko first traces the historical development and evolution of legal and psychiatric notions of culpability. The doctor then distinguishes between not guilty by reason of insanity and guilty but mentally ill. Why was Jeffrey Dahmer found guilty while John W. Hinckley, Jr., was found not guilty by reason of insanity? What mental illnesses do experts recognize as negating criminal responsibility? Dr. Slovenko answers these questions and others that focus on the role of mental health professionals in a criminal trial.

#### ORGANIZED CRIME—UNITED STATES

DENNIS JAY KENNEY AND JAMES O. FINCKENAUER, *ORGANIZED CRIME IN AMERICA* (Belmont, CA: Wadsworth, 1995) 398 pp.

From colonial pirates to New York gangsters to Chicago crime bosses, this book examines the origins of organized crime and the existence and form of such crime in today's world. Prohibition, gambling, and drugs have all played a significant role in the development of organized crime machines. Kenney and Finckenuer suggest ways of combating the activities of the drug cartels, the mob, and the gangs.

#### POLICE—UNITED STATES—COMPLAINTS AGAINST

BEYOND THE RODNEY KING STORY: AN INVESTIGATION OF POLICE CONDUCT IN MINORITY COMMUNITIES (Boston: Northeastern Univer-

sity press, 1995) 197 pp.

This book is the result of public forums conducted by the National Association for the Advancement of Colored People (NAACP) in Houston, Indianapolis, Los Angeles, Miami, Norfolk, and St. Louis. The forums solicited the opinions of police officers, criminal justice experts, community leaders, politicians, and citizens on the topic of police conduct and community relations. The compiled information indicates that racism is the root cause of police misconduct, that the problem of police misconduct is just beginning to be addressed, and that officers characterized as repeat offenders are not properly tracked or disciplined. The book makes a number of recommendations for improving the relationship between the police and the community.

JOHN DESANTIS, *THE NEW UNTOUCHABLES: HOW AMERICA SANCTIONS POLICE VIOLENCE* (Chicago: Noble Press, 1994) 311 pp.

In many cities, police officers are seemingly above and beyond the law. Cases where suspects are beaten, shot, or mysteriously die at the hands of police officers are often not prosecuted or result in not guilty verdicts. How does this happen? In search of an answer, veteran reporter John DeSantis analyzes the cases of misconduct, police working conditions, the after-effects of the "War on Drugs," the role of the media, the good guys/ bad guys attitude, and police peer pressure.

#### POST-CONVICTION REMEDIES—TEXAS

KELLIE DWORACZYK, *AFTER THE DEATH SENTENCE: APPEALS, CLEMENCY, AND REPRESENTATION* (Austin, TX: House Research Organization, Texas House of Representatives, 1994) 38 pp.

Since the 1970s, Texas has executed more prisoners than any other state, 73 prisoners in a span of about twenty years. Currently, there are 375 prisoners in Texas on death row. The author, in a Special Legislative Report, reviews the current system of post-sentence review, highlighting the problems and criticisms associated with the system. She also addresses recent developments, such as the United States Supreme Court ruling in the Texas case *Herrera v. Collins*, 113 S. Ct. 853 (1993) and the Court of Appeals of Texas ruling in *Texas Board of Pardons and Paroles v. Graham*, 878

S.W.2d 684 (1994).

#### PUNISHMENT—PHILOSOPHY

ADRIAN HOWE, *PUNISH AND CRITIQUE: TOWARDS A FEMINIST ANALYSIS OF PENALTY* (New York: Routledge, 1994) 252 pp.

In the past, theories of punishment have focused primarily on masculinity and males in prison. Howe looks for a theory that recognizes feminist research on women in prison and feminist studies of the disciplining of women's bodies. She examines the approach of Michael Foucault, the "master" theorist of penality, and constructs a punishment continuum.

#### SOCIAL CONTROL

TAMAR PITCH, *LIMITED RESPONSIBILITIES: SOCIAL MOVEMENTS AND CRIMINAL JUSTICE* (John Lea, trans.) (New York: Routledge, 1995) 233 pp.

The author critiques the classical theories of Anglo-American and Italian criminologists who have addressed the issue of criminal responsibility. While focusing on the experiences of women, minors, and the mentally ill, she examines the criminal justice system's relationship to welfare institutions, social work, and forensic psychiatry.

#### VICTIMS OF CRIMES—LEGAL STATUS, LAWS, ETC.—UNITED STATES

GEORGE P. FLETCHER, *WITH JUSTICE FOR SOME: VICTIMS' RIGHTS IN CRIMINAL TRIALS* (Reading, MA: Addison-Wesley Pub. Co., 1995) 304 pp.

What pushes people to take to the streets and riot? Fletcher believes the streets have become a vehicle for the victims and the communities that identify with them to express their rage over a denial of justice. Too often the criminal legal system fails to stand by the victims, fails to restore the dignity of the victims. Fletcher points to several specific cases and high profile events; for example, the slaying of gay activist Harvey Milk in San Francisco, the Rodney King beating and the riots in South Central Los Angeles, and anti-Semitism in the murder trials of El Sayyid Nosair and Lemrick Nelson. Increasing the role of the victim at criminal proceedings and providing a diverse jury are two of the ten solutions Fletcher

offers to make the system more just for victims as well as for defendants.

#### VIOLENCE—UNITED STATES

VIOLENCE IN URBAN AMERICA: MOBILIZING A RESPONSE (Washington, D.C.: National Academy Press, 1994) 104 pp.

This book is a summary of the Conference on Urban Violence which was held in October of 1993 and organized by the National Research Council and the John F. Kennedy School of Government, Harvard University. The participants included city mayors, academics, prosecutors, correctional administrators, federal agency officials, community activists, and public health officials. A case study in which to consider the problem of violence was given to each of the participants, who then had to devise a strategic plan for minimizing the urban violence. Their approaches and tactics suggest effective roles for federal, state, and local governments.

#### WHITE COLLAR CRIMES—UNITED STATES

WHITE COLLAR CRIME: CLASSIC AND CONTEMPORARY VIEWS (Gilbert Geis, et al., eds.) (New York: Free Press, 1995) 511 pp.

The last edition of this book was published in 1977, so the editors have updated the essays to include contemporary work in the area of white collar crime. The essays center around four general topics: definition and scope of white collar crime, corporate and professional crimes, enforcement and sentencing, and motivations and causes for such crime. An extensive bibliography appears at the end.

#### WOMEN—CRIMES AGAINST

KATHLEEN BARRY, THE PROSTITUTION OF SEXUALITY (New York: New York University Press, 1995) 381 pp.

The product of two decades of research, this book argues for the liberation of all women from sexual oppression. The author expands upon the material she first presented fifteen years ago in *Female Sexual Slavery*. Viewing sexual exploitation as a political condition, the author examines the effects of prostitution on all women and suggests a number of international legal strategies for improving human rights for wo-

men. The appendix contains the 1994 Draft for the Proposed Convention against Sexual Exploitation.

