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## RECENT BOOKS

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

BARD R. FERRALL\*

#### YOUTH VIOLENCE

YOUTH VIOLENCE (Michael Tonry & Mark H. Moore, Eds.) (Chicago, The University of Chicago Press, 1998) 524 pp.

A review of the available evidence indicates, according to the editors, that the level of youth violence in the 1980s and early 1990s was above the historically expected level. Though the level of youth violence peaked in 1993 and has been declining every year since, it remains a significant concern. The editors have collected these essays which attempt to explain the reason for the rise (as well as the leveling and fall), and to suggest possible programs for intervention. The reasons most often advanced for the rise in youth violence (demographic risk factors, the spreading culture of violence, the crack epidemic, the increasing presence of street gangs, the increased availability of guns, etc.) seem quantitatively insufficient to explain the rise. Also the advanced reasons do not explain the suddenness of the rise, and may be best understood as enabling conditions rather than precipitating causes of the rise in youth violence. The use of a linear model and the search for a single factor may be misdirected. (One essay, however, attributes the rise of youth violence above historically expected levels entirely to the recently increased availability of guns.) The editors suggest a more dynamic model involving the interaction of the factors listed above. Topics in this volume include the social ecology of youth violence, the problem of school violence, gang violence, and social identity in the inner cities, the causes and correlates of youth violence, and the relationship of guns to the levels of youth violence. Other essays look toward a jurisprudence of youth violence. These essays examine the responses of the juvenile and criminal justice systems, and ask by what criteria (nature of the instant offense, or the persistence of the offender's previous offenses), should the

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law decide to send a youthful offender to the juvenile or the adult criminal court system. The editors note that we only incompletely understand the reasons for the recent rise in youth violence, and therefore can not be sure whether it will rise again in the future. However, a general plan of community mobilization (family, schools, and law enforcement) may prove to be more effective than solutions that focus on one cause, and consist of a single program. Uncertainty about the causes, the proper responses, and the future levels of youth violence, coupled with the urgency of the problem, indicate that the relationship between research and action may be different than is usual, with greater collaboration between the researcher and the community.

### **Victimology Research**

**CURRENT ISSUES IN VICTIMOLOGY RESEARCH** (Laura J. Moriarty & Robert A. Jerin, Eds.) (Durham, NC: Carolina Academic Press, 1998) 290 pp.

This volume is a collection of recent papers in the relatively new field of research on crime victims. Topics include the fear of crime, victimization in schools and colleges, victim services programs, the conflict between offender and victim rights, and sexual harassment and stalking.

### **Russian Mafia**

**JAMES O. FINCKENAUER & ELIN J. WARING, RUSSIAN MAFIA IN AMERICA: IMMIGRATION, CULTURE, AND CRIME** (Boston: Northeastern University Press, 1998) 303 pp.

The notion that there is a "Russian Mafia," or that émigrés from the former Soviet Union constitute an organized crime threat to the United States is not supported by the facts compiled by the authors in this study. To examine the question of organized crime among Russian émigrés in the United States, the authors worked closely with the Tri-State (New York, New Jersey, Pennsylvania) Soviet Émigré Organized Crime Project. In addition they surveyed hundreds of law enforcement agencies, examined indictments and trials of Russian émigrés, conducted extensive interviews and studied the entire literature on the subject. The authors also examined the history of organized crime in Russia, reviewed the facts and myths of organized crime in general, and examined where the connotations of the term "mafia" are based in fact and where in myth. From this research, the authors concluded that whatever criminal organization exists among recent Russian immigrants is small scale, single-venture oriented, fluid, and unstable over time. This differs greatly from "mafia" type organization. The authors did not find the highly structured and stable "family," using crime and violence to support the ongoing organization, among Russian émigrés. Rather, temporary associations to exploit some limited criminal opportunity, with individuals forming new groups as situations warrant were found. Although organized crime has become a significant problem in post-Soviet Russia, little interconnection between criminal organizations in Russia and

among émigrés in America was found. Thus, another feature associated with mafia-type criminal organization—significant connection between organized criminals of emigrant ethnic groups and criminal organizations in the country of origin—was not displayed in this instance. Criminal violence by Russian émigrés also contrasted significantly with the mafia type: while the latter is systemic and calculated, and functions as a tool of the organization to maintain monopoly control of the criminal enterprise, violence among Russian émigrés was found to be *ad hoc*, and motivated by simple greed or revenge. While the amount of violence is not insignificant, the authors' analysis of court records indicated the victim was usually a criminal associate, and that the harm caused by Russian criminal organization in America was largely economic. However, involvement in highly lucrative criminal enterprises (drugs, gambling, etc.) was not found, nor was bribery of public officials. Fraud was the most common crime, with other immigrants usually the defrauded victim. Other cases involved fraudulent Medicaid and welfare claims, and tax evasion—kinds of corruption quite similar to that that pervaded Soviet society, and continues in contemporary Russia. The authors do not foreclose the possibility that criminal organization more properly understood as "mafia" could form, as immigrant criminals develop greater cultural contacts with American society. In an appendix, the authors discuss their use of a new technique of "network analysis."

### **Criminal Justice, Responsibility**

NEGOTIATING RESPONSIBILITY IN THE CRIMINAL JUSTICE SYSTEM  
(Jack Kamerman, Ed.) (Carbondale, IL: Southern Illinois University Press, 1998) 197 pp.

In the sociological view, reality is constructed, not given. Reality changes over time, and our interaction with others is a sort of ongoing "negotiation" of our social construction of reality. Our concept of responsibility is also such a social construction; understanding how or even whether we assign responsibility for events requires examination of the dynamic process of interaction and negotiation. There is little examination of how the construction of responsibility affects criminal procedure, although many operations in the criminal justice system may be viewed as a process of negotiating the assignment or denial of responsibility. The purpose of the essays in this volume is to illuminate the current criminal process by examining the current social construction of responsibility. The societal factors (history, culture, social trends, and ideas) determining how responsibility is assigned, as well as the psychological factors in the denial of responsibility, are examined. Indications are that the current societal situation does little to counteract the individual's impulses to avoid responsibility, or to encourage and reinforce acceptance of responsibility; as a result, the denial and avoidance of responsibility has become widespread and socially acceptable, to a perhaps unprecedented extent. Other essays look more specifically at how members of groups and organizations can elude responsibility as it is diffused among the group, and at the role of ideology, displacement of responsibility, and

moral disengagement by members of terrorist groups. Remembering that the assignment of social responsibility is not given, but constructed and negotiated, and therefore can change, these essays also look for improvement. An essay on how the Dutch prison system assigns responsibility provides a contrasting situation. Remembering that the social construction of reality changes, and that the current situation resulted from a process, the essays suggest ways the assignment of responsibility can be renegotiated. A large scale restructuring of the juvenile justice system is proposed in one essay. Another considers specific proposals to encourage accountability by structuring the punishment system in a way that it becomes in the offender's own interest to accept responsibility.

### **Health Insurers—Fraud By**

ROBERT TILLMAN, *BROKEN PROMISES: FRAUD BY SMALL BUSINESS HEALTH INSURERS* (Boston, Northeastern University Press, 1998) 216 pp.

While "health care fraud" is generally thought to mean fraud by claimants or medical providers; the "insider" type of fraud discussed in this book has received little public attention, even though it is probably far more costly than the other types. Although the vast majority of health care plans are legitimate and the operators are honest, some white-collar criminals have diverted large amounts from health insurance funds, leaving the companies bankrupt and claimants without recourse, as shown in the case studies in this book. The developments that created the opportunities for such fraud are analyzed, and obstacles to legal reform that would close those opportunities are discussed. As large health insurance companies withdrew coverage of smaller employers, Congress provided for "multiple employer welfare arrangements" (MEWAs), which would create economies of scale for smaller companies in the provision of health and other employee benefits. To give them a competitive edge, these MEWAs were exempted from state and federal regulation. Free from state licensing and bonding requirements, white-collar criminals could create short-lived firms, quickly accumulate large revenues which would satisfy early claims, while siphoning off most of the funds. After such a scheme collapses or law enforcement catches up with it, new ones quickly form and adapt to changing conditions, in a process known as "recombinant fraud." Transnational financial institutions allow quick removal of funds from the jurisdiction in which the scheme operates; the complexity of health insurance policy language hinders consumers in discerning fraudulent schemes; and the desperation of many individuals for coverage makes them easy prey. These factors, plus the lack of regulation, have left the part of the market abandoned by large-scale insurers vulnerable to fraud and abuse (a "criminogenic market segment"). The people victimized by the crimes described in this book have relatively little political influence, and attempts to legislate regulation have met resistance, in part from the health insurance industry itself, which, although overwhelmingly honest, benefits from deregulation. Also creating resistance is the view that regulation would increase the cost to

businesses of providing health insurance and other employee benefits, thereby handicapping them in global competition. While the situation has been improved somewhat by recent legal developments providing individuals more protection in keeping their health care insurance while changing employment, the problem is more or less inherent in our "commodification" of health care.

### **Criminology & Criminal Justice—Evaluation of**

ELLEN G. COHN, DAVID P. FARRINGTON & RICHARD A. WRIGHT,  
EVALUATING CRIMINOLOGY AND CRIMINAL JUSTICE (Westport, CT:  
Greenwood Press, 1998) 147 pp.

Called "the most comprehensive literature review of citation analysis in general and the most thorough examination and exploration of research on this topic in criminology and criminal justice" in a foreword by Marvin Wolfgang, this study demonstrates the specific techniques of citation analysis, and aims to show that notwithstanding various shortcomings of the methods, citation analysis is a valuable tool for assessing the influence of scholars, journals, and university departments. The procedures demonstrated in this book include an examination of the nine leading journals over the period 1986 through 1995 to determine the subject matters covered, most cited authors, and the changes occurring over the time period. Citations in twenty leading journals are then analyzed for the single year 1990. The methods are then extended backward to 1945 to determine the most cited authors since then. The authors find that a comparison of the four data sets reveal more change than continuity as to who is most cited at any given time, but that the most influential scholars seem to combine qualities of intellectual stamina, breadth of study, and professional excellence. The problem of ranking journals by importance is considered; to the two current methods, "reputational" and citation (counting the times a journal is cited), the authors add a third, the "luminaries" method. The authors acknowledge the problems with this method, which identifies the journals in which the most cited authors publish their articles, but suggest that improvements in citation analysis may make the "luminaries" method an increasingly valid way of ranking the journals. Also demonstrated is the newer method of "page coverage" in textbooks, which may be a useful supplement to citation analysis. The authors conclude that notwithstanding various shortcomings of the methods, citation analysis is a valuable tool for assessing the influence of scholars, journals and university departments, and call for more funding for citation analysis (this study was not funded), and refinements in its methods. Specific suggestions include the development of a system of classifying citations (e.g., favorable or unfavorable, perfunctory or central to the argument), measuring the prevalence, rather than the mere frequency of a citation and weighing citations according to the prestige of the citing journal. In the debate whether the disciplines of criminology (which developed as a theoretical and empirical study of the etiology of crime) and criminal justice (which developed as a study of the practices of the criminal justice system) are

diverging or converging, the authors propose a new empirical method to resolve the question: comparison of the most-cited scholars in criminology and criminal justice publications. In such a study, the authors found low correlation in the citations of the publications of the two disciplines. The authors contend that while this low correlation would appear to indicate convergence, their citation analysis indicates that criminal justice and criminology are more fundamentally complementary.

### **Cybercrime, Information Warfare**

CYBERCRIME . . . CYBERTERRORISM . . . CYBERWARFARE . . . :  
 AVERTING AN ELECTRONIC WATERLOO (Washington, D.C.: The  
 Center for Strategic and International Studies, 1998) 73 pp.

This book is a report on America's vulnerability to disruption of its information systems by isolated individuals, profit motivated criminal organizations, and ideological groups aiming to alter the balance of power. Possible forms of "information warfare" (IW) (physical attack, hacking, and software or data attack), the types of perpetrators, and their tactical objectives are discussed. This problem has received much attention; however, a particular type of attack, "strategic information warfare" (SIW), has not. Although SIW may employ tactics similar to IW, it would employ them for larger objectives, such as the reduction of America's influence in a region. SIW, in contrast to IW, foregoes overt attack on information systems in favor of long range monitoring to discover weak points and to develop a coordinated, multi-point attack at the optimum time. Since monitoring of information systems (without any overt act) may leave no traces, and "weapons" used in IW are legal and widely available, intelligence agencies may fail to detect SIW planning by an enemy. (Despite the lack of hard evidence, the authors give reasons to infer a significant chance that SIW is being planned.) Deregulation and globalization of the infrastructure of information transmission, and the fact that most information technology is developed, controlled and owned by private business, means that implementing security against SIW requires cooperation between business and government. However, even though private business invests in security against the overt, but limited attacks by computer criminals, protection against SIW is more complicated than the problems addressed by computer security specialists, such as controlling passwords or erecting firewalls. Since the harm from SIW may be further in the future than business planning, with its concern for the "bottom line," can provide for, private business has little financial incentive to cooperate with the government, even though its information systems would be a major target of SIW. Nor do private businesses have the incentive to establish their own protections against SIW, beyond protections for more isolated IW. Other problems include the difficulty of preparing and implementing an appropriate response if SIW is detected, the large number of adversaries who could acquire the means for SIW and the variety in their willingness to be deterred, and the question whether the U.S. should engage in information warfare.

### **Prison Systems, Comparing—International**

**COMPARING PRISON SYSTEMS: TOWARD A COMPARATIVE AND INTERNATIONAL PENOLOGY (Robert P. Weiss & Nigel South, Eds.) (Amsterdam: Gordon and Breach Publishers, 1998) 488 pp.**

This book is an extensive comparative study of the penal policy of the industrial nations of the world, placing each country's prison system within that country's history, culture and political system. Special emphasis is placed on the major political and social changes of the late Twentieth Century, and the impact of those changes on the prison systems around the world. Contributors were chosen not only for their knowledge of penology, but also for their knowledge of the relevant geopolitical region. Included are studies of the prison systems of the United States, Canada, Mexico and the countries of the Andean region, England, Germany, Poland, the Netherlands, China, Japan, Australia and South Africa. Contributors examined changes brought about by such developments as the globalization of economic competition, the rise of neo-conservative politics and neo-liberal economics (i.e., a turn from the welfare state back to the pre-New Deal *laissez faire* market economics), the collapse of communism in Eastern Europe, and the emergence of a market economy in China. The editors aim to link global prison trends with global social, economic, and political denominators, to produce broad generalizations where possible, and to illuminate historical and cultural dissimilarities that make comparison impossible. Some contributors also offer policy recommendations. Emergent themes and similarities include: the politicization of crime, with members of the "left," as well as the "right," calling for stricter penalization; the use of prison labor; the growth, especially in the US and the UK, of "managerialism" (i.e., auditing prison demographics to identify groups most at risk for disruptive behavior); and, in the most industrially advanced countries, the privatization of prisons and developing high technology for prison control. Since 1970, the incarceration rate around the world has risen dramatically (mainly for drug offenses), with prison conditions becoming increasingly harsh. (Notable exceptions to this trend include the Netherlands and Japan.) The editors conclude that these trends do not correlate strongly with the crime rate. Instead, the general trends in penal practices are linked to the increasing inequality of income and the economic displacement of large numbers of people, and conditions not conducive for worldwide penal reform.

### **Crime & Crime Control—Baltic Region**

**THE BALTIC REGION: INSIGHTS IN CRIME AND CRIME CONTROL (Kauko Aromaa, Ed.) (Oslo: Pax Forlag A/S, 1998) 206 pp.**

Contributors to this volume from the Scandinavian Studies in Criminology series present findings concerning trends in crime, policing, and imprisonment in the Baltic region (Latvia, Estonia, Lithuania, Finland, Scandinavia, and St. Petersburg) and the northwestern region of Russia. This represents a new concern and awareness by Scandinavian criminology with Eastern Europe. A geo-political interconnectedness (reflected

by the new Finnish term, the “near-by region”) is reemerging between these regions with the end of Soviet rule, while at the same time there is problematic social and cultural unfamiliarity among the groups. The essays in this volume represent a learning process, as Scandinavian criminology becomes more concerned with conditions in Eastern Europe. Organized crime in Russia, and its impact on the region and the rest of the world, is the dominant concern of this collection.

### **Murder—United States, Atlanta**

BERNARD HEADLEY, *THE ATLANTA YOUTH MURDERS AND THE POLITICS OF RACE* (Carbondale, IL: Southern Illinois University Press, 1998) 241 pp.

Between the summer of 1979 and the spring of 1981, twenty-eight black males and two African American females disappeared in Atlanta. Most of these victims were poor teenagers. Many of their bodies were later found in various parts of the city and environs. The cause of death in each case was either strangulation or multiple stab wounds (none seemed to have suffered sexual assault, however). This mysterious tragedy received worldwide attention. A fortuitous incident led authorities to a suspect, Wayne Williams, an African American who claimed to work recruiting and promoting musical and media talent. He was eventually convicted of two of the murders, and the case of all the murders is generally considered closed. The author points out that Williams had ample opportunity to commit all the murders, and that the forensic evidence against him is extensive. The question of motive, however, remains a mystery. (Williams continues to maintain his innocence.) The author became an observer to the story early on, when in the spring of 1981 he was conducting routine surveys in Atlanta neighborhoods and African American residents expressed their concern about the disappearances. He attended neighborhood meetings, talked extensively with people close to the unfolding tragedy, and finally attended most of the trial. The author also examined more than 10,000 pages of FBI documentation. Employing Max Weber’s approach of “*verstehen*” (which “denotes a process of subjective interpretation on the part of the social researcher . . . whereby the researcher comes in part to share in the situated meanings and experiences of those under scrutiny”), the author examines the divergent views of Atlanta’s white power structure, the African American representatives of government (including the city’s African American mayor), and the members of Atlanta’s African American lower class and poor.