

Fall 2000

Recent Books

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

Recent Books, 91 J. Crim. L. & Criminology 307 (2000-2001)

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.

RECENT BOOKS

CRIMINAL LAW AND CRIMINOLOGY: A SURVEY OF RECENT BOOKS

BARD R. FERRALL*

CRIMINOLOGY—THEORY

RONALD L. AKERS, *CRIMINOLOGICAL THEORIES: INTRODUCTION, EVALUATION, AND APPLICATION*, 3RD ED (Los Angeles: Roxbury Publishing Co., 2000) 310pp.

Though "theory" is often cast in a denigrating contrast to "fact," properly developed theoretical explanations relate separate facts to each other to find an interconnection among observed phenomena. The author's purpose is to describe and evaluate the major criminological theories which have been the subject of the leading theory-testing articles in the last part of the 20th Century. Criminology is composed of two types of theories: 1) those concerned with how and why a society criminally sanctions certain conduct; and, 2) why do some members of a society violate its social and legal norms. (Criminological theory of the first type, it should be noted, does not judge what *should* be the law; rather it attempts to describe the societal processes that establish criminal law.) Most criminological theory falls in the second type, which seeks to explain why people commit crimes. This type may be subdivided into theories focusing on individuals and those focusing on groups. Since explanations of crime also draw from the findings of other sciences of human behavior, such as biology, psychology or sociology, criminological theories may also be classified according to whether they treat crime as a biologically, psychologically or sociologically caused phenomenon. Following these schemes of classification, and noting some overlap, the author first looks at classical and modern theories of deterrence as explanations of criminal law formation; these theories assume a general consensus in society about norms. "Conflict theory," on the other hand, finds no general consensus in society about norms, but rather conflict among various groups. A society's criminal law, according to conflict theory, follows from the internal norms of the group that has sufficient

* Reference Librarian, Northwestern University School of Law Library; M.A. University of Denver; J.D., Northwestern University School of Law.

power to establish the law; crime is the result of members of other groups following their groups' norms, rather than those of the dominant group. Similar to conflict theories, but differing in important ways, are Marxist criminological theories; while the latter sees no general societal consensus about norms, the latter says there may be such a consensus, although it is imposed by the ruling class through the manipulation of public opinion. The author looks at an emerging group of feminist criminological theories. Although there are several of these, they have several common points, including the criticism of all previous theories for failing to appreciate gender and patriarchy as important principles of societal organization. As to the currently leading explanations for crime, the author looks at: biological and psychological theories; theories that criminal behavior is learned; "labeling" theories which focus on the stigmatizing "labels" placed on some individuals; "social control" theories, according to which it is not crime but law-abiding behavior which needs explanation; and theories that crime increases in correlation with increases of social disorganization, anomie, and breakdown of control and consensus about norms. In discussing each of the above theories, the author sets out the central concepts and propositions, evaluates their empirical validity and other strengths and weaknesses, and assesses their policy applications. No theory has been entirely disproved, and none fits all the available data. The author says, however, that the data supports pluralistic conflict theory over Marxist or general consensus theories as explanations of criminal law formation, and social learning theories presently have the most empirical validity as an explanation of the etiology of crime. Finally, the author considers some so far unsuccessful attempts to integrate the theories by finding common elements, or to use two or more theories in conjunction.

ORGANIZED CRIME

JAMES R. RICHARDS, *TRANSNATIONAL CRIMINAL ORGANIZATIONS, CYBERCRIME AND MONEY LAUNDERING: A HANDBOOK FOR ENFORCEMENT OFFICERS, AUDITORS AND FINANCIAL INVESTIGATIONS* (Boca Raton, FL: CRC Press, 1999) 318pp.

In the past decade, organized criminal organizations, have grown past regional limits, developed strategic alliances with similar organizations in other regions, and assumed a global scope. Also increasing transnational is the "money laundering" of the proceeds of organized crime. Local and national law enforcement agencies all over the world are challenged by the rise globally organized crime. Among the most important recent responses is the criminalization of "money laundering," (by which term may be understood the various techniques for giving a legitimate appearance to the funds of criminal activity and to conceal the source of those funds,) and the targeting of the profits of criminal activity. While many books have been written by and for law enforcement officials, regulators of financial institutions, and computer systems administrators to cope with globally organized crime, the scope of these books has been limited to particular specialties. The author of this

book has attempted to present a general reference work. First presented are histories of the major criminal and terrorist organizations, which are forming transnational strategic alliances. Money laundering, which is the basis for these strategic alliances is described in its three stages, (placement, layering and integration,) and techniques of money laundering are analyzed in some detail. The author looks at organized crime's use of financial institutions and other types of businesses to conceal the source of its funds. Turning to the law enforcement side, the author first focuses on the United States. Anti-money laundering statutes and regulations are briefly discussed; the investigative techniques for identifying and confiscating criminally generated assets are described; and particular multi-agency operations are narrated. On the world stage, the author looks at international treaties and organizations as well as the situation in the pan-American states, the states of the former Soviet Union, and some fifty other countries. Recent efforts at international cooperation still fall short of global crime.

PRIVATIZED CRIME CONTROL

BRUCE L. BENSON, *TO SERVE AND PROTECT: PRIVATIZATION AND COMMUNITY IN CRIMINAL JUSTICE* (NY: New York University Press, 1998) 371pp.

With justice to crime victims as the prime consideration, and seeking to explain the fact that only a small minority of crimes are reported, solved, and punished, the author undertakes a cost/benefit analysis of the private, or nonstate organizations providing various kinds of crime control in contemporary America. An historical analysis indicates that while the response to crime was once primarily community-based, state involvement in crime control has grown significantly in the past two centuries. Presently, however, there is a growing trend back towards non-state organizations. Included in this trend are several types of organizations, including citizen and neighborhood crime watches, private security forces, bail bondsmen and privately run prisons and halfway houses. Although state agency involvement with and encouragement of some of these groups is growing, (e.g., police participation with citizen anti-crime groups,) and understanding the trend towards privatization requires examination the institutional setting of the interaction of private and state agencies. "Contracting out" of security and correctional services is the most prominent type of public-private interaction. Whether contracting private security and correctional firms will achieve the purposes of criminal justice depends highly on the approach of the state demanding the contracted services: where contracts awards are based on patronage or bribery, abuse and inefficiency often results; where bidding is truly competitive, the likelihood is for both improved quality and reduced cost. Although privatization has advanced to the point that in some aspects, crime control is provided primarily by private agencies, there is still much resistance to the trend. Political opposition comes from many criminal justice bureaucracies. Much opposition is also philosophically based on the view that only the state should be em-

powered to arrest and punish, and on civil libertarian concern about reduced quality due to "cutting corners," as well as more overt abuses. These concerns are often answered, the author finds, when privatization is properly implemented; however, political and bureaucratic opposition, as well as philosophical opposition which the author argues is misplaced, often causes *de facto* privatization to be implemented in surreptitious, sub-optimal ways. Private protection agencies are not free from poor quality and abusive action, but before this is attributed to market failure, must consider whether the same problems are found in corresponding state agencies. That fact that current criminal system successfully resolves so few crimes signals its failure. The author finds the primary cause of this failure in the reluctance of victim's and witness to report crimes and provide other information. This reluctance is understandable, because victims and witnesses incur high costs and burdens from involvement in state administered justice systems, with a small likelihood that this involvement will result in actual solution of the crime. Even when a crime is solved and punished, little remedy is provided to the victim herself. To increase the flow of information from victims and witnesses, which is necessary for efficient crime control, as well as to provide a more commensurate remedy to the victims of crime, the author proposes a fundamental legal reform: recognition of a victim's property right to restitution.