

Summer 2001

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### Recommended Citation

Recent Books, 91 J. Crim. L. & Criminology 1153 (2000-2001)

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## RECENT BOOKS

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

BARD R. FERRALL\*

#### CRIMINOLOGY—THEORY

ANETTE BALLINGER, *DEAD WOMAN WALKING: EXECUTED WOMEN IN ENGLAND AND WALES, 1900-1955* (Aldershot, Ashgate/Dartmouth, 2000) 374pp.

The author applies gender analysis of women's criminality to the cases of fifteen women executed in the twentieth century in Wales and England. A significantly larger number of women were sentenced, but not actually executed. Why were these particular women executed? The author finds that the two groups cannot be adequately distinguished on the facts of their crimes. Moreover, gender-neutral explanations fail when the cases of the executed women are analyzed, compared with each other, and contrasted with the cases of women capitally sentenced but not ultimately executed. After presenting theories on how gender-specific norms develop from a social discourse where the female construction of reality is subordinate to the male construction, the author finds that in their lives the women actually executed had deviated from patriarchal definitions of acceptable feminine behavior. Women who had committed similar crimes, but had not otherwise shown the same deviation, may have been sentenced to death, but were usually reprieved. The author considers cases of spousal murder and points out how the judicial defenses such as provocation or self-defense are much less successful when a woman kills her spouse or partner.

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The situation has changed somewhat since the years covered in this study, although the courts continue to be influenced by constructions of male and female behavior that were developed in the past.

JOAN MCCORD, CATHY SPATZ WIDOM AND NANCY A. CROWELL, EDS., *JUVENILE CRIME, JUVENILE JUSTICE—PANEL ON JUVENILE CRIME: PREVENTION, TREATMENT AND CONTROL* (Washington DC: National Academy Press, 2001) 384pp.

To shed light on the effects of mandates of the Office of Juvenile Justice and Delinquency Prevention, the panel analyzed the available data on juvenile crime and justice system processing, and reviewed the literature on the causes, prevention and treatment of juvenile crime. The panel also examined racial disparities in the juvenile justice system.

The chief concerns of the panel were the collection and use of juvenile crime statistics, the development and prevention of delinquency, and the problem of racial disparity. The panel notes that juvenile crime increased significantly in the late 1980s and early 1990s. Fears aroused by this increase, as well as predictions that the trend would continue, led to a more punitive response to juvenile crime. This approach has not yet changed, even though juvenile crime levels have returned to those of the 1970s.

The panel presents several administrative recommendations to improve the collection of statistics. Preschool and even prenatal developments should be studied to identify possible risk factors for later delinquency. The panel also recommends that legislators should recognize that even with such improvements, trend predictions have only short-term reliability, and statistical reports predicting future trends should contain highlighted caveats against "trend-bias" and long-range inferences. Policy changes should be limited to trends that are reliably predicted, and officials should constantly reevaluate policy against newer statistics. The panel found that data is not yet sufficient to explain either the recent increase or decrease in juvenile crime. To some extent, the statistical increase seems the result of greater willingness to arrest juveniles and of police policies raising the level of offense with which arrested juveniles are charged. The levels of juvenile homicide peaked in the early 1990s, as did homicides by some other age groups. Greater

availability of firearms may account for some of this increase. A large portion of juveniles are involved in some sort of delinquency, but relatively few commit serious crimes. The panel found a number of delinquency development risk factors, including parenting problems, school failure and community structure. While the relative importance of each factor could not be determined, the risk of delinquency rises as more risk factors are present. The practice of removing non-violent juvenile offenders from the community and confining them together may also lead to juvenile recidivism. Recommendations for the improved methods of preventing and responding to juvenile crime include early intervention in high-risk family situations, changes in school response to student failure, and community based correction of juvenile offenders. The panel recommends a change in approach to the problem of the disproportionately high levels of certain racial minorities in the juvenile justice system. Most explanations have offered mutually exclusive claims of either system bias or behavioral differences among juveniles of different racial groups. The panel suggests this may be a false dichotomy, and recommends study of the possibility that the two factors interrelate dynamically.

ROXANNE RODRIGUEZ, *THE MODERN DEATH PENALTY: A LEGAL RESEARCH GUIDE* (BUFFALO, NY: William S. Hein & Co., 2001) 42pp.

This book aims to serve as a starting point for legal research. After a brief overview of the history in England and America, the guide points to relevant federal and state statutory and case law, and to some leading secondary sources. The guide lists citations to federal criminal statutes that impose the death penalty, and to cases where a statute has been constitutionally upheld. Leading U.S. Supreme Court cases on related issues, such as Due Process and Eighth Amendment concerns, are also cited. For each of the states, the guide gives a brief description of the state's capital offenses and cites to the statute, as well as the case upholding the constitutionality of the statute. The method of execution for each state is also given. (The guide notes which states have no death penalty.) A selected list of secondary sources, online resources, and interested organizations is also given.

DAVID SHICHOR AND MICHAEL J. GILBERT, EDS., *PRIVATIZATION IN CRIMINAL JUSTICE: PAST, PRESENT, AND FUTURE* (Cincinnati OH: Anderson Publishing Co., 2001) 376pp.

Contributors to this volume examine the history, current trends, and potential future of the privatization of criminal justice in this country. Particular aspects examined in detail include privatized security forces, adjudication procedures, and substance abuse programs. The emergence and growth of private jails and prisons is also examined through several case studies. Privatization of criminal justice has a long history in this country, driven in part by distrust of the government's power and its perceived incompetence and corruptibility, and in part by efficiency and accomplishments of the private sector. While recognizing the advantages of privatization, the contributors find that the criminal justice system may not be as amendable to privatization as other government functions.

Moreover, deficiencies in the contracts through which private firms take over criminal justice functions may be uncorrectable, and resumption of performance by the government in the event of market failure may be difficult. Differences between the goals of public government and private commercial organizations, as well as difficulties in monitoring performance, create the risk that the management of privatized criminal justice may not be subordinate to public policy. Several guidelines are offered to minimize the risks while obtaining the advantages of criminal justice privatization.