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Yale Kamisar has been one of the most articulate and persuasive proponents of limiting the power of police to elicit incriminating statements from persons in custody. It was not unexpected, therefore, that Police Interrogation and Confessions, a collection of seven Kamisar essays written over the last two decades, would be an example of the very best in legal scholarship. Taken individually and in historical context, Kamisar's essays are remarkable pieces of work. Each of the essays included in this volume was both prescient and influential.

Kamisar's 1963 critique of vague "voluntariness" tests for the admissibility of confessions, What is an 'Involuntary' Confession?, presaged Miranda v. Arizona by suggesting that the Court provide prospective guidance for police interrogations rather than attempt retroactively to determine the voluntariness of individual confessions. Kamisar suggested that police interrogation manuals themselves, most notably the Inbau and Reid volume subsequently quoted heavily in Miranda, make the best case for such guidelines. The techniques recommended by Inbau and Reid, Kamisar observed, include tearful displays of sympathy for the suspects, making certain that the suspect and the interrogator are not separated by furniture or other barriers to communication, removing ashtrays to suggest to the suspect that smoking will not be permitted until the interrogation has been completed, terminating the suspect's attempts to explain away incriminating evidence or to relieve tension by fidgeting with clothes or picking fingernails, engaging in "friendly-unfriendly" acts, and displaying calculated outbursts of temper (pp. 2-4). Such tactics, observed Kamisar, were particularly offensive because they were employed with the innocent as well as with the guilty. The Supreme Court agreed, as it demonstrated three years later in Miranda.

In addition to voicing arguments against the "voluntariness" test, Kamisar's essays emphasize the difficulty of objectively reconstructing the events that transpire in police interrogations. In *Equal Justice in the Gatehouses and Mansions of American Criminal Procedure*, Kamisar points out the great inconsistency in providing counsel to assist defendants in objectively recorded proceedings and failing to do so in the private interrogation rooms of police stations.

As Kamisar suggests in this prescient piece, the subject of interrogation in a police station—the gatehouse of justice—surely finds himself in a far more hostile environment than does the defendant in the courtroom—the mansion of justice. Thus, he concluded, the privilege against self-incrimination cannot be "checked at the gatehouse door," only to be meaninglessly reclaimed in the mansion after a confession has been obtained under circumstances which can be reconstructed only through "swearing contests" between police and defendant.

In *Fred E. Inbau: 'The Importance of Being Guilty,'* Kamisar once again raises problems concerning the low visibility of the circumstances in which stationhouse confessions are obtained. He notes that Minneapolis police who conducted a six hour tape-recorded interrogation in a murder case,\(^3\) "neither engaged in nor threatened any violence, but their urging, beseeching, wheedling, nagging [the suspect] to confess is so repetitious and so unrelenting that two hours of listening is about all most students [to whom Kamisar plays the tape] can stand" (pp. 98, 99).

This was the only confession case, to Kamisar's knowledge, that the Minneapolis police had "lost" up to that point. But, he suggested, there is "no reason to think that this case differed [from those they had 'won'] in terms of the tactics employed by [these] experienced investigators." Instead, this case differed because it was "the only time a tape of [a Minneapolis police] interrogation appeared in the record" (p. 98 n.2). The reader draws the inference that many more confessions would have been excluded as the result of violative interrogations had the circumstances in which they were obtained been objectively recorded.

In *Brewer v. Williams: A Hard Look at a Discomfitting Record*, Kamisar again lamented the absence of objective, reliable records of interrogations and the consequent reliance upon each party's recollections and interpretations of these events: "[A]ny time an officer unimpeded by any objective record distorts, misinterprets, or overlooks one or more critical events, the temple [of Constitutional law] may fall. For it will be built upon sand. . . ." (p. 137). In that statement lies the real contemporary and future value of Kamisar's essays. As individual works and as comments and suggestions for the development of Fifth Amendment

\(^3\) State v. Biron, 266 Minn. 272, 123 N.W.2d 392 (1963).
law during the era of the Warren Court's confession decisions, they are remarkable. For the legal scholar and the police practitioner, they are a unique history and analysis of a controversy that we hope has been resolved, even though Kamisar's fears of "erosion" may be well-founded.

Taken collectively, however, the essays are much more than a series of historical documents about a controversy over the limits of a particular police power to affect the lives and liberties of those suspected of criminal activity. The essays are universal in their application because other such controversies currently exist, and because when these are resolved, new ones no doubt will arise to take their place.

We still are told by some that the police are "handcuffed" and that their ability to combat crime on the streets is greatly limited by arbitrary restrictions. But others tell us that restrictions such as citizen review, police accountability to political authority, and court ordered search and interrogation procedures have little or no demonstrable effect on police crime-fighting abilities, and that such restrictions are necessary to avoid unreasonable state intrusion upon the rights of citizens. From this perspective, expansion of police powers is seen as a fruitless exercise that can serve only to weaken constitutional guarantees and to further divide the police and the public.

At present, one such controversy involves not the Fifth Amendment and police power to obtain evidence through interrogation, but the Fourth Amendment, police search and seizure powers, and the formulation of remedies for abuse of those powers. This Fourth Amendment controversy has been considerably more difficult to resolve than were the Fifth Amendment questions addressed so well by Kamisar, because the tangible evidence found in even the most outrageous police searches is generally far more reliable than is the testimonial evidence produced by repugnant police interrogative procedures. Consequently, there is sentiment on the Supreme Court and in other quarters that the present exclusionary rule is overly rigid and that it often serves to bar evidence of the truth. The Attorney General's Task Force on Violent Crime argues that, to better "deter illegal police conduct and promote respect for the rule of law," trial courts should base the decision to exclude not on whether evidence is in fact seized in violation of the Fourth Amendment, but on whether or not the violation is "reasonable" and based on "good faith efforts to comply with the law" by officers who "unwittingly fail to do so." Thus, it is suggested that prosecutorial success in convincing the courts and legislators that there is such a thing as a "reasonable" or "trivial" violation of the Fourth Amendment "will restore the confidence of the public and of law enforcement officers in the integrity of

Opposing sides in the current controversy over search and seizure by police generally conform to H.L. Packer's "due process" and "crime control" models. The former model views the criminal process as an obstacle course that emphasizes the "dignity and autonomy of the individual suspect or defendant;" the latter model treats the process as an assembly line designed to dispose of criminal cases effectively and quickly. Those who would take either side in the growing controversy over search and seizure, therefore, would be well advised to review earlier controversies that conform to Professor Packer's construct.

Kamisar's essays on the due process side of the interrogation confession controversy are an excellent place to start that review. Even though the substantive issues addressed in these essays differ somewhat from those involved in search and seizure questions, his essays provide first-rate analyses of problems dealing with the appropriate limits of all police intrusions into the lives and liberties of those they suspect of criminal activity; the constitutional amendments are different, but the themes are the same.

One such problem is the difficulty of after-the-fact reconstruction of events at the time of such intrusions. Absent objective recording, it is as difficult to ascertain exactly what occurred in a police search as it is to reconstruct the events leading up to a confession. In both cases, after-the-fact "swearing contests" between officers and subjects are common. Questions about the relative merits of blanket due process a priori guidelines versus analyses of constitutionality after the fact are common to the controversies over both types of police action. So, too, are questions concerning the presumption of innocence and the probability that those most grievously injured by unreasonable police actions never appear before the bench. In the case of unwarranted interrogations, subjects do not appear because typically they are released after fruitless questioning; in the case of unreasonable searches, they are released because no evidence of crime is found.

Thus, Kamisar's book has value that is far greater than the fact

5 ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME, FINAL REPORT 90 (1981). In its 1983 term, the Supreme Court heard Illinois v. Gates, 33 Cr. L. 3109 (June 8, 1983) (No. 81-430), in which the state argued for a good faith exception to the exclusionary rule. The Court sidestepped the issue, deciding Gates on other grounds. All indications are, however, that the Court will soon consider the good faith question in other cases. See Massachusetts v. Sheppard, 387 Mass. 488, 441 N.E. 2d 725 (1982), cert. granted, 103 S. Ct. 3534 (1983); United States v. Leon, (Appendix A-.1a-6a. Appendix B 9a-14a. 1982), 701 F.2d 187 (9th Cir.), cert. granted, 103 S. Ct. 3535 (1983); Colorado v. Quintero, 657 F.2d 948 (8th Cir.), cert. granted, 103 S. Ct. 3535 (1983).

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that it is an excellent history and analysis of the recent development of fifth amendment law. More importantly, it is an excellent case study of advocacy of the due process side of a controversy over the appropriate limits of a police crime suppression activity. There is—and will be—no shortage of such controversies, and well-meaning adherents to either the due process or crime control position in any of these controversies would be well advised to attempt to make their analyses and arguments as intellectually and as dispassionately as Professor Kamisar does. Despite occasional repetitiveness which is virtually unavoidable in a collection of essays written by the same author on one issue, Kamisar's work is a fine addition to the bookshelves both of students of the law and of those interested in reform of police practices.

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The potential use of heroin in the United States, both for treatment of those with organic illnesses and for treatment, including maintenance, of narcotic addicts, has been a controversial topic. The main theme of this book is that heroin should be included in the pharmacological armamentarium of all physicians and that most, if not all, physicians should be allowed to use it to treat narcotic addicts. Trebach feels that these measures are needed for the humane treatment of individuals in severe pain, particularly terminally ill patients, and perhaps more importantly, to cope with what he describes as a worldwide epidemic of heroin addiction.

How does Trebach reach these conclusions? Most of his book is devoted to an analysis of the dramatically different ways in which Great Britain and the United States have viewed, until recently, the use of heroin in general and its use in the treatment of addiction in particular. He provides a good review of the rather tortured history of heroin and heroin addiction in the United States. He describes a process, during what he calls the Harrison-Anslinger era, whereby heroin moved from a legally available to an outlawed substance, and addiction changed from
a predominantly medical to a predominantly legal problem. He focuses on the operation of the Shreveport clinic as one of the last proud moments in this saga. Trebach then describes the gradual evolution, during the past two decades, of a somewhat contradictory view of addiction as both a medical and a legal problem.

Juxtaposed with the American view is the British experience. Again, Trebach provides a detailed history of how the British, during what he calls the Rolleston era, were generally able to adhere to the viewpoint that addiction is a medical problem and that heroin is an important medication to be used in its treatment. The British stance, however, is also evolving. "Doubt and Uncertainty: Britain Today," one of the more valuable chapters, analyzes the impact of the second Brain report, which created addiction treatment clinics and restricted the prescribing of heroin to addicts for maintenance purposes in these clinics. These clinics have now begun to move away from both the maintenance philosophy and the use of injectable heroin, and instead are beginning to seek abstinence as a goal and turning more to the use of methadone. Thus, while Britain is moving much closer to the control and therapeutic models adopted in the United States, it appears that the United States, in turn, is moving somewhat closer to the British model, at least as evidenced by the prominence of methadone maintenance in this country. In essence then, the two countries are converging in the development of models which Trebach finds to be by and large unacceptable.

This book has many strengths. It is very well written and is addressed to an audience much wider than criminologists or drug abuse treatment and research professionals. Its style therefore makes for enjoyable reading. The footnotes, which are particularly important because they constitute the major documentation for much of the work, are at the end of the book. This necessitates the annoying practice of flipping constantly to the back of the book. As noted previously, the book has some very valuable chapters which provide information not readily accessible elsewhere. One such chapter provides a brief review of recent medical studies on the value of heroin as an analgesic. Another interesting chapter outlines ways in which heroin is used in English hospices. The best chapter is probably the one based on Trebach's own research in England, which documents evidence for his view that the British practice is increasingly coming to resemble that on this side of the Atlantic. He argues that the "professionalization" of addiction treatment, as evidenced by the British clinics, has led to confusion in clinic treatment philosophy and emotional stress among clinic staff who simply can no longer accept the incessant demands of addicts who seem unwilling or unable to control their desire for narcotics.

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While the book has many strengths, it is not without its flaws. Unfortunately, its weaknesses are of central concern because they go to the heart of the book. Trebach simply does not make the case for heroin either as a significantly different analgesic (or euphoric agent) for treatment of illness, or as a maintenance drug needed in the treatment of addiction. As to the value of heroin for treatment of illness, my reading of the relevant chapters would lead me, along with the researchers and practitioners cited by Trebach, to agree with Trebach's own assessment that the evidence is "equivocal and conflicting." Trebach's arguments for using heroin in addiction treatment programs are also not wholly convincing. Though the British have recently used heroin, it is nevertheless a fact that most of the clinics are now moving away from the use of heroin to either methadone maintenance or abstinence philosophies. While Trebach's explanation for this move may have some validity, it seems a rather simple explanation given what surely must be a much more complex situation. In regard to these points we must keep in mind that Trebach is an advocate for one position, and that he may to some extent be "blind" to other explanations. Could it be for instance that clinic staff members really have lost faith in the heroin maintenance approach on good therapeutic grounds?

Probably the least convincing chapter of all is the last chapter, in which Trebach calls for legalization of heroin. While one may make a case for trying heroin as a treatment in this country, Trebach does not adequately address the many problems posed by such a practice. For instance, he does not directly and convincingly address whether the use of heroin, which is a short-acting and largely injectable drug, has advantages over the longer-acting and orally taken methadone. The principal reason that he offers is that heroin is the drug of choice among addicts. Nor does he justify why many or perhaps all physicians should be allowed to prescribe heroin to addicts. Most physicians are not trained in the medical treatment of addiction nor are they conversant with the street addict subculture. Lack of such knowledge, Trebach demonstrates in an earlier chapter, accounted for much of the confusion in British clinics. I foresee even more confusion if large numbers of physicians are allowed to prescribe heroin to addicts. Similarly, Trebach does not say how diversion of drugs to non-patients, a significant problem in methadone maintenance clinics, can be dealt with effectively. Would we be faced with a whole new black market of diverted heroin being sold to what as Trebach notes, may be 3.5 million occasional users in the United States? Would we have to be concerned with new addicts and new users being created by such diverted heroin?

Trebach does not address these and other similar problems in the depth that they require. This book, which is a valuable one, would have
been even more valuable had it contained a more extensive discussion of these problems and a more detailed blueprint for the use of heroin in this country.

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This book is a scholarly attempt at what Merton might refer to as some "history and systematics" of criminology, and in particular, of oral history in criminology. It is a richly documented, sociohistorical analysis of the origins and purpose of the use of the rhetoric of oral history in relation to delinquency, including the effects oral histories have had on both academic criminology and criminal justice practice. The book employs a well mixed, critical combination of primary and secondary source material, much of which is biographical, to outline those conditions which are and are not conducive to the simultaneous appearance of oral history and reform efforts.

The first two chapters discuss Henry Mayhew's use of oral history during the middle of the nineteenth century. According to Bennett, his own "contribution to the study of Mayhew is a discussion of delinquency and oral history in more detail than has been done elsewhere" (p. 285 n.4). The first chapter, "Eloquent Advocacy," clearly establishes support for Bennett's case about the reformist purposes of the use of oral history, based primarily on material from Mayhew's London Labor and the London Poor. The second chapter deals with Mayhew's beliefs about the causes and remedies of juvenile crime. In modern terms, Mayhew was a differential associationist; to illustrate Mayhew's contamination the-

2 Bennett's treatment of criminological theory, however, in chapter two is questionable at times. For example, he confusingly interjects the "labelling" perspective into a discussion of differential association (p. 54). Additionally, Bennett states that Mayhew failed to see delinquency as a result of the gap between desired goals and limited opportunity to reach those goals (p. 56), and then states that Mayhew's delinquents had no doubt about their place in the English class system. The point is that Bennett should not have faulted Mayhew on this omission because Merton, the major original proponent of this theory of deviance, explicitly states that the theory is not particularly concerned with societies in which persons do not
ory, Bennett opens the chapter with one of Mayhew’s favorite oral histories by a juvenile pickpocket.  

Chapter three describes John Clay’s penal reformist activity and the relationship of his oral histories to the work of Mary Carpenter. Bennett demonstrates that Clay used his “cell confessional” both to advocate the benefits of the separate system as a means for curing criminals, and to allow convicts in solitary confinement a chance for human contact, with their conversion to Christianity the desired result. Bennett concludes that the extent to which the oral histories of Clay and Carpenter affected policy for handling juveniles is the extent to which the histories “contributed to a deception” (p. 87).

In chapter four, “Boosterism,” the author begins to offer examples of the conditions which do not lead to the employment of oral histories for reform. Bennett discusses the work of Charles Brace and other members of the New York Children’s Aid Society, and their attempts to find diversions from the houses of refuge. “Boosterism” here refers to the use of competitive, flowery appendices, comprising narratives from children, attached to the annual reports of both the society and the various houses of refuge. Their purpose was to show the success of the respective policy rather than reform. Bennett’s corroborations for the reasons histories were not used for reform, however, are inferential rather than direct.

The fifth chapter speaks of building the policy of the early American juvenile court—Ben Lindsey’s “snitching bees” in Denver and William Healy’s “talking cures” in Chicago. Bennett infers from evidence on both men that oral histories are not employed for reform:

> [W]hen the act of individual confession or therapy is more important than the act of going public to promote social change; and when what is promoted and defended is the accomplishments of an institution in brief success stories rather than the need for institutions fitted to people who live certain kinds of lives.

(p. 109).

Chapters six through eight concern University of Chicago sociology, though only the latter two seem germane to the book. Chapter six is merely a critical summary of the use of personal documents by William I. Thomas, and exactly where this chapter fits into the scheme of the work is unclear; it mentions almost nothing about delinquency or reform. Chapter seven begins with brief discussions of Park, Burgess and

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3 This oral history, interestingly enough, relates the feelings and actions of a pickpocket during the hanging of another pickpocket.

4 Clay hoped to generate support for his system among volunteers. He believed that alcohol abuse and ignorance of religion were at the roots of crime.
Thrasher. Apparently, the author’s purpose in devoting space to these three in this chapter is to lay a foundation for the extensive discussion of Clifford Shaw that immediately follows, particularly in regard to oral histories and social disorganization. Shaw was, next to Mayhew, the archetype reformer/purveyor of oral histories, because Shaw used them extensively to gain support for the Chicago Area Project, which attempted to rehabilitate Shaw’s “socially disorganized” areas. Chapter eight is devoted entirely to Shaw, beginning with the benefits of his oral histories in demonstrating the sequential process of the transmission of definitions favorable to the violation of law, and discussing the direct implications for the treatment of criminals. Next, Bennett combines the previously published comments of Dollard, Stott, Snodgrass, and Finestone into a rather devastating critique of Shaw’s work, though much of the critique has little to do with the theme of the book.

Chapter nine, although it does not do so explicitly, introduces political principles that conceptually or actually oppose the production of oral histories (p. 10). First, Bennett portrays Saul Alinsky, a former colleague of Shaw’s at the Chicago Area Project, as a radical organizer who “saw injustice,” and believed that oral histories were merely “small time confessions” and therefore were of no real value in organizing activity (p. 216). Bennett does not explain how this view rises to the status of a “political principle.” Second, Bennett uses Hughes and Becker’s The Fantastic Lodge to illustrate the behind-the-scenes problems with publishing a life history. The project on which it is based originated with Shaw’s Institute for Juvenile Research; the problems involved Shaw’s unwillingness to approve publication of material he considered damaging to the Institute, such as that relating to the unconventional value system of a drug addict. Here, the political impediment to oral histories seems to be the tendency by persons in gatekeeping positions to protect their own ideologies.

The concluding chapter describes the “genesis, function [and] accomplishment” of the use of oral histories in relation to delinquency. Its genesis is couched in terms of social, rhetorical, personal, and technical conditions, and the limitations of the method and subject of oral history documents. Its functions include attracting interest, painting a picture that attempts to influence the audience’s perception, and persuading the audience to adopt a particular point of view. Its accomplishments, however, are more difficult to assess. The book ends with an interesting appendix containing explanations of methodological tricks used by Mayhew, Healy, and Shaw in their solicitations of oral histories.

The theme of the book is marginality, and throughout the book Bennett tries to relate this theme to the personalities and social conditions surrounding the use of oral histories, although at times the author seems to place too much emphasis on the interpretation of the theme. In all, though, this is a rich, pioneering contribution to the understanding of the relationship between rhetoric and practice in criminal justice. The book is extremely useful for advanced courses in juvenile delinquency, qualitative sociological methods, the Chicago School, and the sociology of science.

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We live in an age of sequels. Movies best exemplify the stumbling of a hero from place to place and plot to plot. The main characters remain the same and encounter more problems and threats to their well-being. The Jack-Roller at Seventy is the final installment of The Jack-Roller: A Delinquent Boy’s Own Story by Clifford R. Shaw. Stanley, the early twentieth century delinquent, has an opportunity in this last sequel to reflect upon his activities during the past five decades and to identify the traumas and his reactions to those traumas. The charm and eloquence evident in Stanley’s early autobiography are still present at seventy and the reader has the opportunity to examine changes in Stanley’s behavior during the last fifty years. The contribution of this volume, however, is minimal considering the contribution of Shaw’s Jack-Roller.

The Jack-Roller At Seventy begins with a brief, often self-serving introduction which actually does not introduce anything. There is a five-page recapitulation of Shaw’s Jack-Roller which is frustrating in its brevity and sterility. This summary is followed by a discussion of how Snodgrass came to locate Stanley and a soap-opera style look at the past fifty years.

Part II of the book is Stanley’s narrative. This segment comprises sixty pages and most of it is devoted to the years since Stanley’s release from the “House of Corruption” and his “rehabilitation.” Stanley’s style of writing is reminiscent of Shaw’s Jack-Roller and the reader quick-

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ly becomes immersed in the trials and tribulations of existence during the Depression era. Stanley’s self-control is amazing, considering his delinquent background. He catalogues his change as due to “a more mature attitude” but still recognizes a “glaring inability on my part regarding relationships with others.” Stanley’s rehabilitation was, however, incomplete. His transgression in 1932 was an attempted armed robbery. Somehow this return to crime at age 23 is more understandable, and more rational, than his adolescent activities. Later Stanley was committed to psychiatric institutions, but he maintains that this was due to his wife’s desire to take a lover while Stanley was “blocking the traffic.” His comments regarding institutional life and survival in the system are excellent.

Part III is a series of interviews of Stanley conducted by Snodgrass. These interviews are apparently intended to enlighten criminologists as to the reasons for some of Stanley’s activities. Unfortunately, this interruption of the narrative is less than productive. When Stanley wrote of his experiences in Part II, he seemed sincere and introspective. The interviews present a showman style of salesmanship, and worse, the interviews consciously inject the interviewer into the story. In Shaw’s *Jack-Roller*, there is an obvious effort to separate the researcher from the autobiographer. The impression is one of “just Stanley” telling his story. In Snodgrass’ book, this impression is shattered by the interrogative style of chapters thirteen through twenty-two. Each chapter focuses on a specific event or situation in Stanley’s life but the chronology is unclear.

The final section of the book is comprised of commentaries by Gilbert Geis, James F. Short, Solomon Kobrin and Snodgrass. Geis expertly analyzes the reasons for the appeal of Shaw’s *Jack-Roller*, giving an effective review and critique of the book reviews. Short’s chapter provides a valuable application of Stanley’s “life cycle” to sociological literature. Kobrin skillfully applies major criminological theories to Stanley’s account of his adult activities. Both Short and Kobrin effectively comment on Stanley’s story of the past fifty years. Snodgrass’ final chapter on “Stanley’s psychology” seeks to describe a “pattern” in delinquent behavior. The pattern is determined by Stanley’s earliest recollections, delinquencies, and his relationship with Shaw. Though the “pattern” is tenuous, the psychological explanation of Stanley’s behavior is worthwhile.

Although this review, to this point, has contained many negative remarks, there are some redeeming qualities to this book which should be considered. Shaw’s *Jack-Roller* can now be amplified. We last saw Stanley as a rehabilitated, adjusted person who had put deviance behind him. With the sequel we find that that adjustment fades at times, reminding us of Abrahamsen’s thoughts that some situations, combined
with a constant "tendency to react" can overcome the resistance to react. In *The Jack-Roller At Seventy* we can see examples of every criminological theory. This is the primary contribution of this case-study/life-study. Stanley proves to be insightful and philosophical. He is even grudgingly understanding the time *he* is mugged. At times he exhibits a tremendous tolerance for frustration, as in his account of being unemployed and taking over all household duties, much to his chagrin. But even as he showed maturity and a sense of responsibility, he still had the ability to "go off like a cannon."

Stanley's case is far from typical—or it may be typical—but it does not matter in either regard. Arguments could be constructed in either direction. The value of Stanley's story lies in the reader's ability to climb into the mind of a person and, as a criminologist, apply theories and test the applicability of literature to this particular case. Of course, Stanley is telling us only what he wants us to hear but that, too, does not matter. His case is more appealing than fiction; in fact, it would require a masterful author to "create" a story like this. There is some element of truth in Stanley's account and that is enough for us. Even if Stanley were "typical," the variance in the behavior of others would be so great that there would be no generalizability in the description.

The commentaries by Geis, Short and Kobrin are especially valuable for understanding the case-study method and its shortcomings, as well as supporting the application of theory to behavior. Geis cited Shaw's *Jack-Roller* almost exclusively in discussing Stanley, but other case studies were surveyed. Short considered Stanley's life cycle in its entirety, attending to Stanley's adult behavior and its application to prominent theories. A better organized version of this text might have included Geis' chapter as an introduction, Stanley's narrative with editor's notes for clarification and amplification, and a conclusion with the chapters produced by Short and Kobrin. All these ingredients, however, are in the present volume so the reader can glean valuable insights through selective consideration.

The good portions of *The Jack-Roller At Seventy* make it a worthy addition to the criminological arena. It is perhaps unfair to compare the present volume with Shaw's, but it is impossible to do otherwise. Stanley's participation in this project was for the stated purpose of preparing a well-deserved tribute to Clifford R. Shaw. The book's success in that endeavor is not the focus of this discussion, but that intention combined with the obvious linkage with Stanley's complete story makes Shaw's work important in evaluating Snodgrass' book. The survival of Shaw's *Jack-Roller* attests to its value to sociology and criminology. It is concise, aesthetically pleasing and a good "living" example of much of the dry literature scholars contribute to quarterly. Just as *The Jack-
Roller's value did not hinge on the rehabilitation of Stanley by Shaw, the value of The Jack-Roller At Seventy does not rest on the exposé that Stanley was not "rehabilitated." If one agrees with the reasons stated for the success of The Jack Roller—that is was concise, aesthetic and a living example of criminological literature—one need only consider how well the present volume measures up to the previous one. The Jack-Roller At Seventy serves as an interesting extension of The Jack-Roller and, while this fact is not essential to the value of Shaw's edition, it is essential to the value of the present text. The Jack-Roller At Seventy is not as concise, not as aesthetic, but does have the ability to exemplify criminological literature through Stanley's story of adulthood. Moreover, the commentaries following Stanley's story are valuable examples of the evaluation and application of a case study. The qualities cannot completely overcome the flaws of the current text and raise it to a level of prestige equal to Shaw's, but they do make it a worthwhile addition to sociological and criminological literature.

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It certainly will come as no great revelation to most that rural crime and delinquency has been a much neglected area of study, both by criminologists and by rural sociologists. Because of this historical inattention, the publication of Rural Crime is a potentially significant development. The reader is led to expect a great deal from this work when told that it will be theoretical, empirical, and applied in orientation. These multiple foci notwithstanding, the reader quickly learns that the editors' sympathies lie in the area of crime prevention. The explicit promise is that the contributing authors will apply both theory and research to the problem of prevention. Further, this complex matter is to be examined from the viewpoints of both the researcher and the practitioner. Reflecting this orientation, authors of the various chapters include not only criminological and sociological researchers, but also crime prevention specialists, a police officer, administrators from the
American Association of Retired Persons and the Ohio Division of Crime Prevention, as well as other practitioners.

*Rural Crime* is divided into two sections. Part I is concerned with the dimensions of rural crime, and includes chapters dealing with the recent increase in rural crime and delinquency, the extent and nature of rural crime as measured by official and victim data, self report analysis of rural adolescent drug use, causal factors involved in rural delinquency, and so forth. Part II of the book deals more directly with the prevention of rural crime. Chapters in this section include discussions of the role of criminological theory in crime prevention, the necessity of basing crime prevention approaches on a thorough crime analysis of the community, the role of citizen and community involvement, and a long list of specific crime prevention strategies, such as neighborhood watch programs, identification of equipment and personal possessions, the use of dead bolt locks, and other "target hardening" and opportunity reduction procedures.

I should note that since I have more than a passing interest in rural crime and delinquency, and have been frustrated by the lack of a viable body of literature, I agreed to review *Rural Crime* with some degree of anticipation. Generally, however, I was somewhat disappointed with the book. This is not to say that it does not make a significant contribution to the study of rural crime and its prevention—it does. Nor is it to deny the fact that there are some excellent chapters included. Still, the book falls short of its potential.

On a general level, the significance and quality of the material included in the book is very uneven. Some of the chapters are very interesting, insightful, and important. On the other hand, there is simply too much repetition of material from chapter to chapter, there is often an overconcentration on some relatively mundane issues, and there is a general failure to consider a number of important theoretical and empirical questions. One can read only so many chapters which state that vandalism and theft are the major crimes in rural areas, or that target hardening is an effective crime prevention strategy. Such repetition also inhibits progression to the discussion of other, potentially more significant issues. Perhaps one of the reasons for this redundancy is that almost half of the chapters (five of eight in Part I) are written by one or more of the co-editors. There obviously is nothing inherently wrong with this, especially since the editors are among the leading researchers in the study of rural crime. In fact, one would think that this would be a distinct advantage. But it seems to me that the editors have gone to the same well a few more times than necessary. I often had the feeling that I was reading about the same basic research findings over and over again. This was especially the case in Part I. Now all of this is somewhat unfair
to the authors of the various chapters since, taken independently, most are quite thoughtful and very good. Nevertheless, when combined in a single book, there is considerable overlap, redundancy, and duplication of effort among the chapters. The editors could have minimized this.

Similarly, I would have preferred to see less presentation and discussion of purely descriptive material, and more theoretical and empirical specification of the causal factors involved in rural crime and delinquency. This, it seems to me, is the major area in which the study of rural crime is deficient. While there are a couple of excellent theory and theory-testing chapters in Part I, the editors generally fail to address the critical issue of theory construction in the study of rural crime and delinquency. For example, such basic questions as whether we need new, separate theories of rural crime or whether existing models can be adapted to the rural case are, for all practical purposes, ignored. In all fairness to the editors, however, the preponderance of descriptive and lack of theoretical material in Part I is no doubt largely a function of the lack of development and relatively unsophisticated nature of the rural delinquency literature at the present time. In this sense, Part I of the book does succeed in conveying to the reader just how far behind the study of rural crime lags in terms of empirical research and theory development.

I am also concerned about the intended audience for this book. Part I seems to be directed to a very general readership. I suspect that much of the material presented here will be of interest to academicians, researchers, and practitioners alike. Part II, on the other hand, seems intended mainly for consumption by practitioners, victims or potential victims and other “concerned citizens,” and, because of the manner in which it is presented, it will likely fall on deaf sociological and criminological ears.

It is not that the issues discussed in Part II are unimportant. It is crucial, as the editors note, that we merge theory and research with prevention strategies if we are to successfully reduce crime. Although this merger is ostensibly the goal of the book, the editors largely fail in their attempt at integration. This is especially evident in Part II. Virtually all of these chapters stress the need for such things as police community cooperation, individual and community involvement, the need for crime analysis, target hardening, and so forth. But at the same time, many of the Part II authors contradict and undermine the editors’ stated goal of integrating theory and research with prevention strategies. They do this by continually reminding the reader that the “curative” or etiological approach to crime prevention so evident in sociological theory and research has been a failure. While most of the authors note that it makes a great deal of sense to seek to prevent crime by understanding its origins
and causes, they also claim that sociologists and criminologists either have failed to specify what these causes are, or if they have been specified, that various "theory based" programs have not been effective in reducing the crime rate. Similarly, we are told that our traditional reactive approach to crime has been largely ineffective. The explicit suggestion is that we must become more proactive if we are to be successful. As a result of these kinds of assumptions, many of the Part II authors basically suggest that we quit wasting our time with criminological theory and research and "take the law into our own hands," not in the sense of forming vigilante groups of course, but rather in that fine rural tradition of independence and self-reliance. We are told that we can no longer afford to wait for criminologists to discover "the causes" of crime, nor can we expect the police to prevent crime all by themselves. The message is that through individual and community inspired target hardening and opportunity reduction we can successfully reduce the incidence of crime.

While most of the techniques and approaches specified are certainly quite reasonable and practical, many of them pay little heed to what we know about crime causation. While it is understandable that people may eventually feel forced to treat only symptoms if our level of etiological understanding prohibits an attack on causes, it is unclear why so many of the authors choose to ignore, or at least fail to take full advantage of, the vast criminological literature on these issues. Their approaches often are so atheoretical that the book reads as two separate ones—for the most part, research, theory, and application are not integrated with one another.

Largely, this is a book at odds with itself. In fairness to the editors, perhaps the integration they seek is an impossible task. Perhaps the apparent conflict between theory and research and practical application is endemic to the field. As the editors note, this integration is perhaps "more hope than reality. One reason may be . . . that there has been very little research conducted on the extent and nature of crime in the rural United States. A second reason . . . [is] that crime prevention has only recently emerged as a constructive and respectable approach . . ." (p.149). Still, the editors have promised a marriage that they just do not manage to arrange. Overall, there should have been more editorial control and input in accomplishing this large task. As it is, I am afraid that the book will not really diminish the rift that has existed historically between academicians and practitioners.

As a criminologist, I have been rather critical of *Rural Crime*, particularly Part II of the book. At the same time, I am certain that a rural sociologist's or a practitioner's assessment would have been quite different, and probably more positive. But regardless of who is reviewing it,
the book is important because it represents a major attempt to organize what we currently know about rural crime, and to apply this knowledge to the important issue of prevention. The book certainly will be useful to those interested in crime prevention, and it should also be read by non-practitioner criminologists and sociologists as well. *Rural Crime* will impress upon the theorist and the researcher the considerable gulf that still remains between the sociological study of crime on the one hand, and its amelioration on the other.

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During the 1980's more academics will have the opportunity to testify in a court of law. Although one may have classroom teaching experience and have learned to keep an audience riveted, the first few trips to the witness stand will open a new world for which few are prepared. It is refreshing to see books such as *Social Science in the Courtroom* by James W. Loewen which can help prepare social scientists to understand what is appropriate, and how to present it.

Professor Loewen presents the world of the courtroom from the view of a sociologist. He is an experienced expert witness who reveals to his readers a wide variety of techniques from which all can learn. He explains that "the purpose of this book is to help lawyers and social-science experts work together to win class-action law suits" (p. 23). *Social Science in the Courtroom* serves other purposes as well. It helps educate the non-lawyer to understand the many nuances of our systems of criminal and civil justice; it is helpful to social scientists' understanding of the law, and it is helpful to lawyers' understanding of the social sciences. The information he presents can be helpful in all cases in which social science testimony is appropriate, and can lead to a more accurate understanding of the interrelationships among the social sciences and the law. This understanding is most appropriate, since the purposes, methods and language of the law differ from that of the social sciences.

*Social Sciences in the Courtroom* is an important contribution, but like many books based substantially on personal experiences, it sometimes leaves the reader thinking, "Well, I guess you had to be there to appreciate it!" Professor Loewen shares many insights with his readers. "What
"Is meant by fair?" he asks rhetorically. "Much of its meaning can be captured by the phrase, chance to be disproved. A study can be deemed fair, then, if it could have come out wrong" (p. 5) (emphasis in original). That is certainly an interesting definition of fair, and one worth remembering whether you are asking questions or you are on the witness stand. There are many such helpful hints and important suggestions which will make us all better witnesses. A major problem, however, is that they are often hidden in scenarios of Professor Loewen's personal experiences.

The organization of the book is straightforward, but in some instances this actually obscures the wealth of information. The first two chapters, "Why and When to Use Social-Science Experts" and "How Social Scientists and Lawyers Can Work Together," and the last chapter, "Confronting the Other Side's Experts; Assessing Their Data," are the most general and the most useful. Chapter three is on ethics and chapters four and five are on the use and organization of data in the courtroom. These last two are very useful, but only when dealing with issues for which data can be helpful. The remaining eleven chapters are issue specific but include methods and techniques which may be appropriate for other types of cases. Chapter topics include: (6) employment discrimination, (7) tax-assessment discrimination, (8) jury discrimination, (9) municipal-services discrimination, (10) venue, (11) segregation, (12) minorities, (13) equal opportunity, (14) voting-rights litigation, and (15) controls for third variables.

In other words, one may find a specific chapter worth the price of the book. Unfortunately, many of the ideas and strategies which could be used in other types of cases remain hidden as they are mentioned in only one chapter. That makes it necessary to read the whole book, which is a chore if you have no specific interest in, for example, venue.

The major strength of this book is that Professor Loewen presents some very useful techniques for uncovering important information. He uses real-life examples and ones which could be transferred to other issues. For example, he provides us with a strategy to test the claim of a public agency:

[If a police force claims to have in place an aggressive affirmative-action recruitment campaign directed toward minorities and women, a survey of college students and other young adults in the area, asking them where to apply for jobs with the police department, what the jobs pay, what qualifications are required, what diverse kinds of positions are available, and if they have heard of the affirmative-action program, might be useful.]

(p. 144). With a small amount of imagination this technique could become a devastating tool in the courtroom.

Throughout the book, Professor Loewen seems to assume that litigants have unlimited resources and time. He suggests that original re-
search be conceptualized, conducted and introduced as evidence in court. The fact is that most cases do not generate original research and that most experts testify about research they did at some earlier time, or on their knowledge of a particular research topic. In his defense, however, major cases with wealthy clients can generate original research and this makes for much stronger evidence than trying to generalize the conclusions of a study conducted in Ohio to a population at question in Texas. In most cases, there is no time or money to depose the other side’s experts, and most strategy sessions, if held at all, lack the thoughtfulness and creativity necessary to succeed. Although the quick-fix approach is the least effective, it is the most common. Attorneys and social scientists can glean from this volume the means of presenting a strong case at whatever level of time, effort and resources they have available.

*Social Science in the Courtroom* answers the important question of what makes for stronger evidence. It provides lists of the types of cases which are most appropriate for anthropologists, economists, educators, historians, political scientists, social psychologists, sociologists, statisticians, urban planners and others. The credentials game plays a significant role in influencing a judge or jury, and the reader is herein well instructed on how to prepare for testimony and cross-examination. A witness’ style and demeanor can be as effective as the content of his or her testimony.

It is refreshing to see more being published in the area which combines law and social science, and to see it done well. It is critical that one be at least as well prepared when one enters the courtroom as one is (or should be) when one enters the classroom. Professor Loewen has made that task a little easier. One word of caution before social scientists answer this challenge and infiltrate the courtroom: remember what the psychiatrists did to the insanity defense. Stay within the proper limits of expertise and demonstrate that social science can be used properly and usefully to answer questions about our society.

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"Science is a grand thing when you can get it. . . . But what do these men mean . . . when they say criminology is a science? They mean getting outside a man and studying him as if he were a gigantic insect. . . . They mean getting a long way off him, as if he were a distant prehistoric
monster; staring at the shape of his 'criminal skull' as if it were a sort of eerie growth, like the horn on a rhinoceros's nose. When the scientist talks about a type, he never means himself, but always his neighbour; probably his poorer neighbour."

*G.K. Chesterton
The Secret of Father Brown.*

Professor Sagarin suggests in this slim volume of essays that criminology could profit from literary studies of the criminal because they "go into the minds of persons" and do not "confuse the person with the act" as does criminology. The literary works, he writes, recognize that "there is nothing inherently ignoble about the criminal but only about those of his acts which are crimes."

In this work Sagarin concentrates on the twin themes of guilt and atonement. The six literary protagonists are carefully chosen to represent different degrees of the sense of guilt and the search for redemption—from Raskolnikov and Lord Jim, whose years of struggle with conscience finally result in a full acceptance of responsibility, and hence the existential freedom defining fully human status, to Temple Drake and Moll Flanders, who fail to accept responsibility, and thus do not achieve the heroic status of Raskolnikov. Jean Valjean and Ethan Frome are likewise less than heroic, offering examples of the ways in which redemption is sometimes sought by those who have not sinned (Valjean) and suffering is sometimes embraced by those who do not fully repent (Frome).

The analysis poses two problems for criminology. First, are these literary images representative of the actual criminal population, or merely atypical? Sagarin argues that though they are atypical, they still may teach us. They could, for example, cause us to raise such important questions as: Do average criminals feel responsible for their own actions? Does the criminal justice system treat them as if they were responsible? Does the philosophy of punishment as deterrence recognize the necessity for redemption? Although Professor Sagarin appears to disagree, one could argue that the criminal justice system does emphasize atonement and redemption. Parole boards consistently look for evidence of such a change, as do police officers and judges who make decisions about juveniles.† Certainly the acceptance of responsibility is central to many treatment methods, such as transactional analysis. These public agencies hold repentence to be as crucial as does Sagarin. It is positivistic criminology which has dismissed these themes as scientifically nonrelevant.

A second problem Sagarin raises is that of responsibility. Here the work focuses solely on the responsibility of the individual criminal for his or her actions. Sagarin clearly sees that if we are to accept the worth of the individual human being we must recognize the consequences of individual actions and hold such individuals responsible. The responsibility of government institutions, however, is tangential to his argument, and thus the work does not fully address the moral dilemma created by requiring just behavior from those whom we have treated unjustly. He does briefly address the issue of political crime—crime committed for a higher purpose—but as none of the novels selected for analysis deals with the political criminal, the theme cannot be fully developed. While I would agree that the existence of an evil system does not excuse evil behavior on the part of its citizens, such a system may account for much of it. In this context, Sagarin’s easy dismissal of Valjean as having little relevance to criminology because it is “not an image of the criminal but of the injustice of a society” is unwarranted.

Perhaps, however, the responsibility of the state is an issue for a further volume, which I hope we may expect from Professor Sagarin. For quite clearly the volume does exactly what it sets out to do; it uses literature very effectively to raise issues of criminological concern not often treated in the contemporary literature of the discipline, but crucial to it as a scientific enterprise. As Chesterton notes, until we cease to look at criminals purely from the outside, we will understand neither them nor the phenomenon of crime.

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Wooden and Parker have explored an area which is still underresearched by penologists and largely ignored in a defensive posture by correctional practitioners. The work departs from previous studies in that the prison examined is a medium, rather than maximum security institution. This does not result in findings that differ substantially from earlier research with respect to observed patterns of sexual exploitation.
The author's observations correspond closely with those of Davis, and little new information is uncovered. The authors observe that inmate aggressors are older and less attractive than their victims; black aggressors outnumber white aggressors; aggressors have heterosexual self-concepts in contrast to staff perceptions of them as homosexuals; sexual violence represents more than physical release of energy—it is symbolic of status, masculinity and dominance achieved through the degradation of the victim; and strong ethnic differences exist in regard to sexual behavior and attitudes about that behavior. Unfortunately, Wooden and Parker's work suffers the same limitations as the Davis study in that it is more descriptive than analytical.

Chapters five through seven are punctuated with interesting excerpts from case histories of inmates' sexual experiences. While this is stimulating reading, and is somewhat useful in illustrating a general pattern of submissive, feminized roles for gay inmates and prison "punks" (young, white heterosexuals), it does little to expand the limited body of existing research. The vast number of interviews, especially in chapter five, belabor minor points of observation in order to capitalize on the entertainment value of the inmates' private revelations.

The authors rely heavily on Thomas' "Importation-Deprivation" typology in explaining why victims of sexual exploitation define and interpret their experiences differently. In chapter six they argue that prison gender-role patterns are imported from the outside as a function of class, religious and ethnic socialization. It is their view that black and Chicano gays assume over-feminized roles in prisons primarily due to "the acting out of culturally dictated roles and scripts learned on the outside" (p. 45). The authors purport that androgynous roles are more readily assumed by the white middle class. Although Wooden and Parker present evidence to support their contentions that nonwhite homosexuals tend to be quite effeminate and sexually active prior to their prison experiences, they do not adequately substantiate their thesis that a culture of poverty generates these sharply dichotomized gender-role prescriptions. What is necessary to support this thesis and what the interviews fail to do is tap the cultural norms and values of new arrivals to the prison milieu. Gagnon and Simon give a supportive review of literature on this subject, but Wooden and Parker do not cite any sources along this line; hence their analysis appears less credible than it is.

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Likewise, other areas of the book suffer from inadequate documentation. The authors often generalize beyond the scope of their data and compound the problem by failing to embrace corroborating sources. For example, comparisons are periodically made with maximum security prisons but in most cases the reader is left without a clue as to the origin of the authors' information on other prison settings. Lee Bowker⁴ and Daniel Lockwood⁵ have published some research on maximum security prisons, but they are not cited.

Although portions of the book are weakened by loose generalizations and a paucity of bibliographical sources, chapter eight stands out as a glaring exception. The authors carefully fit Bell and Weinberg's typology of homosexual lifestyles⁶ to those found in prisons. Their adaptations of Bell and Weinberg's "close-coupled," "open-coupled," "functionals," "dysfunctionals" and "asexuals" categories prove to be useful for teasing out the similarities and differences between gay relationships within and outside of prison walls. With the exception of prison "asexuals," the case histories give considerable insight into the different problems confronting gays in these divergent environments. In terms of adjustment to prison, the authors do not discuss gay adaptive lifestyles with respect to coping strategies as presented in portions of chapters two and five, but the connection is clear. Close-coupled in prison emerge out of one partner's protective needs of the other, whereas close-coupled in conventional society tend to meet more mutually supportive needs. Open-coupled (those not adhering to the values of fidelity) in prison differ from their counterparts in society by their adaptive need to yield to inmate cultural demands that they play sharply dichotomized roles. The functionals (sexually active but independent singles) acquire security in prison life as a result of their own personal strengths, status, and ability to command respect. Dysfunctionals, in and outside of prison, are socially isolated and psychologically depressed persons who have not successfully found a mode of adaptation. These individuals are particularly vulnerable in penal institutions since their alienation is often accompanied by inmate hostility. Although the authors were unable to confirm the existence of situational asexuals, who cope with their threatening environment by "passing" as heterosexuals, it is probable that this adaptive mode used in society would be even more readily utilized in the institutional setting.

In their final chapter, the authors suggest micro-level reforms in the administration of prison policies, but their concluding question—"What

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⁵ D. Lockwood, Prison Sexual Violence (1980).
can be done to reduce sexual victimization of males in our prisons?"—is essentially left unanswered; no strategy or political agenda is offered. Nevertheless, the authors sound an optimistic note by observing the involvement of the nonprison gay community, which has reached out to gay inmates in an effort to improve their lives and social conditions. Much of this is being accomplished through the increasing political muscle of gay activists. While the politicalization of gays has enabled them to generate more positive self (and public) images, the authors are guarded in their optimism about significant normative change within the inmate subculture. They indicate that few persons in prison have the education and self-awareness to assume a positive gay identity and that the prison placement policy of sending effeminate gays to a specific institution has a reaffirming impact on inmate norms. If the latter practice can be changed, there is no reason to conclude, as the authors seem to, that passive, unorganized prison gays cannot be politically awakened by outsiders who are well educated and in touch with their social identities. Since inmates of strong religious commitment or political notoriety have a degree of immunity from inmate pressures, it is not unrealistic to expect that those gay inmates who emerge collectively can reap the same benefits.

Still remaining, however, is a large unassisted category of victims of sexual intimidation and assault; prison "punks" are typically young, white, reasonably attractive heterosexuals whose future safety is less likely than that of gay inmates. As noted in chapter six, the suffering and psychological injury of these men appear to be substantially greater than of other inmate groups. This perpetuates prison violence because often a role reversal process emerges where victims later become the victimizers. This is perhaps the most challenging issue raised in the book.

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This book represents a new departure in the growing field of criminal justice literature by presenting a microscopic case study of the opera-
tion of criminal justice in a particular place at a particular time. Lawrence Friedman, professor of law at Stanford University Law School, and Robert V. Percival, attorney with the Environmental Defense Fund in Washington, D.C., have written an exhaustive study of the criminal justice system in Alameda County, California, during the period 1870-1910.

The authors set out to study the criminal process in a single jurisdiction thoroughly, engaging the reader as if author and reader alike were embarking on a great adventure. This adventure involves a large and diverse cast of characters, prosecutor and prosecuted, judge and judged, defender and defended, through three layers of the criminal justice structure, the police courts, the superior courts where felonies were processed, and the great show trials, in which the guarantees of due process were most apparent. The authors have succeeded admirably in describing in detail the characters and their strata and in giving the reader a sense of being part of their endeavor.

One is struck first with the sheer volume of research conducted by Friedman and Percival, which is evident in the overwhelming amount of detail in their discussions. The book deals with every aspect of criminal justice operating within a county; nothing escapes the authors' attention. From sifting through the massive records of forty years, they have sieved out two cases in which corporations were prosecuted. Colorful sidelights include the speed traps in San Leandro in 1908 and 1909, the removal of dead animals from the streets by the Oakland police in 1900, a model San Francisco ordinance on drug use, and the changing of the police captain's title to "chief" after 1899. The book conveys a strong impression that the police, beyond their proper function as administrators of justice, performed a wide range of activities in the county.

The Roots of Justice draws upon a variety of sources: the original Oakland arrest blotters, a surviving Minute Book from the Oakland Police Court, trial court records, the Oakland Tribune and other newspapers, prison log books, and even the warden's diary at San Quentin. Scraps of paper stuck into these documents, which always yield interesting and valuable information, such as evaluations of prisoners' bail in notes between the police and police court officials, are well utilized in the study.

The work is rich in detail not only in its abundance of facts and descriptions but in its range of subject matter. Many peripheral matters as well as every process of criminal justice in the designated place and time period are studied, including topics less attractive because of their routine nature, such as bail, appeal procedures, and attorneys' training.

To enrich and clarify their arguments, the authors have summarized their data in charts which depict in detail the kinds of crimes for
which arrests were made, the ages, occupations, and gender of the arrestees, and the conviction rates. Unexpected and intriguing data also turn up in tabular form, such as the cost to Oakland of an ordinary license case in 1879.

One of the significant contributions of the book is a brief section on plea bargaining. Today plea bargaining is a pervasive system, but it is by no means a new phenomenon. Legal historians like David H. Flaherty and David J. Bodenhamer have uncovered instances of plea bargaining in America as early as the eighteenth and nineteenth centuries. Friedman and Percival discovered a more persistent practice of plea bargaining in Alameda County, though they say little about its real function, such as whether it was used as it is today to combat the problem of overcrowded dockets. The important aspects of pleas in this period were the increase in guilty pleas after the introduction of probation in 1903 and implicit bargaining, in which defendants pleading guilty from the beginning customarily received light sentences.

The authors point out during the course of their work three trends that they discerned: a change toward professionalism in the field of criminal justice, a decrease in the number of felonies, and a shift in emphasis from crime to the criminal. The authors also attempt to place those trends in context. The police and their work, for instance, play a large part in the book, particularly in the chapter on petty crime that deals with the lowest strata of the criminal justice structure—the "basement of justice." The authors demonstrate that the police gradually became well trained and skilled in their work and rid themselves of the "jack-of-all-trades" connotation. Their appointments, however, remained politically based during much of the period. The movement away from trials to plea bargaining shows how the criminal process became more administrative than judicial. The introduction of probation effected a change to an emphasis on the criminal himself by requiring minute examinations of the defendant's background and character. In the end, however, the authors fail to analyze these trends extensively enough to draw definite conclusions, leaving the reader with the feeling of being left behind by the authors. The authors do not provide any cogent answers to why the number of felonies declined during the period.

These are the shortcomings of this otherwise stimulating, rich, interesting, and informative book. The book presents a clear picture of the criminal justice system in a California county at the turn of the century. The general summary at the end of the book does provide some compensation for the dearth of analysis in the preceding chapters. From it, one learns that the system's functions at one layer became more routine as a larger number of felony defendants pled guilty. Meanwhile,
‘[a]cquittals,’ the authors assert, ‘took place on the streets, in station houses, in the file folders of prosecutors.’ They also argue that at the lowest layer the system exercised order, not law, because society’s goal was discipline, not punishment. Petty criminals, largely coming from the lower orders of society, were arrested in great numbers for minor infractions such as drunkenness and brawling; their penalties were small or their cases often dismissed. Friedman and Percival maintain that society demanded the arrests to preserve order and to impose its own idea of behavior and demeanor on the masses.

The big show trials, however, represented a different aspect of law, where colorful, competent attorneys were able to press their clients’ rights to the limits of due process. Unlike the system’s functions for the other two strata (felons and petty criminals) lawyers dominated the trials and court proceedings and took advantage of every possible technicality in order to protect their clients’ rights. Thus varied and complex, criminal justice had many faces.

The authors also speculate on the new emphasis on morals offenses, using historical analyses to show the change from Puritan times through the nineteenth century. As cities grew, there was a lack of means for enforcing morals and perhaps a sense of indifference as well. By the end of the nineteenth century a new single-minded morality had appeared under the guises of democracy and individualism, insisting on everyone’s adherence to the same standard and the same life style.

Other reservations the reader may voice are directed to matters of style, though these flaws might be attributable to either the authors or the editors. The writing is dominated by a syntax of coordinate clauses connected with semicolons, resulting in a hurried style. Metaphors, similes, and cliches are overused throughout. For example, one paragraph depicts life as a “thicket of formal norms;” criminal justice as a drama with a large cast of characters; victims and witnesses as those “who started the motor of criminal justice, or kept it running;” and criminal justice as a “tangled system . . . interwined like a mass of spaghetti.” The overuse of quotation marks also contributes to the impression of hasty writing. They are not only used to enclose the specific words of statutes and legal documents but to divulge the authors’ attitudes—particularly ones that may be sardonic, dramatic, or unexpected, diminishing the value of their honest implementation and detracting from the meaning of the text.

The book seems to have been conceived to attract as broad an audience as could be expected for a book in the distinguished Studies in Legal History series, published by North Carolina in association with the American Society for Legal History. From the authors’ habit of what could be termed “overexplaining,” one can conclude that a gen-
eral readership is desired for the book. On the other hand, the wide appeal of the work should be considered one of its real merits.

The book is not as much a reference tool as it is an informative treatise and a scholarly essay spawning ideas about criminal justice and the history of criminal justice in this country. It contains no bibliography but extensive footnotes and a comprehensive index.

In summary, this study of criminal justice is original in concept and execution and significant for its comprehensive treatment of aspects not covered elsewhere. The authors’ wit, style and intelligence make it delightful reading for scholars and general readers alike.

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*Ethics, Public Policy, and Criminal Justice* presents material in five sections, beginning with the concept of crime and examining the major elements of the criminal justice system through which an offender passes: the police, the courts, and the prisons. The first, and most fundamental, theme presented by the authors concerns the nature of crime. The initial essays examine the concept of crime, perspectives on crime, kinds of crime, and the often frustrating attempts to measure crime. The selections on police present them as society’s defense against crime. This is a questionable approach as a majority of police activity is service oriented rather than crime-related. The articles in the third section view the courts as the traditional dispenser of justice, and the following material addresses the prisons. The authors conclude the text with a discussion of ethics in penal policy and research.

The combined selections cover the expanse of the criminal justice system. They do not, however, address it comprehensively. As the authors acknowledge, there are important ethical issues left unexamined, such as gun control, plea bargaining, police corruption, and pretrial detention.

The text focuses primarily on one area of philosophy: ethics. But philosophy has other contributions to make to criminology and criminal justice. The contributions of social and political philosophy lie near the borders of ethics. And the contribution that philosophers of science
could make to criminological theory has not been addressed either in this text or elsewhere in the contemporary literature.

The authors have adequately reflected the complexities of attempting to define crime. To accept any definition is to make a normative decision with ethical implications.

The selections on police do not exhaust the moral and ethical problems faced in that occupation. Several critical topics on police behavior, such as brutality, corruption, deceptive undercover operations, discretion, coerced confessions, invasion of privacy, and perjury, are not addressed. The selections address the more visible concerns that require the combined attention of philosophers and criminologists.

The police are not alone in their ethical problems. Judges face serious ethical dilemmas as they choose among rules which govern criminal trials and decide what to do with those who are found guilty. Each proposed court reform elicits as many ethical objections as it resolves. This section provides discussions both of the more traditional issues in sentencing and of the opportunities for assessing new ideas.

The prison section provides a moral topography for the current debate on the particular rights prisoners should be accorded, identifying and appraising the arguments that are set forth on each side. Since much of the debate depends on factual assumptions, as the authors point out, the discussion serves to highlight the contribution philosophers can typically make to the formation of public policy.

Clearly the theoretical issues discussed in this text have important implications for criminal justice and public policy. The debate concerning the design and operation of the criminal justice system is a paradigm case of public policy debate.

The text presents a unique selection of essays on ethical considerations in criminal justice combined with excellent editing, presentation style, and quality of material. The material is equally beneficial to students, researchers, and professionals who are interested in developing additional understanding of the ethical problems presented by the criminal justice system and related policymaking.

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Trial by Medicine is an intellectual history of legal and medical discourse in Victorian England. It begins with the observation that law and medicine approach the understanding of human behavior in ways which are fundamentally different. Smith acknowledges that this observation is commonplace, but he argues that its significance "for understanding responsibility has not been followed through" (p. 10). While it is probably incorrect to say that we have previously lacked an in-depth discussion of the competing underlying assumptions of law and psychiatry, the author has provided us with a first-rate study of that era when psychiatry began its struggle to influence the outcome of criminal trials.

"Medicine on Trial" would probably be a more accurate title for this book. As Smith aptly demonstrates, it was medicine that was required to justify itself in a court of law. Indeed, at times it seemed as though it was the Alienist and his craft, not the defendant, who was on trial. Alienists hoped that their professional status would be raised by the court's acceptance of their medical evidence. But the law's requirement that medical evidence be subjected to the adversary process, its insistence that "mad" doctors testify in terms designed to meet legal and not psychiatric standards of evidence, and the legal necessity of requiring the final decision on the mental condition of the defendant to be made by the jury, all made it a struggle for acceptance that the Alienists could not ultimately hope to win. As long as law held the trump cards, psychiatry risked exposing itself to ridicule, especially during highly publicized and controversial trials.

By focusing on the plea of insanity in criminal cases, Smith explores the question of responsibility for the discourses of law and medicine. Although he cites several cases repeatedly, the book is not really repetitious. Though thoroughly researched, this book does suffer from a kind of superficiality. In 175 pages the author mentions no less than 130 different cases. The thematic organization of the book made the selection of the trial itself a difficult research methodology. Few trials are discussed for more than a page, and nowhere does the reader receive a sustained analysis of how the legal and medical issues were actually played out in the courtroom.

Scholars who are interested in the history of ideas will find this book an extremely valuable resource. All will be impressed with the breadth and depth of the author's knowledge of law and medicine in Victorian England. Those who feel that the history of ideas can be adequately understood apart from their political and social context will find
very little in this book to criticize, for the author has achieved his purpose. This is a splendid book of its kind.

But the social historian will be left wanting. For social historians, *Trial by Medicine* is only the raw data with which to practice their craft. Without reference to the political and social climate, one cannot fully understand the Criminal Lunatics Act of 1800, which was passed in response to James Hadfield’s acquittal for the attempted assassination of King George III. When it is known that Bannister Truelock, a millenialist, was sent without trial to Bethlem Hospital for having instigated the crime, that the Criminal Lunatics Act was originally part of a bill designed to make it easier to convict people who commit treason by attempting to murder the King, and that Whitehall feared the anti-monarchical views of some millenialists, it becomes difficult to view this legislation as having resulted merely from the negotiation between legal and medical discourse.

In short, this book is a valuable resource, but its failure to chart a position on the plea of insanity may mean that it will have little direct influence on how we attempt to solve the difficult problem of criminal responsibility. The author concludes that a compromise between the law and medicine on the issue of criminal responsibility is not possible.

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