
Do not be misled by the title. Attacks on the Insanity Defense is not a liberal post-Hinckley harrangue supporting the insanity defense against the backlash forces of Yahooism. The subtitle, "Biological Psychiatry and New Perspectives on Criminal Behavior," is more descriptive. The book, like a dancing Hindu god, has arms reaching out in all directions, almost calculated to stir spirited reactions from all points of the compass. It attempts to apply the latest advances in biological psychiatry to help readers better understand the causes, treatment and prevention of criminal behavior. The authors proceed with unabashed self-confidence with proposals to treat and cure crime as we do communicable diseases such as polio or smallpox.

Mens rea and moral responsibility would be irrelevant. Prisons would be abolished. The present system would be superseded by a dynamic medical model. Scientific crime prevention would be attempted by the applications of biological psychiatry, biochemistry, human genetics, criminology, urban planning, changed criminal laws and analysis of the human brain. Mental hospitals and prisons would be replaced by a new institution for the treatment of behavioral disorders. The private sector and marketplace competition would discipline the system, with the incompetent going out of business. "Insanity" or "mental disease" would not be considered useful concepts because they would be seen as impossible to apply, despite the fact that courts do apply these concepts, albeit with varying degrees of logic and competence. Insanity concepts would yield to more specific behavioral conditions which are amenable to treatment, including hypoglycemia, XYY syndrome, premenstrual syndrome, alcoholism, drug addiction, learning disorders and episodic brain dysfunction.

Disturbed youth would be diagnosed and treated. Suspicious people would be detained, treated and given biopsychiatric exams.
Troubled people would not be allowed to refuse competent treatment. Experts would attempt to predict future dangerousness. Crime control computer maps would be used. There would be a national academy to coordinate research. Separate communities would be considered for people whose lifestyles embrace larger doses of sex, drugs and violence.

The mental health movement and the criminal justice system are criticized for overemphasizing civil liberty issues at the expense of society's welfare and its duty to care for the mentally ill. Civil libertarians will moan, wring their hands and contemplate George Orwell's darker visions.

The chapter on mental illness was carefully crafted, showing that before recommending the abolishment of that legal concept, the writers took pains to clearly understand it. Discussions about civil liabilities were inconclusive, saying that liability will remain complex, inequitable and unpredictable. This suggests the question: will the major networks of private organizations come forward to replace mental hospitals and prisons in the face of unpredictable civil liabilities?

The chapter on biological psychiatry and diseases of the brain was written in language for non-professionals and generally avoided psychobabble. In writing about technical subjects, however, there is a tendency to slip into gobbledygook. For example, the authors wrote that expecting to determine causes of behavior by observation "is a prime example of what we have called Model I introspective/mentalistic psychology, based on a mind/matter dualism whereby mental or psychic states determine biological events such as muscle movement" (p. 59). Fortunately, there are only small doses of such writing in the book.

Attacks on the Insanity Defense is carefully footnoted with only a few examples or citations that seem inappropriate. Griswold v. Connecticut\(^1\) was cited about the privacy right to refuse medical treatment. Griswold had nothing to do with that subject. The authors slap the late Justice Potter Stewart by quoting his opinion in In re Gault\(^2\) in which Stewart said it was constitutional for New Jersey to hang a twelve-year-old boy. In fact, Stewart's opinion had the opposite punch. He was pleading for an unfettered juvenile justice system to avoid such harsh results.

Attacks on the Insanity Defense seeks to help and heal the present system which certainly needs beneficial change. The book is consis-

\(^1\) 381 U.S. 479 (1965).
tent with the deep American belief in problem solving and the quest for perfectibility, even though humans and society are permanently imperfect. It mixes scholarship and editorial advocacy. A chapter may have fifty or more footnotes in a survey of the literature. In its eagerness to sell reform ideas, however, there is a tendency to overstate for shock value. For example, the authors argue that no public good was served by trying multi-murderer Bianchi, the "Hillside Strangler," because there are thousands like him who are not in prison (p. 116).

The authors say: "Not only do we not pursue research into the causes of crime, but we often do not permit such research" (p. 226). They complain that just because a bill was introduced in Congress to prohibit biomedical or behavioral control experiments in juvenile delinquency programs, we should not forget the crimes committed by the federal government against the criminal and the general public. These coiled springs of barely controlled verbal energy are distractions that reduce the credibility of the book.

These criticisms should not cause one to avoid *Attacks on the Insanity Defense*. It is provocative and timely in the wake of the Hinckley case and should be read by professionals in mental health, law and medicine as well as students, faculty, public officials and other public opinion leaders. It recommends specific courses of action that should be carefully considered, debated and evaluated. It points directions for important future research and pilot programs.

The book correctly suggests that our failure to control crime is a great threat to freedom. The authors try dramatically to point some new directions. It is a valuable contribution to the basic civil liberty issue of how long and loose the rope of freedom can be without it becoming a garrote to strangle many of those who expect its protection.

While some of the ideas advanced may be of doubtful practicality and acceptability today, these writers may be ahead of their time. In future decades as population density grows, resources become more scarce, crime increases, and our knowledge of human behavior and the brain expands, the political process may choose the directions they urge. The debate goes on and will continue. *Attacks on the Insanity Defense* feeds the debate.

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In The Boundaries of Eros, Guido Ruggiero attempts to chart the complex and shifting boundaries of licit and illicit sex in Venice during the fourteenth and fifteenth centuries in an effort to provide a better understanding of the perceptions and practices of sexuality in that time and place. The result is an entertaining, informative and very readable book which provides some hints as to how the city that gave the world Titian and Bellini could later evolve into one of the pleasure capitals of the world.

The author begins by noting that there were serious problems lurking beneath the luster of the golden age of Renaissance Venice. The most serious of these problems resulted from the influx of young and able-bodied men to replace the plague-depleted labor pool. The resulting male-female imbalance put a severe stress on the city's social fabric. The stability and order of marriage, family and community were threatened by a burgeoning sex offense problem, and the family and peer group, the traditional arbiters of sexual discipline, were not capable of handling the problem.

The state, in the form of a hereditary ruling group of merchants and bankers, stepped in to preserve stability. From his examination of Venetian court records, Ruggiero contends the ruling group was faced with five major kinds of sex offenses: fornication, adultery, rape, sodomy and sex offenses against God. The latter term referred to sexual activity that involved members of the clergy and lay people, occurred in holy places such as a church, or involved the mixing of Christians and Jews.

The state was more concerned with social stability than questions of morality and chastity, and most sex offenses were handled pragmatically. Fornication was prosecuted as a crime, but punishment was dismissed if the participants agreed to marry. Rape involving unmarried persons was often handled in the same manner. Thus, fornication and some cases of rape were often viewed as acceptable paths to marriage. Adultery was not handled much differently. The man was fined and the wife's dowry (which could be substantial) was transferred to the husband. However, the dowry was restored if the husband and wife reunited. Women were viewed as property, so in all of these cases it was the woman's husband or father who was wronged. Thus, it should not be too surprising that adultery was more serious if the wife and lover ran off taking jewelry, clothing, food or money with them.
Sex crimes against God were considered more serious, but since members of the clergy were accountable to the church rather than the state, the ruling elite usually had to content themselves with protesting to the church and urging severe punishments, which were seldom forthcoming. But it was sodomy that inspired the deepest fears among the ruling elite and which resulted in the most severe penalties. Not only did the ruling elite see the crime as threatening the basic organizational unit of the state (the family), they also noted that it was the only offense which had incurred God’s wrath on earth. Citing Sodom and Gomorrah as the alternative, the state consistently demanded death by burning. Curiously, while most of the other crimes were viewed with decreasing concern over the study period, sodomy was seen as becoming more serious during the period. In this instance the ruling elite acted more like religious zealots than merchants and bankers.

Throughout *The Boundaries of Eros* the author does a good job of supporting his hypotheses through the imaginative use of his data. His skills, however, are the most severely tested in the last chapter, which is devoted to reviewing normal sexuality. Since normal sexuality does not show up in official criminal records, he is forced to generalize beyond his data and to fill in the gaps with secondary sources. While this is not one of his stronger chapters, his observations concerning the shifting boundaries between illicit and licit sexuality do help the reader gain a better perspective for examining the rest of the book. Perhaps this chapter would have been more useful if it had been placed near the beginning of the book rather than used as a concluding chapter.

The book’s major shortcoming relates to the uncertain nature of the data on which it is based. By the author’s own account, his samples are quite small and the records he works from are often fragmentary, incomplete and inconsistent across time. Just how serious a problem this is cannot be determined since the author fails to include any samples of the actual court records from which he worked. The author does compile some data from the *Raspe* registers of the *Avogadori di comun* and presents them in six tables. These tables do allow the reader to gain a general impression of the total number of cases of each type of sex offense.

Overall, *The Boundaries of Eros* has much to recommend it. It is organized and written in a fashion that clearly charts the shifting levels of concern about licit and illicit sex in Renaissance Venice. Although it is much too brief, the description of the criminal court system of this period is well done. Further, the author’s observations are well thought out and plausible, and his skillful use of actual
case entries to support his hypotheses seems to allow the participants to speak for themselves. Also, for the serious student, there is a delightful little eight-page "Bibliographic Essay" hidden between the Chapter Notes and the Bibliography section.

_The Boundaries of Eros_ is a logical companion to the author's earlier _Violence in Early Renaissance Venice_, and both books fit comfortably within the growing body of literature dealing with crime and deviance in Renaissance Italy. Clearly this is an important and fascinating study that should be of interest to both historians and criminologists.

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Diana E.H. Russell's _Sexual Exploitation_ is a masterful work which provides an enormity of information, both analytical and empirical, on rape, child sexual abuse and sexual harassment. A noted scholar of sexual violence, Russell uses the framework of multicausal theory to analyze, synthesize and integrate her own random sample survey research of 930 adult women residents of San Francisco (funded by the National Institute of Mental Health) with current and classic literature on sexual abuse and sexual exploitation. Moreover, her work is insightful and admirable in that she is sensitized to the structural/societal features perpetuating these phenomena and, rather than compartmentalize the topics as discrete, vaguely aligned issues, she examines the common causes of different forms of sexual assault. Russell's book is undoubtedly of major importance as a source of reference for professionals. It includes in its analysis often-omitted sub-types of sexual abuse (e.g. marital rape, attempted rape, male rape, (heterosexual and homosexual) female rapists and so on), reports on the devastation of childhood sexual victimization in a discussion which notes the possible duplication of the individual's own early victimization in the later commission of a sexual offense, discusses the role of pornography and media violence in "legitimating" and encouraging incidents of sexual violence, notes how socialization into "masculine" and "feminine" roles may contribute to, respectively, "rape" and "rape-prone" be-
behavior, and cogently argues the issues involved in a way that reflects formidable knowledge of sociological theory and theoretical concern that social control not be treated as the backcloth against which "pathology" is discussed.

Russell's methodological design allowed her to avoid many of the deficits and/or limitations of research based on official data, non-representative samples of volunteers, in-house hospital or prison populations, and so on. Thus, although the study used the legal definition of rape in California and most other American states at that time (1977): "forced intercourse (i.e. penile-vaginal penetration), or intercourse obtained by the threat of force, or intercourse completed when the woman was drugged, unconscious, asleep, or otherwise totally helpless and hence unable to consent," many additional questions were included that allowed for the collection of data on rape and attempted rape by strangers, acquaintances or friends, and dates, lovers or ex-lovers (p. 35). Also, her survey design allowed for the generation of data on marital rape. Her research gives the chilling statistic of a total incidence of nonmarital and attempted rape of women seventeen years and older in San Francisco that was thirteen times higher than the total incidence reported by the Uniform Crime Reports for females of all ages (p. 43). Additionally, Russell's data allowed for a comparison of the experiences of different groups of women of different ages. Her respondents ranged in age from eighteen to over eighty years of age; she compares rape experiences that occurred at different time periods and compares the experiences of different age cohorts of women. Russell notes that the rape rates of women in most age groups have more than trebled from 1931 to 1976. She suggests that this finding represents a real increase in the rape rates and is not simply an artifact of increased reporting or superior documentation methods by police. In her words, "clearly, rape must be seen as primarily a social disease" (p. 65).

Similarly, Russell gives evidence of high merit as a scholar in her perceptivity to the plethora of problems that confuse discussions of child sexual abuse. To wit, the lack of a standard, useable definition of child sexual abuse, the conceptual ambiguity and variability in the concept "child"/"childhood" and the characteristic traits imputed to children at various ages (e.g., sexual innocence or naïveté versus sexual interest), the variation in reporting systems, the lack of consistent procedures in dealing with, responding to and recording incidents of child sexual abuse, the lack of uniformity in the criminal laws which seek to address this phenomenon, and the potential for systematic social bias through the assumption that fe-
males can never be sexually assaultive and commit acts of sexual aggression. Russell’s own data on child sexual abuse is used to illustrate, support and contradict the observations and conclusions of others’ research. Although she notes the difficulties inherent in relying on self-report data, especially when seeking information on events that happened at young ages, her findings do provide for the possibility of comparisons of the experiences of different groups of women of different ages and comparisons between the incidence of child sexual abuse among different cohorts of women. Moreover, Russell’s chapter on “The Gender Gap Among Perpetrators of Child Sexual Abuse” (Coauthored with David Finkelhor, an eminent researcher in the field of child sexual abuse) is remarkable for its cogent and thoughtful inclusion of diverse viewpoints and research literature from tangentially related areas of research. Finkelhor and Russell are not reticent in discussing theoretical perspectives divergent from their own and provide a wide overview of material (national survey results, self-report studies, etc.) that allows the reader to knowledgeably consider the various viewpoints proffered.

Russell’s chapter on sexual harassment is regrettably brief but nevertheless addresses such issues as incidence, impact and cost, and, most importantly, causation in an edifying manner. Her four-factor framework for discussing sexual harassment (i.e., factors creating a predisposition to harass sexually, factors reducing internal inhibitions against sexually harassing, factors reducing social inhibitions against sexual harassment and factors reducing the potential victim’s ability to avoid sexual harassment) is consistent with the way in which each of the sub-types of sexual exploitation is addressed within her book. Although her discussion of sexual harassment is abbreviated, it is nevertheless thought-provoking. Sexual Exploitation is remarkable and offers a superior analysis of sexual exploitation; Russell is to be congratulated.

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Most scholars of criminal justice and criminology are aware of the wide discretion available to police officers and some problems
inherent in this vast discretion. Furthermore, the literature certainly supports evidence of discretionary abuse by police officers. Nowhere, however, are the historical legal and political developments and ramifications of this discretion so thoroughly reviewed and analyzed as in Gregory Howard Williams' recent book, *The Law and Politics of Police Discretion*. Williams' background, as both a former law enforcement officer and a professor of law, adequately qualifies him to take on this complex topic.

Williams' comprehensive approach to the problem of police discretion focuses on constitutional and statutory obstacles as well as the roles of various institutions, including legislatures, courts, prosecutors and local governments. His account is more historical and developmental than empirical, with only occasional references to data concerning the state of Iowa. His analysis covers innumerable court cases in addition to institutional objectives that have resulted in the problems with the vast police discretion experienced today. A common thread throughout his work is a comparison, evaluation and critique of Ronald J. Allen's and Kenneth C. Davis' works on police discretion.¹

Williams spends a good deal of time discussing full enforcement statutes, but unfortunately at no time defines what these are. He adequately tackles the ambitious goal of explaining the complex interplay between various components of the criminal justice system that result in the current state of police discretion. Particularly, he emphasizes that "the legislatures and the police are the most important institutions in determining arrest policies," but believes they have "failed to act" (p. 75). He discusses the vital role of the legislature in determining the laws the police are asked to enforce, and links this to the high degree of police discretion. His recommendation: "[t]he goal of criminal law enforcement policy making is not to abrogate or add to the penalties set by the legislature but to define more accurately the circumstances in which the law can realistically be enforced and to enforce all laws when it is possible in the manner in which the legislature expected such laws to be enforced" (p. 49). It should be noted, however, that this explanation allows for rather extensive interpretation—it is, after all, quite vague.

Although Williams is generally complete in his analysis of various institutions, key characters, laws, and agencies and their impacts on influencing police discretion, he only briefly acknowledges the

role of police training. I believe this is a shortcoming of the book, as one should expect the potential influence of training to be quite significant. Especially when one considers that the lack of supervision in police work in general makes it a profession with a high degree of discretion, all the laws and guidelines in the world may be ineffective unless police officers are trained in the importance of enforcing the laws systematically and without discrimination.

The most interesting and feasible solution to the problem of police discretion offered in the book is the increased use of citations (pp. 81-82). Williams points out that this would be particularly useful for low-visibility crimes like simple misdemeanors. He stresses the importance of officers being well-equipped with legislative policy guidelines (usually non-existent) relevant to the use of citations.

Williams' concluding chapter attempts to formulate models to alleviate the problem of wide police discretion. This was the weakest part of the book, and as a solution seems overly ambitious and extremely idealistic. His model requires the coordinating of input from every imaginable actor in the criminal justice system, including prosecutorial agencies, the police, the public, the crime commission, the attorney general, the governor and the legislature (pp. 114-21). In his defense, Williams does briefly acknowledge the impracticability of achieving this goal (pp. 119-20). Although Williams provides us with a rigorous analysis of the problem, his suggested solution seems overly optimistic at best, and very unrealistic at worst.

The major strength of The Law and Politics of Police Discretion is its comprehensive approach in defining the problem—its historical development and its assessment of the current state of police discretion. Unfortunately, Williams' quest for an answer to the problem appears muddled and disoriented. As a teaching tool, this book would be most useful in a law class or a class involving implementation issues. Its comprehensive approach is a great step toward understanding the nature of the problem of police discretion, but the solutions seem unlikely. The Law and Politics of Police Discretion enhances our knowledge of police discretion and should help not only to stimulate further research on the problem as it exists, but to ideally move toward more realistic answers.

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Autoerotic Fatalities is about solo sexual misadventure that results in the death of the participant. Sexual gratification obtained solely through one's own efforts is commonplace if not almost universal. But some people elaborate their autoerotic behavior by participating in activities that are dangerous and may result in death. Prior to this book, autoerotic behavior in its more dangerous and variant styles, was behavior that had not been carefully researched. Based on the number of fatal accidents, there is reason to believe that autoerotic behavior, such as sexual hanging, is more common than anyone knows. Because of the uniqueness and infrequent rate of such deaths, law enforcement and medical personnel, mental-health workers, medical examiners and coroners, attorneys, insurance adjusters, the clergy, criminologists, parents, and educators have been uninformed about this dangerous sexual practice. The authors provide a unique and extensive study that offers a wealth of original information on a subject that has been taboo to previous scholarly research.

The strength of Autoerotic Fatalities lies in the background and experience of each of the authors. Their collective experience comes from law enforcement, medicine, law, psychiatry, psychiatric and mental-health nursing, and teaching. As a result of their practical experience the book is an outstanding display of a straightforward presentation and analysis of sensitive sexual information. The authors draw their data from a sample of 150 law enforcement casefiles of autoerotic fatalities. These cases were collected throughout the United States. It is believed that this may be the largest collection of such investigative material in the world. The authors make no claim that their sample is statistically representative, but the data base is impressive, considering the restrictions imposed on this subject by social convention.

Additional strengths of Autoerotic Fatalities, over and above excellent case data, include clear discussions of asphyxial autoerotic fatalities, atypical autoerotic fatalities, investigation techniques involved in autoerotic fatalities, equivocal deaths and judicial decisions regarding insurance.

The book flows well, is lucidly written, highly descriptive and is an excellent analysis of autoerotic fatalities, their investigation, and the ramifications to significant others and to society. For those interested in variant sex style information of an autoerotic nature, the
book is intellectually provocative and powerful. In the preface to the book the authors tell us that their intent is to present information about a dangerous sexual practice. *Autoerotic Fatalities* does that and becomes an impressive marshalling of information. As a result, it serves diverse constituencies. The authors should be congratulated for pulling such scattered, hard to find and often socially forbidden information together into one useful and valuable resource.

Fatal autoerotic behavior is so unknown and aberrant to many people that rejection and suppression of the topic is a common reaction. For those not familiar with autoerotic behavior and death, photographs from Hazelwood’s collection of cases would provide additional believability. Seeing typical autoerotic death scenes and specific examples of variant behavior would add strength to an already strong book. Three sketches by an autoerotic fatality victim depicting sadistic sexual fantasies are the only visual support offered. Although bizarre, the sketches vividly portray the point the authors make. In several locations of the book, photographs would likewise enhance their efforts.

*Autoerotic Fatalities* is a first generation book by practitioner/scholars. Hazelwood, Dietz and Burgess have written a book that was needed. This book is not for everyone, but anyone with an interest in the topic will benefit from reading it, not only because of the data presented, but because it forces one to rethink techniques for working with practitioners of the behavior and for methods of investigation of death by this form of sexual misadventure. The book is required reading for those in law enforcement, social service, the clergy, law, medicine, nursing, counseling, teaching, insurance adjusting, parents and others with a need to know accurate information about the danger inherent in autoerotic sexual strangulation and other forms of suffocation for sexual stimulation. It is also required reading for those who must investigate such deaths. The authors introduce considerable amounts of new information which provides a foundation for additional research.

This book fills a substantial gap in the literature on variant sex styles, especially that sexual behavior that may be life threatening. *Autoerotic Fatalities* is the only book printed on this topic. A standard for evaluation is unestablished due to the absence of empirical research and literature on this sexually taboo subject, although the book has already made a worthwhile contribution to criminology and will be the basic reference for scholars in years to come. Hazelwood and his colleagues have taken fragmentary facts and forged them into a coherent and understandable text. They have taken a subject that has been discussed only in private circles and occasion-
ally in erotic literature, and forcefully brought the behavior into the arena of academic scrutiny and opened the door for additional research into the rich and unexplored field of aberrant but dangerous autoerotic sex.

Overall, *Autoerotic Fatalities* is a well documented, well written and highly informative book that adds significantly to our knowledge of autoerotic behavior and death. This book provides the foundation for additional research into variant sex styles and has already established itself as the reference for this topic. This is an indispensable volume for those seeking knowledge about this form of variant sexual behavior.

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The criminal justice system usually operates to achieve little more than processing people and cases and normally lacks any single direction. Consequently, when the energies of the system's participants become focused on some particular end, it is important to examine such aberrant episodes. Steven E. Barkan examines recent efforts to use the criminal justice system to influence social change.

In his work on protestors and the criminal justice system, Barkan seeks to explore the law and legal order as vehicles of harassment or assistance to social movements trying to change the status quo; the legal, social, and political factors that affect the outcomes of attempts by movements and their opponents to use the legal system for political ends; the factors, in the criminal court arena, that determine defense strategies in trials of political protesters; and the consequences of such political trials for social movements. Barkan's planned approach to this formidable task is to examine qualitative data from accounts of contacts between the criminal justice system and the Southern civil rights movement and between the criminal justice system and the Vietnam antiwar movement.

Throughout his well researched and documented work, Barkan touches on many theoretical and philosophical points as he mixes such references with anecdotes from the two movements. Although
he does not develop an explanatory framework to guide his study, he does set as an objective the collection of additional evidence to assess the arguments between the pluralists and Marxists on the nature of law and the criminal justice system in American society. The structure of his evidence collection effort is to consider the interaction of each movement with various criminal justice system elements—defense attorneys, defendants and defense strategies, judges, prosecutors, and juries. But the analysis is not tightly knit and the volume lacks a consistently cohesive direction.

There is a reason for the work’s lack of cohesiveness. In actuality, *Protestors on Trial* is an anthology of six earlier Barkan pieces, written from 1977 through 1984, blended with new material also about protest movements and the legal system. One result is a disjointed effort. The later chapters on “Pro Se Defense,” “Radical Catholics,” and “Jury Nullification” are not successfully integrated into the study. Their insights should have been merged with earlier material.

Barkan’s focus is sharpest when he compares four case studies from the civil rights movement (desegregation efforts in Albany, Georgia; Birmingham, Alabama; Selma, Alabama; and Danville, Virginia) to four antiwar protest trials (Dr. Spock, Ellsberg and Russo, the Oakland Seven, and the Chicago Eight). He concludes from his comparisons that the Southern civil rights movement lost in its clash with the criminal justice system because the legal system tightly controlled the movement and drained resources from other uses. Conversely, the antiwar movement was successful in using the criminal courts as a vehicle for change because movement members expressed in the courtroom the moral and political issues underlying the movement. In the first instance, Barkan says, opponents of the social movement were able to use the legal system to impede the movement. In the second instance, the movement was able to advance its aims through the criminal court system.

Because in some cases the legal system can be used to hinder social movements and in other cases can be exploited to help a movement, Barkan finds no conclusive support for the tenets of either the pluralists or the Marxists. Nor does Barkan offer much in explanation of the reasons for the different courtroom experiences of the two movements. He says “[F]ormal legal norms and rules of procedure may constrain public officials while simultaneously stifling the attempts of radical activists to effect social and political change through legal means. At the same time, whether movements stand to gain or lose in the legal arena depends on the particular
historical circumstances in which every movement finds itself” (p. 157).

This conclusion leaves one desiring more. If the critical difference about the experiences of protest movements in courtrooms has little to do with the legal system and a lot to do with the historical circumstances, at least some of the important variables should be delineated. For example, Barkan neglects to consider that the movements were involved with rather different legal systems. The Southern civil rights movement interacted primarily with state and local criminal court systems prior to the wholesale extension of the due process guarantees promulgated by the U.S. Supreme Court through such decisions as *Mapp v. Ohio*\(^1\) in 1961, *Gideon v. Weinwright*\(^2\) in 1963, *Escobedo v. Illinois*\(^3\) in 1964, and *Miranda v. Arizona*\(^4\) in 1966. These court systems were composed of judges and prosecutors who were usually elected and who had their livelihoods to consider. The antiwar movement interacted with, in the cases described by Barkan, federal courts, with different due process standards and with judges who are appointed for life.

Another critical but neglected variable is the nature of the changes desired by the movements. For those on both sides of the Southern civil rights movement, fundamental changes in two-hundred-year-old social relationships were at stake. In the Vietnam antiwar movement the essential change desired was a military withdrawal from a distant land where the sons of the middle class were being killed and wounded.

*Protesters on Trial* will not stand as an analytical piece which substantially advances theoretical perspectives on law and social change. It does, however, provide worthwhile descriptive material. The volume’s contribution lies in its ability to stimulate ideas, theories, and hypotheses about social movements and the legal system. It is a lively and energetic collection that would be useful to generate discussion in courses on Law and Society and on Social Movements.

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\(^1\) 367 U.S. 643 (1961).
\(^3\) 378 U.S. 478 (1964).
BOOK REVIEWS

FROM SLAVERY TO VAGRANCY IN BRAZIL. By Martha Knisely Huggins.
Pp. xix, 183. $23.00.

Huggins applies a conflict perspective to explain crime in the Pernambuco region of northeastern Brazil in the 19th century. From Slavery to Vagrancy in Brazil is unique both because North American criminologists have generally overlooked Latin America as a research site and because much of the conflict criminology literature has not included empirical analysis. Huggins calls her perspective “a combination” of “the theory of the political economy of crime” and “the dependency perspective on development” (p. xv). The former refers to theories that interpret crime as closely linked to political and economic institutions; the latter to the assumption that underdevelopment of Third World nations has been and continues to be largely a result of European and North American colonization.

For more than three hundred years, landowners in Pernambuco used slave labor to produce sugar, primarily for an international market. But in 1888 slavery was abolished and for several decades preceding this, the total number of slaves available for work on the sugar plantations steadily declined. Thus, plantation owners were faced with the dilemma of how to recruit free workers to replace slaves. According to Huggins, wealthy planters and the state solved this problem by redefining deviance to include a wider range of “public order crimes.”

To test this model, Huggins collected data on 2,848 inmates committed to the Recife House of Detention from 1860 to 1922. Recife is the capital of Pernambuco and is today the fourth largest city in Brazil. Her major hypothesis is that arrests of free workers were low from 1860-1880, when there were still sufficient slaves to power the sugar economy; high from 1880-1900, when slavery was abolished and the demand for cheap labor reached a crisis level; and low again after 1900, when the labor demands of the sugar industry were greatly reduced by automation and the loss of international markets.

In general, the weakest part of the book is the data analysis. Huggins divides the forty-five different criminal charges she found in the detention records into five categories: interpersonal violence, murder, property crime, public order crime and finally, “miscellaneous charges,” which were excluded from the analysis because of insufficient detail. Given that these crime categories form the backbone of the analysis, it is unfortunate that the author provides little explanation of how she arrived at them. In some cases, the
classification decisions seem questionable. For example, she classifies "verbal threat" as "interpersonal violence" but "use of prohibited weapons" as "public order crime" (p. 149).

Huggins also confuses two distinct interpretations of official statistics. When explaining public order crime, she assumes that the statistics do not represent actual behavior but rather the reactions of officials who were conspiring with wealthy landowners to force innocent but idle workers into cheap labor. In contrast, when she interprets theft and violent crimes, she assumes that the statistics do represent real criminal behavior—that people were committing more crime in response to the inequities imposed by the emerging capitalist order. But in the absence of evidence that theft and violence statistics represent real criminal behavior and public order statistics represent only official reactions, the reader is left without a consistent conflict theory of either criminal or official behavior.

Some of Huggins’s data interpretations leave the impression that no amount of analysis would have had much impact on the theoretical assumptions with which she began. For example, the book’s major argument is that public order crime arrests increased dramatically from 1880 to 1900 to satisfy the pressing labor needs of the plantations. In 1890, however, two years after the abolition of slavery, public order arrests were lower than at any other time before or after abolition. Huggins dismisses this finding by claiming that the government had probably moved detainees and inmates from the House of Detention to agricultural work camps—a plausible but unsupported assertion.

Similarly, in 1893 legislation called "Project Seven" was proposed in Brazil, which would have made all agricultural workers without a contract and a travel voucher subject to vagrancy law. The proposal was introduced only five years after the abolition of slavery; seven years before the end of the period that Huggins earlier identifies as representing the most pressing labor shortages, and yet the measure was defeated. If the power of the elite to bend the criminal law for their own purposes was as absolute as Huggins portrays it, how could this legislation have failed?

In contrast to the data analysis sections of the book, the historical descriptive sections are more persuasive. In fact, a greater reliance on historical sources might have improved Huggins’s interpretations of the crime data. For example, the argument that the Pernambuco elite were able to manipulate the law to supply their plantations with cheap labor would have been more compelling if Huggins had provided a detailed account of how commitment to the Detention Center was actually related to plantation labor.
Her failure to do so leaves some serious gaps in the theoretical argument. For example, Huggins notes that however inadequate the diet in the Detention Center was, it "was probably more ample and varied than that of the majority of poor Pernambucans" (p. 80). But if this were actually the case, how could the Detention Center be used as a threat to force people into plantation labor? Similarly, Huggins notes that fifty percent of the detainees in the House of Detention sample were released within three days (p. 79), but provides no information about what they did upon release. Instead, she simply asserts that people joined the plantation work force "presumably to escape future arrest or prolonged imprisonment" (p. 100).

Huggins concludes From Slavery to Vagrancy in Brazil by contrasting the "traditional criminology/modernization perspective" with the economy/dependency perspective. This comparison relies mostly on generalities. She claims that traditional criminology perspectives limit explanations of Third World crime to a few nineteenth- and twentieth-century North American and European criminology theories (p. 135)—a curious criticism given that the economy/dependency perspective is based especially on the work of nineteenth-century European theorist Karl Marx. Moreover, for Latin American criminology, Marxian economy/dependency perspectives probably have a greater claim for being the "traditional" view than do the positivist criminology theories that have been more popular in North America.

Huggins should be applauded for addressing issues that have been neglected by North American criminologists. From Slavery to Vagrancy in Brazil, however, does not provide consistent support for the perspective she advocates—a shortcoming that was heightened by the fact that the book focuses on a period of slavery and gross inequality that would seem to be an obvious one for a conflict interpretation of law. Given this, From Slavery to Vagrancy in Brazil will probably be of greatest interest to people who already strongly support economy/dependency interpretations of crime. It is unlikely to enlist many new supporters.

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No field of study has been more controversial in its application to legal issues than psychology. Over the past decade criticism of the role of psychology in correctional rehabilitation, the insanity defense and clinical prediction has been extensive. The attacks have been so pervasive that we clearly risk "throwing out the baby with the bath-water." A sound affirmation of an appropriate role for psychology in the legal process may go a long way in helping to avoid such an over-reaction. Such an affirmation appears to be both an ambitious and worthwhile task.

Psychoanalysis Applied to the Law is an ambitious book. In it the author attempts to apply a psychoanalytic perspective to the analysis as well as the reform of numerous aspects of the law ranging from mental illness through juvenile and adult crime, drug addiction, discretion and, in the final chapter, international law and peace. The examination of each of these topics begins with the view that, among other things, the law reflects the most deep-seated (often unconscious), emotional needs of citizens. Because of this, reasoned and logical analysis has failed to reform the law.

With this agenda, the author seeks to analyze a large and diverse set of topics from a single clearly defined perspective. The agenda calls for both breadth and specificity in knowledge. The product, however, is not satisfying on either dimension. On the issue of specificity, the book provides only a brief and general discussion of the psychoanalytic approach. The general review of psychoanalytic theory and methods is presented in two pages in the introduction. While the chapters build on that discussion, they do not develop it as a coherent theoretical approach. Instead, each chapter presents a unique analysis whose only connection to the underlying theory is that the law meets unstated needs.

The breadth of topics subjected to psychoanalytic scrutiny also presents difficulties. In a brief 185 pages (including notes), the author attempts to use the psychoanalytic perspective to both describe and suggest reforms in six major areas. Twenty-five pages are dedicated to the problem of juvenile delinquency and to the punishment of criminals. Issues of international law and peace are tackled in sixteen pages.

The economy of language, of course, is not in and of itself a problem. The difficulty is that the slim volume pursues its goal through broad generalizations and inattention to detail. The first
hint of this problem is found in the introduction. In laying the ground work for the book the author cites a variety of sources asserting the “disrepair” of the American legal system. He argues that repair can be accomplished through attention to psychoanalytic psychology. It remains unclear throughout the book, however, by what standard the current state of disrepair is gauged and how the contributions of psychoanalysis can be measured or what specific improvements can be anticipated.

_Psychoanalysis Applied to the Law_ proceeds with the use of similar broad generalities in each of the chapters. In emphasizing the psychoanalytic arguments with regard to each topic the author has chosen not to acknowledge or review research or theoretical writings in the area. For example, the author begins a chapter entitled “Punishing Criminals” by acknowledging that social reforms and psychological rehabilitation have had little impact on crime. In making this claim, however, he does not review any of the significant research on the topic nor does he present the current controversies in evaluations of rehabilitation. The author goes on to argue that defective superegos are the chief reason for involvement in crime. As such, superego repair should come about through punishment, determinate sentencing and rehabilitation through work. This reform platform is presented without reference to the work of others who have long advocated “punishing criminals” and without reference to the vast body of research on deterrence, determinate sentencing and just deserts. One contribution of the chapter does deserve note. The author extends his psychoanalytic argument beyond the focus on offenders and to the reasons behind the general public’s interest in punishment.

The remaining chapters are organized along similar lines. Critiques of the law are followed by psychoanalytic arguments and calls for reform. Careful reviews of research and current literature are avoided in favor of generalizations and argumentation. For these reasons it is difficult to determine an audience for whom the book can be useful. For those primarily concerned with psychology, the psychoanalytic analyses which are presented will lack the desired depth and detail. For those primarily concerned with legal or justice issues the survey falls short of convincing the reader that the psychoanalytic approach, as it is presented, furthers our understanding.

In short, I find it difficult to recommend _Psychoanalysis Applied to the Law._ The theoretical approach which underlies all of its chapters is never fully presented. When the chapters expound on that approach, they do so while ignoring the current state of knowledge in the field. In general, the sacrifice of attention to detail for breadth is
unsuccessful and far more space could be allotted to each topic in the book.

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