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RECENT BOOKS

CRIMINAL LAW AND CRIMINOLOGY: A SURVEY OF RECENT BOOKS

BARD R. FERRALL*

RANDOM VIOLENCE—MEDIA COVERAGE

JOEL BEST, *RANDOM VIOLENCE: HOW WE TALK ABOUT NEW CRIMES AND NEW VICTIMS* (Berkeley, CA: University of California Press, 1999) 242 pp.

While recognizing that unexpected violent attacks by strangers, causing real and sometimes permanent damage to the victims, is a serious problem, the author believes that society has not developed the best way to look at the problem. Concerned that distorted claims about a problem may lead to poor public policy, the author examines statements by journalists, politicians, academics and others, about certain "new crimes" which received widespread public attention in the '90s, (e.g., carjacking, freeway shootings, "wilding," and stalking.) After describing the way that public discussion of these problems changed as attention grew, the author looks for similarities in the dynamics of public talk about earlier social problems. Working in the vein of sociological research which studies how social problems emerge and evolve, the author finds connections between the "social construction" of the new crimes of the '90s and the constructionist analysis of earlier problems. Included is an appendix entitled "New Way to Study Media Coverage of Social Problems."

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JUVENILE CRIME—JUVENILE COURT SYSTEM— REFORM

BARRY C. FELD, *BAD KIDS: RACE AND THE TRANSFORMATION OF THE JUVENILE COURT* (New York, Oxford, Oxford University Press, 1999) 374 pp.

The juvenile court system should be discontinued, the author argues, because it is structurally unable to serve the functions for which it was intended. The special protections youthful offenders need should be provided by changes in the substantive criminal law which would recognize youth as a mitigating factor and regard adolescents as less culpable because of limited opportunities to develop self control. The author examines the social developments in the late nineteenth century behind the notion that the judicial action against the youthful offender should be different (i.e., more lenient) from that against adult criminals. This led to the establishment of juvenile courts. The changes in the juvenile court system are traced through the twentieth century. The system was conceptually flawed from the beginning, because it was intended to serve the conflicting purposes of both law enforcement and child welfare. Various developments over the century further distorted the original conception of the juvenile court. The Supreme Court's *In re Gault* ruling that defendants in the juvenile court system are entitled to the same constitutional protections as other criminal defendants eventually led to the unforeseen result that juvenile offenders were treated more like adults in all respects. The notion of leniency towards the juvenile offender came under attack as the result of certain social changes. Most important of these, in the author's view, was the post-war migration of southern African Americans to Northern cities, and later economic developments which turned the inner city into an enclave of poverty and unemployment. The '80s saw a sudden rise in gun violence and homicide committed by juveniles. Legislation concerning juvenile offenders has focused increasingly on the offense rather than the individual offender's amenability to treatment. Juvenile court has become a "deficient second-rate criminal court," (p. 15) and the welfare and rehabilitative purposes of the juvenile court have become all but abandoned. Reform of the juvenile court is impossible, the author argues, because of its conflicting purposes and the resulting instability. Resources devoted to child welfare should be expended in a way that serves more youths than the small percentage that appear in juvenile court. Juveniles should receive full procedural protections in an unitary criminal system, while the substantive criminal law should consider youth as a factor in calibrating culpability.

PENAL SYSTEM—IMPRISONMENT—REFORM

VIVIEN STERN, *A SIN AGAINST THE FUTURE: IMPRISONMENT IN THE WORLD* (Boston, Northeastern University Press, 1998) 407 pp.

Arguing that the institution of prison must be reexamined, the author briefly presents the historical development of imprisonment as a response to crime and examines the current policy regarding prison in the United States and other parts of the world. The conditions within prisons are also surveyed. The author argues that the institution of imprisonment, having developed in a different age, no longer fits the needs of modern society, is an inefficient use of resources, and provides a setting for human rights abuses. The greatest problem, however, may be the counter-productive nature of imprisonment, in that those coming out present a greater threat than when they went in. Suggestions for penal reform are examined with a view to discovering better ways to achieve the intended purposes of imprisonment. Although the current majority attitude favors the present system, the author finds some alternative programs which are being tried. The author finds that programs based on the notion of "reintegrative shaming" may provide the best hope for protecting against continued crime by the offender while also recognizing the harm done to the victim.

