

Maurer School of Law: Indiana University

## Digital Repository @ Maurer Law

---

Articles by Maurer Faculty

Faculty Scholarship

---

1996

### Criminal Law and Criminology: Survey of Recent Books

Juliet Casper Smith

*Indiana University School of Law - Bloomington*

Follow this and additional works at: <https://www.repository.law.indiana.edu/facpub>



Part of the [Criminal Law Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

#### Recommended Citation

Smith, Juliet Casper, "Criminal Law and Criminology: Survey of Recent Books" (1996). *Articles by Maurer Faculty*. 2286.

<https://www.repository.law.indiana.edu/facpub/2286>

This Book Review is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact [rvaughan@indiana.edu](mailto:rvaughan@indiana.edu).



**LAW LIBRARY**  
INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

## RECENT BOOKS

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

JULIET CASPER SMITH\*

#### ACQUAINTANCE RAPE

DATE RAPE (Leslie Francis, ed.) (University Park, PA: The Pennsylvania State University Press, 1996) 186 pp.

Lois Pineau's article "Date Rape: A Feminist Analysis" provides the starting point for discussion in this book of essays regarding the feminist perspective of acquaintance rape. Pineau, a philosopher, proposes a communicative sexuality model for determining sexual assault, and the other essayists, two lawyers and two philosophers, examine and critique this model. Pineau believes that "When sexuality is not communicative, it is not reasonable for the man to believe the woman is consenting." The Antioch College Sexual Offense Policy, a policy that seems to follow a communicative sexuality model, is discussed in appendices.

#### CAPITAL PUNISHMENT

HERBERT H. HAINES, *AGAINST CAPITAL PUNISHMENT: THE ANTI-DEATH PENALTY MOVEMENT IN AMERICA, 1972-1994* (NY: Oxford University Press, 1996) 253 pp.

While executions have become rare among industrialized nations, the United States continues to carry out death sentences for a long list of state and federal crimes. Faced

---

\* Electronic Services Reference Librarian, Indiana University School of Law Library. B.A. 1989 Saint Mary's College, Notre Dame; J.D. 1992, Indiana University—Bloomington; M.L.S. 1993, Indiana University—Bloomington.

with increased public support for the death penalty, the anti-death penalty social movement seems to have stalled. Haines shows the evolution of death penalty activism, paying close attention to the movement's resource base, organization, and political opportunities, and suggests directions for the future.

MICHAEL MELLO, *AGAINST THE DEATH PENALTY: THE RELENTLESS DISSENTS OF JUSTICES BRENNAN AND MARSHALL* (Boston: Northeastern University Press, 1996) 331 pp.

Justices Brennan and Marshall repeatedly voted against the death penalty during their tenure on the Court. Both have recently retired, and Marshall's papers have come into the public realm. Examining these papers and over 2,500 capital cases decided between 1976-1991, this author discusses the "historical, jurisprudential and strategic legitimacy of relentless dissent in the context of capital punishment." A history of the dissent in the Supreme Court and biographical information about both justices is also presented.

#### CONJUGAL VIOLENCE—UNITED STATES—PREVENTION

DO ARRESTS AND RESTRAINING ORDERS WORK? (Eve S. Buzawa and Carl G. Buzawa, eds.) (Thousand Oaks, CA: Sage, 1996) 284 pp.

The editors have collected essays on domestic violence that present a wide range of research methods, analyses, and conclusions. The deterrent effect of restraining orders and mandatory arrests is examined, as is the typical police and prosecutorial response to domestic violence claims. The results of spousal abuse experiments in Charlotte, North Carolina, and in Minneapolis, Minnesota, are also discussed.

#### CRIMINAL JUSTICE, ADMINISTRATION OF

BARRY W. HANCOCK AND PAUL M. SHARP, *CRIMINAL JUSTICE IN AMERICA: THEORY, PRACTICE AND POLICY* (Upper Saddle River, NJ: Prentice Hall, 1996) 437 pp.

This anthology of thirty readings challenges the status quo of the criminal justice system. Serving as an undergraduate textbook, both sides of every controversy are presented along with discussion questions and application exercises.

Racism, police corruption, wrongful convictions, and prison crowding are just some of the issues explored in the anthology. While each reading is attributed to an author, no information is given about these individual authors.

#### CRIMINAL PROCEDURE—UNITED STATES

ABA STANDARDS FOR CRIMINAL JUSTICE DISCOVERY AND TRIAL BY JURY (Washington, D.C.: American Bar Association, 3<sup>rd</sup> ed., 1996) 272 pp.

Revised last in 1978 with the commentaries updated in 1986, this edition of the ABA standards for discovery and jury trials reflects the growing need on the state and federal levels to expand pretrial discovery and eliminate the game playing in criminal investigations, and the standards demonstrate the necessity of clarifying the right to a jury in criminal cases.

#### DISCRIMINATION IN CRIMINAL JUSTICE ADMINISTRATION

JEROME G. MILLER, *SEARCH AND DESTROY: AFRICAN-AMERICAN MALES IN THE CRIMINAL JUSTICE SYSTEM* (Cambridge: Cambridge University Press, 1996) 304 pp.

In 1993 thirty-one billion dollars was spent at the local, state, and federal levels on the war against drugs, six billion dollars more than that spent on Aid to Families with Dependent Children (AFDC). This author believes the war on drugs has not only failed, but has exacerbated the racial discrimination and prejudice that exists in the criminal justice system. The criminal justice system is not the place to remedy the economic and social problems of today's cities. The author offers a number of solutions based upon a "least harm" principle.

SAMUEL WALKER, ET AL., *THE COLOR OF JUSTICE: RACE, ETHNICITY, AND CRIME IN AMERICA* (Belmont, CA: Wadsworth, 1996) 244 pp.

Written by three University of Nebraska at Omaha professors, this textbook compares the treatment of all minorities, not just African Americans, at each stage in criminal justice system, from the police to the courtrooms to the prisons. The relationship among race, ethnicity, and criminal justice

is comprehensively explored through the use of empirical evidence and recent scholarship. The authors conclude that the criminal justice system is contextually discriminatory.

#### DNA FINGERPRINTING—UNITED STATES

HARLAN LEVY, *AND THE BLOOD CRIED OUT* (NY: BasicBooks, 1996) 223 pp.

A leading expert on the use of DNA evidence, Levy explains the science behind and the legal issues surrounding DNA analysis. His engaging narrative uses case studies and well-known cases, such as the Central Park jogger rape, the World Trade Center bombing, and the O.J. Simpson murder trial, to demonstrate how DNA evidence can be used to convict and to clear suspects. The future success of DNA analysis in police investigations and the courtrooms depends upon the use of uniform laboratory standards and procedures and the increased DNA fingerprinting of criminals for Data Banking.

#### DRUG ABUSE AND CRIME

JAMES A. INCIARDI, ET AL., *DRUG CONTROL AND THE COURTS* (Thousand Oaks, CA: Sage, 1996) 130 pp.

Cocaine, the current drug of choice among criminals, has been associated with violent aggressive behavior. These authors expose the links between drugs and crime by examining statistics, caselaw, and scholarly research. Treatment alternatives for drug addiction, such as community based supervision programs and the use of special drug courts, have had positive results in controlling the problem. These authors call for an expansion of such programs.

#### FAMILY VIOLENCE—UNITED STATES—PREVENTION

RAOUL FELDER AND BARBARA VICTOR, *GETTING AWAY WITH MURDER: WEAPONS FOR THE WAR AGAINST DOMESTIC VIOLENCE* (NY: Simon & Schuster, 1996) 288 pp.

The public has typically responded to incidents of domestic abuse with the question, "Why didn't she just leave?" This

question misplaces the blame on the victim and exposes a number of failures that occur within the criminal justice system. Examining domestic violence from its beginnings in a relationship to its treatment at each stage of the system, this book offers alternatives and solutions for this crime, its victims, and its perpetrators.

#### FEMALE OFFENDERS

JOANNE BELKNAP, *THE INVISIBLE WOMAN: GENDER, CRIME, AND JUSTICE* (Belmont, CA: Wadsworth, 1996) 290 pp.

Scholarly research has neglected to study women prisoners, attempting instead to fit women into male categories. Pursuing a theme of the invisibility of women, Belknap interviewed female prisoners, police officers, prison guards, and victims. She finds that race and age are important factors in examining female criminality, and she points specifically to problems of stereotyping by those within the criminal justice system and in the media.

#### HISPANIC AMERICAN PRISONERS—NEW YORK (STATE)

JUANITA DIAZ-COTTO, *GENDER, ETHNICITY, AND THE STATE: LATINA AND LATINO PRISON POLITICS* (Albany: State University of New York Press, 1996) 480 pp.

Described as a Puerto Rican immigrant from a working class family, this author has studied the treatment and reform movement of Hispanic prisoners in the New York penal system during the period of 1970-1987, a period encompassing the Attica Rebellion and the prisoners' rights movement. This period also saw an increase in the number of Hispanic prisoners. The author conducted numerous interviews with ex-inmates and correctional personnel at Green Haven, a maximum security prison for men, and at Bedford Hills, a maximum security prison for women. She utilized the English and Spanish newspapers and prisoner newsletters for background information and progress reports of reform activity.

**JUVENILE JUSTICE, ADMINISTRATION OF**

SUSAN GUARINO-GHEZZI AND EDWARD J. LOUGHRAN, *BALANCING JUVENILE JUSTICE* (New Brunswick, NJ: Transaction Publishers, 1996) 213 pp.

Advocating a balanced continuum of programs for juveniles, these authors trace the trends in state and local reforms for juvenile corrections, compare crime patterns across sixteen states, look at juvenile justice through ideological lenses, and view the effects of poverty, race, and gender on the juvenile courts. Case studies, model programs, and a number of goals for the juvenile justice system are presented and analyzed.

JUVENILE JUSTICE STANDARDS ANNOTATED: A BALANCED APPROACH (Robert E. Shepherd, Jr., ed.) (Chicago: American Bar Association, 1996) 337 pp.

Over twenty years ago, the ABA issued detailed standards for the juvenile justice system. This work restates the black letter rules with annotations to recent cases. While no state has adopted the standards as a whole, such an adoption is still believed to present the most balanced, just system of dealing with juveniles.

**NARCOTICS, CONTROL OF**

PATRICK L. CLAWSON AND RENNELAER W. LEE III, *THE ANDEAN COCAINE INDUSTRY* (NY: St. Martin's Press, 1996) 276 pp.

Columbia, Peru, and Bolivia produce about 99% of the world's cocaine, with Columbia serving as the center for drug processing and smuggling. In order to control the drug trafficking occurring between the United States and these countries in the Andes region, these authors believe the focus must be on the local context for drug production, processing, and distribution. Because this industry affects and drives the local economy and political environment of the three countries, eliminating and controlling the drug cartels has been a very low priority for the region. The United States should work to influence the organizational environment of the drug trade and aid the local legal economy by making U.S. markets more accessible.

**POLICE CHIEFS—CALIFORNIA—LOS ANGELES—BIOGRAPHY**

WILLIE L. WILLIAMS, *TAKING BACK OUR STREETS: FIGHTING CRIME IN AMERICA* (NY: Scribner, 1996) 287 pp.

Williams' work is an autobiographical account of his career in police force, focusing specifically on his job as the police chief in Los Angeles following the verdict in the Rodney King case and the subsequent riots in South Central L.A. Bringing a new management style to the L.A.P.D., Williams has attempted to revive and revise the public's image of the police force with the introduction of community policing programs. He discusses the media's influence, especially in the high profile Heidi Fless investigation and the O.J. Simpson murder trial.

**RAPE**

KEITH BURGESS-JACKSON, *RAPE: A PHILOSOPHICAL INVESTIGATION* (BROOKFIELD, VT: DARTMOUTH, 1996) 244 pp.

Utilizing philosophical concepts, techniques, and methods, the author seeks to clarify the controversies surrounding the crime of rape. His book is divided into three parts: the logic of rape, the law of rape, and the morality of rape. Together these parts reflect conservative, liberal, and radical ideologies and values.

LISA M. CUKLANZ, *RAPE ON TRIAL: HOW THE MASS MEDIA CONSTRUCT LEGAL REFORM AND SOCIAL CHANGE* (Philadelphia: University of Pennsylvania Press, 1996) 135 pp.

Feminists have sought to bring about changes in the law's approach to rape with the introduction of rape-shield laws and confidentiality for the victims. Legal change, however, has not always signaled social changes, changes in societal attitudes. Cuklanz "examines public discourse surrounding famous rape trials as the arena within which the struggle for a feminist understanding of rape has been fought." She selects three particular issue-oriented rape trials for study in this work: the John Rideout marital rape case, the gang rape of a woman in Big Dan's bar in Massachusetts, and the rape conviction of Gary Dotson and recantation six years later by the supposed victim. All three cases were the subject of in-



tense media coverage and fictional representations.

#### VICTIMS OF CRIMES—UNITED STATES

ANDREW KARMEN, *CRIME VICTIMS: AN INTRODUCTION TO VICTIMOLOGY* (Belmont, CA: Wadsworth, 3<sup>rd</sup> ed., 1996) 416 pp.

Following the basic structure of two previous editions, Karmen's introductory textbook expands and updates the victimization statistics, the victims' role in the criminal justice system, and the system's renewed interest in the victim, especially victims of child abuse and rape. Karmen has had to be more selective in coverage of topics due to the recent explosion of research in this area.

LESLIE SEBBA, *THIRD PARTIES: VICTIMS AND THE CRIMINAL JUSTICE SYSTEM* (Columbus: Ohio State University, 1996) 446 pp.

A number of victim-oriented reforms have been proposed and enacted in recent years. Sebba provides a framework for the evaluation of such reforms. Victims have material, emotional, and justice needs, but most reforms have focused just on the material needs, leaving victims unsatisfied. Sebba advocates a more comprehensive approach to dealing with victims, incorporating the research of other disciplines.

#### WHITE COLLAR CRIMES

DAVID O. FRIEDRICHS, *TRUSTED CRIMINALS: WHITE COLLAR CRIME IN CONTEMPORARY SOCIETY* (Belmont, CA: Wadsworth, 1996) 441 pp.

"White collar crime is more pervasive and is more costly to society than conventional crime and deviance", argues this author. He takes an exhaustive approach to the subject of white collar crime, including in his work a history of the crime, the role of whistleblowers and investigative reporters, and a cost analysis of such crimes. White collar crime is not just a corporate problem. Professionals, small business owners, governmental officials, academics, and employees commit white collar crimes of theft, fraud, misrepresentation, and tax evasion.