

# TEACHING CRIMINAL JUSTICE

ALEXIS M. DURHAM III

Don C. Gibbons. *Society, Crime, and Criminal Behavior*, 5th Ed. (Englewood Cliffs, NJ: Prentice-Hall, 1986). x + 532 pp. Notes, index. \$30.95.

Jonathan D. Schiffman. *Fundamentals of the Criminal Justice Process*. (Rochester, NY: Lawyers Cooperative, 1986).

Samuel Walker. *Sense and Nonsense About Crime: A Policy Guide*. (Monterey, CA: Brooks/Cole, Contemporary Issues in Crime and Justice, 1985). xiv + 229 pp. Illustrations, tables, notes, index. \$16.50.

*Society, Crime, and Criminal Behavior* by Don C. Gibbons has enjoyed an extended two-decade run as a criminology text. Succeeding editions have improved upon the original, and the newest version is no exception. The organization of the text follows conventional lines, first examining the character of criminology and the extent of crime and then discussing causal approaches, various kinds of criminal behavior, and finally the character of the criminal justice system. Each chapter begins with a clear statement of what is to be covered, and terminates with a summary of what has been discussed. Unfortunately, however, graphic heuristic aids are sparingly used. Figures, tables, and charts appear only rarely, primarily in the chapter examining the extent of crime. Another tool commonly used in introductory texts but not included in this book, is the list of key terms. Important terms, concepts, research studies, and legal cases could be arrayed at the end of each chapter to help focus student efforts to internalize the material. Of course, a supplementary catalogue of terms and concepts could easily be provided by the course instructor.

In general, the topic coverage of the text is both wide-ranging and appropriate. Most of the major causal approaches are discussed, although control theory, in particular the work of Hirschi (1969), is neglected. Although Gibbons points out that his primary concern is with adult criminal activity, it is possible to argue that adult behavior, criminal or otherwise, cannot be adequately understood without a solid grasp of the development of adolescent attitudes and behavior patterns. The emergence of evidence demonstrating the similarities between serious youthful offenders and adult criminals (Hamparian *et al.*, 1978) suggests that such an un-

derstanding may be indispensable in coming to grips with adult criminal behavior.

To Gibbons's credit, separate discussions of white collar, organized, and political crime are presented. In concert with his observations that the costs of white collar and organized crime far exceed the social costs associated with the conventional Uniform Crime Reports (UCR) Index offenses (Federal Bureau of Investigation, 1986), and his "bleak conjectures" (p. 400) regarding political crime, this reviewer would have been comfortable with an even more vigorous focus on these often neglected forms of criminality.

In a text covering as much ground as that negotiated by Gibbons, there is bound to be variation in the quality of the discussion of each topic. One thread running across chapters, however, is the dated nature of some of the statistical information. In particular, data from the President's Crime Commission on Law Enforcement and Administration of Justice (1967) appear frequently, either in support of an argument or as part of a description. For instance, the discussions of the economic costs of crime (pp. 90–92), UCR Index crime rate trends (pp. 98–99), and organized crime profits (p. 317) are based largely upon Commission figures. However, these data are now more than twenty years old, the financial loss amounts are no longer meaningful in terms of current dollars, and more recent statistics are available.

Gibbons does provide a reasonably comprehensive survey of the major areas of criminology. Undergraduates should encounter little difficulty with either the organization or clarity of the text. However, many undergraduates who encounter criminology textbooks do so as part of a survey course that will likely comprise their entire exposure to the discipline. It can therefore be argued that Gibbons could have usefully committed more attention to the implications of criminological theory and research for public policy. After completing an introductory criminology course and mastering its written material, it is reasonable to hope that students will be able to apply some of what they have learned to the public policy concerns they will be asked to vote upon as citizens. A more persistent effort linking data, research, and theory with the generation of public policy might be effective in facilitating this process.

Samuel Walker's *Sense and Nonsense About Crime* represents an attempt to explore the abundance of policy strategies proposed and utilized to reduce the incidence of serious crime. He strives to expose the shortcomings of both liberal and conservative solutions to the crime problem through a discussion of the theoretical and empirical data pertaining to those remedies.

The book is divided into five parts, including an introduction, two sections presenting the liberal and conservative agendas, a short section focusing upon guns and gun crimes, and a conclusion.

Laced throughout are twenty-eight propositions that represent the major positions assumed by the author. Most of these propositions assert the usefulness or uselessness of various crime reduction strategies, such as the adoption of mandatory sentencing, the elimination of the exclusionary rule, and the expansion of diversion. The propositions are followed by consideration of the relevant evidence.

A persistent effort is mounted to contain the discussion within the bounds of public policy considerations. The author generally measures the potential value of various crime reduction proposals in utilitarian terms, asking that effective policy produce crime control gains at reasonable costs in terms of resource expenditures and maintenance of fundamental social values. For Walker it is not enough that a policy reduce criminal activity; it must also achieve such reductions without crippling society or, more narrowly, the criminal justice system.

For the undergraduate student of crime, Walker's approach offers several benefits. The topics he emphasizes are likely to be the very issues that the student has encountered in the popular press and informal conversation. The student has likely adopted views of these problems, and can probably benefit from an organized, careful rethinking of the predicates of those views. Walker's assault on conservative and liberal positions is valuable beyond the substantive data and interpretation presented. His technique reveals the lack of general consistency in liberal and conservative postures across issues such as gun control and victimless crime, while simultaneously providing a model for thought that may stimulate a more careful analytic approach to the difficult problems of crime and punishment.

Walker's treatment is not without its shortcomings, both substantive and heuristic. His decision to define serious crime operationally as robbery and burglary will not satisfy some conservative critics who will insist that homicide and rape are more significant. Nor will this decision avert criticism from leftist critics who will argue that the decision represents an extension of the reach of the powerful in manipulating definitions of what society comes to accept as serious. In another vein, the author repeatedly finds that various proposed reforms would only marginally reduce crime, and these reforms are thus rejected, at least partially, on these grounds. In a sense, Walker may be guilty of the same fragmented approach to crime control that characterizes many popular crime control initiatives. Nowhere does he consider an integrated crime control approach within which the small gains of the various component parts may accumulate to produce the more substantial gains that Walker, and the rest of us for that matter, would desire. It may be wondered what the heuristic value is of enumerating the twenty-eight propositions sprinkled throughout the book without trying to put the policy pieces together. Finally, advocates of the

various positions assaulted by Walker will not be satisfied with his coverage or interpretation of some of their “pet” theories and solutions. For instance, this reviewer was unpersuaded by his position regarding career-criminal prosecution programs. Despite citing evidence that in three out of four cities adopting such programs courts handed down longer terms of incarceration, Walker essentially dismisses the effects of these programs upon sentence length (pp. 118–119). Of course, this reviewer’s particular complaints aside, if Walker’s arguments did not precipitate carping from unpersuaded critics at both ends of the political spectrum, it would be likely that he had utterly failed in his attempt to flush out the “nonsense” in crime control strategies.

None of the book’s difficulties represents serious impediments to its use in a well-organized classroom context. Indeed, they provide points of departure for discussion. For instance, Walker’s provisionally adopted definition of serious crime provides a perfect backdrop for consideration of law formation and the organization of policy-producing power. In addition, many of his arguments run counter to current popular thinking, such as his discussions of the death penalty and the *Miranda* warning, and are therefore likely to stimulate lively student discussion. The book’s capacity to provoke discussion, its treatment of too-often ignored issues such as the “shock wave” effect of criminal justice reforms, and its attempt to critically examine the “common sense” of both liberal and conservative positions make it a valuable tool in undergraduate courses on crime, social problems, and public policy.

According to Jonathan D. Schiffman (p. ix), his *Fundamentals of the Criminal Justice Process* is “primarily designed as a guide for the legal assistant and law enforcement officer” and consists of “a detailed explanation of the normal steps in the criminal justice process that are utilized in most jurisdictions.” The author’s characterization of the volume’s audience and mission seems fair given what he accomplishes in his text. The volume is a clearly presented, well-organized account of the major processes in the path from arrest to disposition.

The book is divided into ten chapters that cover five important subject areas. Included are an introduction describing major concepts of criminal law and the legal process, a series of chapters covering processes from preliminary arraignment through post-trial proceedings, a short chapter examining the juvenile justice process, a section discussing the substantive criminal law, and a conclusion surveying the legal rights of the accused. Each chapter is divided into subsections that should make the material relatively easy to digest. A detailed glossary and index facilitate the retrieval of information on specific topics. In addition, the volume contains samples of the most important forms utilized by actors in the criminal justice system (e.g., the criminal complaint, the motion to dismiss indictment, and the written waiver of jury trial).

Although Schiffman's book contains basic material that might be useful in criminology, criminal justice, or sociology classes, the level of detail and the depth of the discussion might make it less than appropriate for such courses. For instance, a criminologist teaching about the criminal justice system from a sociological perspective may be dissatisfied with the absence of material on what actually happens in the day-to-day implementation of the processes described in the text. The dynamics of court work groups fall beyond the parameters of the book, the discussion of the consequences of the various components of the system for other system processes is limited, and a consideration of typical methods for the subversion of formally required procedures is absent. Although these omissions would be of significant concern to criminologically oriented instruction on the criminal justice system, it is worth recalling that the book is not specifically designed for criminology or sociology students. Nonetheless, legal assistants and law enforcement personnel need to understand the limits of what formal procedures actually mandate in terms of the behavior of system operatives. They will surely make such discoveries on the job; this reviewer sees no reason why such data should be ignored in instruction on criminal justice system processes. Of course in the classroom context, *Fundamentals of the Criminal Justice Process* can be profitably employed along with other materials to provide a more complete portrayal of these processes. Used in this fashion, Schiffman's clearly written volume may make a valuable contribution to the formal education of its intended audience.

ALEXIS M. DURHAM III is an Associate in Criminology at the Center for Studies in Criminology and Law, University of Florida, Gainesville. He received a Ph.D. in sociology in 1984 from the University of Pennsylvania, Philadelphia. His recent publications include "Correctional Privatization and the Justice Model: The Collision of Justice and Utility," 3 *Journal of Contemporary Criminal Justice* 57 (1987); "Citizen Judgments of Appropriate Punishment: An Exploratory Inquiry," 1 *Criminal Justice Policy Review* 357 (1988); "Justice and Sentencing: The Role of Prior Record of Criminal Involvement," 78 *Journal of Criminal Law and Criminology* 614 (1988); and "Crime Seriousness and Punitive Severity: An Assessment of Social Attitudes," 5 *Justice Quarterly* (forthcoming).

### REFERENCES

- FEDERAL BUREAU OF INVESTIGATION (1986) *Uniform Crime Reports—1985*. Washington, D.C.: U.S. Government Printing Office.
- HAMPARIAN, Donna, Richard SCHUSTER, Simon DINITZ, and John P. CONRAD (1978) *The Violent Few*. Lexington, MA: Lexington Books.
- HIRSCHI, Travis (1969) *Causes of Delinquency*. Berkeley: University of California Press.
- PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE (1967) *The Challenge of Crime in a Free Society*. Washington, DC: Government Printing Office.