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## Book Reviews

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## Book Reviews

CRIME AND DELINQUENCY—A Reader. By *Carl A. Bersani*.  
Riverside: The Macmillan Company.

The ever-increasing concern with crime and delinquency in the United States has placed heavy demands upon behavioral scientists to produce meaningful analyses of these problems. Too frequently, the instructor in criminology or sociology has had to grope among textbooks, professional journals and university thesis files to compile a coherent critique of relevant empirical and theoretical material to supplement the class room text. In the compilation and editing of his "Reader," Carl Bersani has provided a source book which should give a valuable assist to teaching undergraduates and beginning graduate classes in criminology, delinquency or corrections.

In any field of study a difficult educational plateau to surmount is the level at which is imparted the meaningful dynamic components which serve as the frame of reference for the study. The "Reader" on Crime and Delinquency provides a format for topping this plateau.

Mr. Bersani designed the "Reader" to provide relative continuity and integration of a wide range of materials and to assist in this very difficult task the writer established broad areas of subject classification, with each grouping validated for relevancy by introductory remarks by the author. The lead article in each section is selected to provide a theoretical parameter for the articles and studies which followed. Many of the selections are written in the traditional research style and provide recapitulations which serve to crystalize the findings and make relationship to the integrative approach simpler.

Of great interest to the reviewer is the quality of material, the objectivity of selection and the variety of viewpoints presented. While many of the articles are of older vintage, they have survived the test of time and are well included. There appears to be no attempt to propound a point of view or proselytize a particular school of thought. The avoidance of psychological and psychiatric material is well considered as it permitted a clearer exposition of sociological data with its meaning as the milieu out of which much of the thrust of a working concept of crime and delinquency and causation and treatment are derived. The psychological and psychiatric dimensions are considerable in themselves

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but, in theory and practice, offer less toward understanding and resolution of the problems.

The inclusion of diverse material points up from different perspectives the pervasiveness and complexity of the forces at work while confirming the continuity of social, cultural and ethical norms, which establish the ambits of accountability. Under the heading "Normative Dissensus, a Sociological Analysis of the Law of Vagrancy" (William J. Chambliss), the law of vagrancy is traced from its creation in England in 1349 to the present day and the manner in which society adjusted the application and interpretation of the law to meet cultural or social pressures of the times. Similarly, an exposition on the Marijuana Tax Act (Howard S. Becker) traces the effort by government revenue officials to regulate the use and import of marijuana, succeeding to the degree that it resulted in harsh punitive laws regarding its use, which just recently are undergoing amelioration. The paucity of these types of historical analyses of existing criminal laws points to the need for careful reevaluation of many of our legal standards to make them relevant to our times. The manner by which moral standards of influential minorities become a basis for extensive police regulations and the overburdening of the criminal justice system are detailed in an article by Joseph Gusfield.

Other articles focus on white-collar crime, crime as an American way of life, delinquent subculture, socio-economic conditions, all within the scope of the section on "Deviance and Social Differentiation." Descriptive materials give a more direct insight into personal involvement in various deviant and criminal activities, serving to provide a more immediate link to the offender. Significant works on identity and role-playing, the interaction processes and positions within a differentiated society provide a core of material which seeks to explain in theoretical and empirical terms a range of behavior lying between shoplifting and campus violence.

The last sections deal with the process of law enforcement, the courts, treatment, corrections and prevention. If there is a weakness in the "Reader," it lies with the analysis and description of the law enforcement and judicial processes. So much has occurred since the *Gault* decision (1967) and so many judges, social scientists and lay analysts have written about its effects and the changes it wrought that a more comprehensive evaluation should have been included. In regard to adults, there has been a significant shift in outlook and approach to due process.

The massive insertion of federal aid throughout the country to provide legal aid for indigents has created a different approach to trial and appellate proceedings than was evident even five years ago. There are significant improvements in bond and bail procedures, with nominal bond being accepted quite generally, at least in metropolitan areas. The problems presented by the flood of post conviction appeals and hearings deserved some comment as does the increasing violence and contempt directed toward the court and justice system. One would also wish for more extensive materials on the drug culture and the implications for society and the "normative dissensus." These are matters of great interest and import for the future and would be well considered in a "Reader" on Crime and Delinquency.

Reference to the President's Commission and "The Challenge of Crime in a Free Society" is appropriate as the reviewer is convinced that if the major recommendations of the President's Commission were followed a new era in crime prevention and treatment would emerge.

Finally, the index serves the purpose for which it was intended—as a ready reference to topics and names contained throughout the "Reader." The liberal use of citations throughout provides a ready entree to more detailed study of the source material when research is indicated. The fifty-one selections and introductory material provide an adequate starting point for initial inquiry in the field of crime and delinquency and it serves as a guide to more extensive treatises.

While the "Reader" was created for use in criminology or sociology studies, it is believed that it can provide a source of insight and frame of reference to law students who may become directly involved in the administration of justice as a career. Knowledge of the law is only part of the lawyer's cases foundation and much that is available in the "Reader" will provide the new lawyer with a reference to the broad sociological configuration within which he and his clients are required to function. It is recommended reading.

*Honorable Patrick R. Tamilia\**

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THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL. By N. Morris and G. Hawkins. Chicago, Ill., University of Chicago Press, 1970. Pp. xi, 271. \$5.95.

It is not terribly difficult to think of enough valid criticisms of the American system of criminal justice to fill a book, especially a rather short book. In fact, *The Honest Politician's Guide to Crime Control* does not really say very much that is original or imaginative. Many of the authors' proposals are adaptations of ones made elsewhere. Particularly relied upon is the Crime Commission Report; a somewhat older effort, the Model Penal Code, also makes frequent appearances.

This does not mean that the *Politician's Guide* does not make a worthwhile contribution to the volume of literature in this area. The book, to be judged fairly, should be evaluated in light of the authors' intentions, and it seems safe to say that they do not intend the *Politician's Guide* to masquerade as what we like to think of as a "scholarly" work. Rather, the book aims at the "general reader,"<sup>1</sup> which means that the authors' are hopeful that it will be read by people other than law professors, criminologists and others involved either actually or intellectually in law enforcement. It is not sufficiently comprehensive, and does not make its arguments in sufficient detail to fully please scholars and experts, but if it did, I suspect that it would not find its way into the hands of too many "general readers."

What must be realized is that although this book is certainly not only for politicians, it is political in the more general sense. Its basic aim is to sell a program for the reform of our criminal justice system in the political marketplace, which means that it must become acceptable to a great many "general readers" who also happen to be voters. The *Politician's Guide* reminds me, more than anything else, of a concise and well-articulated brief which makes its point to influence a court without becoming so detailed that it is not read at all by the judges. Writing more as advocates than as scholars, the authors seem quite aware of the very simple fact that if reforms are to become politically palatable, the lay public must be aware both of the existence of the proposals and of the basic arguments that can be offered in their favor.<sup>2</sup>

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1. P. X.

2. It would be at least a bit naive to expect this book to captivate the masses, but certainly it is more likely to get relatively wide circulation than is a more extensive and scholarly effort.

Not surprisingly, this tact leads the authors into at least a few questionable positions. Initially, they claim to "offer a cure for crime," which although appealing seems overly optimistic. But even assuming that it is quite enough if the proffered reforms have a significant impact toward crime reduction, problems remain with the authors' position that all of their proposals will tend to reduce crime, and *as a result* are worthy of adoption.

I do not quarrel with the proposition that criminal justice reforms are more palatable to the general public if they can be offered as crime reduction devices, but there is some danger of oversell in this direction. Reforms, after all, are worthy of adoption if they produce a system which works more fairly, even if they do not "cure" crime.<sup>3</sup> Conveying the impression that curative effect is a *prerequisite* for reform can be troublesome, especially if people believe that "cure" is synonymous with "reduce."<sup>4</sup>

For the most part, my objections lie with the first chapter, which discusses the overreach of the criminal law. In brief, Professors Morris and Hawkins do not believe that as far as criminal law is concerned, "man has an inalienable right to go to hell in his own fashion, provided he does not directly injure the person or property of another on the way. The criminal law is an inefficient instrument for imposing the good life on others."<sup>5</sup> Thus, the authors propose the elimination of drunkenness, narcotics, gambling, disorderly conduct-vagrancy, abortion and consensual sexual offenses as they are presently constituted, and also propose the elimination of juvenile court jurisdiction except for conduct considered criminal when performed by adults.<sup>6</sup>

In the main, these proposals make good sense. For example, it surely seems wiser and more humane, simply as a matter of public policy, to treat skid-row drunks by sending them to community operated overnight houses rather than to jail. Professors Morris and Hawkins contend that although overnight and long-term treatment facilities will

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3. A determination of "fairness" necessarily involves certain value judgments, and in fact most of the reforms advocated by the authors have been the subject of considerable debate on this ground alone. It would serve little purpose to enter that debate here, and it can be assumed for the purposes of evaluating the book that the authors' positions on the merits certainly conform to respected thinking in the field.

4. The relative unreliability and inutility of crime statistics is well discussed in Chapter 2, and in using the term "reduce" I assume the use of more realistic measuring standards than the ones currently in use.

5. P. 2.

6. Professors Morris and Hawkins do not advocate the removal of all controls in all of these areas. For example, unauthorized drug sales remain criminal, as do fraudulent gambling practices.

cost money, there still will be a substantial "saving effected by abolishing the pointless business of processing drunkenness cases through the criminal justice system."<sup>7</sup> Assuming some saving may be effected, it is unclear to what extent, if any, the freeing of police officers who now patrol skid row collecting drunks for other duties will reduce crime in the remainder of a large urban area.<sup>8</sup> Furthermore, it is highly questionable how many drunkenness cases are really being processed through the system; little processing is necessary if drunks are arrested to get them off the streets, for aesthetic reasons and for their own good, only to be released in the morning, after they have dried out. Does it matter? There seems little question that a police roundup followed by a night in the drunk tank is not a very admirable way of treating alcoholic problems, and that alone is a compelling reason for reform without resorting to economic and curative conjectures.

Also questionable is the authors' position that illegalization of marijuana leads to the use of hard drugs. Two reasons are offered. First, "the law, by treating marijuana as equivalent to opiates, may well foster the belief that there is no difference between them."<sup>9</sup> Thus since marijuana can be readily obtained, and can be used with no apparent adverse effects, users may believe the same is true of heroin. Secondly, "because marijuana is bulky and detection is thereby facilitated, youthful experimenters are encouraged to move to dangerous and addictive drugs which are more easily concealed."<sup>10</sup>

With all deference, the first argument assumes an inordinate amount of naivete on the part of the using public; the second indicates at least some naivete on the part of the authors. I would be rather surprised if a very significant amount of hard drug users were duped into addiction by confusion concerning the difference between hard drugs and marijuana that was created by legal treatment of the products involved. And a lot of people would be surprised to discover that marijuana is too bulky to be "safely" used, but that heroin use is easier. A plastic bag of marijuana can be transported as easily as a plastic bag of heroin, and will provide enough marijuana to supply many persons, especially if the marijuana has been "cleaned" in the relative privacy of the owner's home. Single cigarettes can be even more easily hidden and

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7. P. 8.

8. Some other economic benefits probably are more clear-cut. For example, considerable diminution of the rather large vice squads that exist in many cities can be achieved by the legalization of prostitution and homosexuality.

9. P. 10.

10. *Id.*

transported. A heroin user, by comparison, alone will need to obtain and use several bags a day. And marijuana use requires no paraphernalia for melting and injecting. Marijuana may be bulky at the import or wholesale level, but that hardly presents a problem for "youthful experimenters." Certainly there are enough other compelling and well discussed reasons for marijuana law reform without resorting to such questionable arguments as these.<sup>11</sup>

My criticisms are, however, really no more than minor quibbles. Most important is that the authors have managed, in an understandable, concise and generally digestible way, to attack many of the specious arguments that have been used to oppose law reform in such important areas as weapons control, police practices, penology and juvenile treatment. As I said before, this, all in all, is a very good brief.

*Peter S. Greenberg\**

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11. Without engaging in extensive discussion, it is interesting to note that the authors believe that "As with alcohol, controls relating to the sale or other disposition of the drug to minors are necessary. . . ." *Id.* If marijuana, unlike alcohol, has neither adverse physical nor addictive consequences, there is at least some doubt as to whether the same kinds of controls over sales to minors are necessary. Even assuming that an age cut-off of 21 is valid for alcohol use, does it also make sense for marijuana use? In any case, considering the level of abuse of alcohol-use-by-minors laws, and considering also the relative sophistication of high school students, it would seem worthwhile to rethink our entire concept of who is a "minor" for these purposes. Professors Morris and Hawkins make exactly such a point in criticizing existing age limits for determining statutory rape, and while there are certain distinctions between sex and alcohol or marijuana use, the point still may be well taken in the latter areas.

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**DRUGS & YOUTH.** By *Robert Coles*,† *Joseph H. Brenner*,†† and *Dermot Meagher*.††† New York: Liveright. Pp. xiv, 258. 1970. \$5.95.

In "Drugs & Youth" two psychiatrists and a lawyer have assigned themselves the awesome if not impossible task of enlightening the general public on the current drug scene. The easily digested slender volume which they have produced while admirable and enlightening is at times annoying in both its treatment of certain subjects and in its failure to consider certain other vital segments of the problem.

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In describing the properties of narcotics, hallucinogenic drugs, amphetamines and barbiturates and their respective effects on the users, the authors present the most lucid descriptions for the layman that I have ever seen. Having struggled with this problem of definition and description, the reviewer stands in awe of such lucid, complete and yet turgid exposition and explanation. For example, consider two of the paragraphs which discuss LSD:

The sense of sight is the perceptual system most affected by LSD; external objects and sometimes people appear to undergo marked changes in color, shape, and perspective. Colors frequently become deeper, more vivid, intense, vibrant, and ephemeral. Yet they may reflect a user's somber mood by appearing gray and washed out, or his light mood by appearing bright and cheerful. Objects change their shapes and sizes, with the effect of the *Alice in Wonderland* phenomenon of shrinking and growing and with marked alterations in perspective. Objects often assume a different order of importance to the eye, so that ordinary things that we have ceased to notice may be suddenly invested with such newness and vividness that our attention focuses on them to the exclusion of more "interesting" items.

Another strange phenomenon termed *synesthesia* is frequently experienced on an LSD trip. When synesthesia takes place, the different sensory pathways through the brain seem to become crossed, interfering with and enhancing one another. Sounds received by the ear may evoke visual imagery; that is, auditory stimuli may be "seen," and likewise a visual impulse entering the brain may be "heard" or even "smelled" and "felt."

Equally impressive is the basic discussion at the outset of the critical distinctions between habituation, dependence, addiction and use. These base lines so often ignored by others in the field serve as benchmarks which illuminate those portions of the book dealing with the current controversy raging over the use of marijuana.

The sketchy if not cavalier presentation of the history of narcotics and drug use however appears to be misleading to the general public. Although perhaps not of great importance, it is inexcusable to find at page 75 Oliver Wendell Holmes, the beloved autocrat of the breakfast table, referred to as "a famous American physician and jurist." Such a lack of basic knowledge on the part of two psychiatrists and a lawyer (presently on the staff at the Harvard Law School) raises questions concerning their knowledge outside of their narrow specialties.

The book reaches its highest peak in those sections which discuss the

abysmal ignorance of present day society with respect to this entire problem. The authors reveal, for example, the rarely considered fact that the impact of prolonged use of marijuana create reactions quite different from those experienced by beginners. Does this signify physiological changes or merely demonstrate a psychological set? A recent paper suggests possible cellular changes in the brain based on this type of evidence plus certain other physical phenomenon generally described by the "pot head." These and other acute observations clearly qualify the authors as possessing not only first hand knowledge but also the ability to formulate and articulate significant insights into this current controversy.

The most telling observation to this reviewer (telling in the sense that I felt personally harpooned) is the recognition of the fact that the entire drug scene is being evaluated by adults who have only had experience with those who have been damaged by drugs. We are totally ignorant of those who use drugs and yet by all standards appear to function normally in our society. No meaningful evaluation will be possible until this information is gathered.

I was disappointed in those portions of the book dealing with the personality and character of the addict or damaged drug abuser (in contrast to the description of the "experimenter" or casual drug user, which is so outstanding that it should be required reading for all those dealing with young people.) Insofar as the authors depict the problems and emotional character of the deprived or intellectually alienated, their presentation is excellent. However the authors seem to assume that these types represent the sum total of the drug scene. No reference is made to the mildly disturbed youth, to the young person who can't compete in our educational or social environment or the large numbers who will knowingly risk personality destruction in order to gain peer group acceptance. I have encountered all of the foregoing types and am convinced that they constitute a significant statistical proportion of the drug scene.

The discussion of state law dealing with drugs and of possible defenses which can be raised by those charged with their violation was also disappointing. The cursory review of search and seizure and proper chemical analysis of narcotics adds little to our general knowledge and would seem misleading to the layman in that significant principles of law are ignored and much of the discussion is oversimplified. An important service could have been rendered had the authors addressed

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themselves to the task of proposing what form new legislation should take. Although this might perhaps seem ambitious in a slender volume for the general public, it nevertheless would have represented an important contribution to our understanding.

The real failure of this book lies in the author's refusal to discuss treatment or rehabilitation. The reference to counseling afforded no evaluation or explanation of society's present ability to help the addict. Some discussion of therapeutic communities, methadone maintenance, guided groups, interaction, etc., would seem essential in a book dealing with "Drugs & Youth." More important I feel the authors had a duty to suggest some direction to society to assist youth in comprehending the problem in a manner which would enable them to avoid the terrible tragedies which we have experienced.

The book is without question a valuable addition to our knowledge of this baffling subject. My disappointment in it arises from the fact that having established themselves as experts the authors chose not to discuss those areas which most critically cry out for their attention.

*Honorable Richard T. Wentley\**

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- Judge, Court of Common Pleas, Allegheny County, Pennsylvania.

