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## Social sciences

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### Crime and Punishment in America: An Encyclopedia of Trends and Controversies in the Justice System

Edited by Laura L. Finley

ABC-CLIO

Santa Barbara, CA

2016

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The American system of criminal justice is famous throughout the world but often in the wrong way. In some respects, it is scrupulous in affording defendants the rights mandated by the constitution. But the sentencing aspect and America's hypertrophied system of prisons may seem to many observers to be harsh, oppressive and even inhuman. It reaches the peak of inhumanity, say the critics, with executions and decades long solitary confinement. To some people, this looks like a cruel lust for vengeance.

How can we explain these characteristics? I simply wish to throw out a few ideas. Is it rampant individualism and a refusal to accept that one's social environment conditions human behaviour? Is it the Calvinistic notion of human depravity and the belief that rehabilitation is a hopeless cause? Is it mainstream society's worried response to 300 million guns in private hands? Is it because the rich and powerful have a secret fear of the poor? Or is it, as conservative-minded people would say, because America has thousands of "bad dudes" who want to rob, cheat and kill their way to a good life without the

intervening stage of doing a hard day's work and who have to be taught a lesson.

We all know a great deal about how America tries its felons and locks them up. The system itself had become a celebrity. Police and courtroom dramas on the screen are plentiful, although they are told with a lot of theatrical licence. As for the prisons, we have seen James Cagney tough it out on death row, Clint Eastwood escape from Alcatraz, Morgan Freeman emerge blinking into the sunlight and Burt Lancaster with his birds. It is familiar stuff. However, many important but lesser known issues are neglected in these films. We must decide, for instance, how much a battered woman can be expected to take from her partner, or whether free speech includes the right to child pornography. We must consider whether America's behaviour abroad should be subject to the International Criminal Court and the knotty problem of whether violence on film makes a person violent in real life. These and many more issues are covered in ABC-CLIO's *Crime and Punishment in America*.

Woven through the issue of crime and punishment is the basic fact that the USA imprisons people at a greater rate than anybody else – except the Seychelles! For some years now, prisons have been one of America's growth industries. Questions of principle and policy aside, jails cost \$80bn a year to run, policing \$100bn and the courts \$60bn. Every adult American contributes around \$1,000 a year to keep them going. There can be no room for uncertainty as to whether all that money is being well spent.

*Crime and Punishment in America* contains 150 articles by around 40 contributors. In the main they are criminologists and sociologists – the editor, Laura Finley, is a professor of both subjects in Miami, Florida. Quite a number of the writers are simply designated "students" and the list also includes a prison chaplain, not inappropriate for a book of this type. Its frame of reference is strictly contemporary by which I mean that there is very little historical material in it. If you are looking for the Arkansas Riots case (1920s) or the Scottsboro Boys (1930s), look somewhere else. There are also very few biographies – almost none in fact. Little notice has been taken of events, even recent ones. For example, presidential assassinations and attempted assassinations are conspicuous crimes but they do not involve any significant legal or criminological points so they have no place in the book.

What then are the *Encyclopedia's* strong points? Some celebrated cases are examined



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because they focus on legal issues of great importance. The West Memphis Three (1993-1994) deals with unlawful police procedures and dubious convictions; the shooting of 17-year-old Trayvon Martin in 2012 hinges on the subjective claim of George Zimmerman, the killer, that he believed himself to be in danger – a defence against homicide under Florida law. Some legislation also receives coverage: the Sarbanes-Oxley Act (2002) lays down new procedures for the management and accountability of public companies and Arizona SB1070 deals with the hot topic of undocumented immigrants.

The book is good on some of the most sensitive issues of the day. These issues aggravate debate in America but they can never be fully resolved because the legal disputes around them mirror political differences: examples are the use of the Death Penalty, especially where the mentally ill are concerned, Police Corruption and Brutality, Background Checks for buying Guns and that eternal chestnut, whether prison exists to Punish, Deter or Rehabilitate. There are also a limited number of articles on methods and procedures: FBI Surveillance, No-Knock Warrants and Police Body Cameras. Lastly there is some material on institutions such as Supermax Prisons and Immigration Detention Centres. It is worth noting that all the entries focus on specific issues – there are no articles on drugs, police, FBI or prisons in general.

The *Encyclopedia* is a book of its time and many of the articles in it might not have found inclusion 20 years ago. They are today's "fashionable" offences (forgive my flippancy). In this category, I would include Anti-Gay Hate Crime, Campus Responses to Sexual Assault, Cyber-Bullying, Hate Crimes against Muslims, Identity Theft, Medical Marijuana, School Shooter Profiles, Victim Impact Statements and so on. Some of these may have been real issues two decades ago but they did not make the headlines they do today.

Now to the oversights. A good deal of the book deals with blatant crime – crimes which outrage individual rights or disturb the public peace. But there are other crimes which are "systemic" and seemingly victimless. They are almost integral to America's system of society but the book has very little to say about them. Environmental crime is an issue of grave concern to everybody but it gets just one article even though its consequences are potentially disastrous. White-collar crime is

neglected as well although insider dealing on Wall Street can net billions. The crimes of Kenneth Lay (Enron) Bernie Ebbers (World.Com) and Bernard Madoff, the author of Ponzi schemes, ruined countless people's lives. American courts take these cases extremely seriously but apparently the *Encyclopedia* does not. The sentences reveal the gravity of the crimes: Lay died before sentencing but Jeffrey Skilling, his CEO, got 24 years in jail; Ebbers got 25 and Madoff will die there.

Organised crime gets off lightly as well. One article deals with New Mafia Groups and RICO is mentioned in the index (the Racketeering-Influenced and Corrupt Organisations Act, 1970) but the treatment it receives ends there. Terrorism is touched upon under FBI Surveillance and Extraordinary Rendition but this topic also deserves more attention than it gets. In all four cases, the book's rather oblique coverage is insufficient to do the subject justice.

In general, this is a useful collection of articles on many aspects of the theme but there are too many holes in the coverage. It is hard to believe that enough thought went into planning the book. It ends with a bibliography (there is also further reading after each article) and a 50-page section of Personal Reflections by various writers. Navigation of the e-book, as here reviewed, is easy. In print, it occupies two volumes but I have not seen them.

**John Kendall**

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### The Encyclopedia of Central Banking

*Edited by Louis-Philippe Rochon and Sergio Rossi*

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With central banks looming larger in the public consciousness in the wake of the great recession of 2008, perhaps more attention than ever is being paid to central banks and their activities. So far as I am aware, this *Encyclopedia* breaks new ground in being the