

BOOK REVIEWS

Theoretical Criminology. By George B. Vold. New York: Oxford University Press, 1958. Pp. xi, 334. \$5.00.

In this book Professor Vold (1) traces the history of criminological thinking through the Classical and Positive schools to the present; (2) presents his own group conflict theory of crime; and (3) contrasts the issues involved in the legal and the sociological meanings of crime and punishment.

The author, regarding crime as a problem in social control and political organization rather than a problem in personality development, succinctly states the issue pervading his discussion:

The problem of criminological theory . . . is not primarily a concern with the explanation of the behavior as such, but rather concern with the question of why control of that behavior is attempted through law and police methods [p. 149].

This is a radical departure from American positivism which does not seem to be apparent to Vold. He characterizes positivism as "the application of a deterministic and scientific method to the study of crime . . ." (p. 39). This reviewer would qualify that characterization to this extent: the positivist applied the scientific method to the study of the *individual offender*. But even assuming the validity of the characterization, it would seem that Vold would have found it appropriate to discuss the scientific studies of law and society which can be found, for example, in the writings of Weber, Durkheim, Maine and Jerome Hall.

After stating the problem, Vold proceeds to theorize that "[c]rime . . . is political behavior and the criminal becomes in fact a member of a 'minority group' without sufficient public support to dominate and control the police power of the state" (p. 202). Accordingly, crime is a product of the conflict in which various organized groups engage in the struggle for political power. Thus, legal norms are also a product of this group conflict: the group in control of the political power of the state decides which behavior is to be labelled "criminal." Vold's theory can be seen clearly to apply to legislative law where pressure groups and propaganda techniques are important factors. However, since many of the acts recognized as crimes today are so labelled by judicial precedent rather than by legislation, it may be that the group conflict theory does not explain common-law crimes. In any event, although the theory does have especial, albeit limited, application to crimes of recent definition, such as white-collar crime and organized crime, Vold does recognize that it fails to explain individualistic and impulsive crimes. In this connection, an interesting com-

parison might be disclosed by application of Vold's group conflict theory to Hall's data¹ on the crime of theft.

Vold's present theory, an outgrowth of a suggestion in an earlier publication² that criminologists need to know more about organized crime as a pressure group, presents a new approach to the well-recognized social anomaly that organized crime is more dangerous to the community than is the type of offense for which men are ordinarily placed in prison. In recognizing this anomaly, Vold reminds one of Sutherland who pointed out that the white collar criminal is more dangerous than is the rapist or murderer. The group conflict theory seems to be superior, however, to Sutherland's theory of differential association as an explanation of white collar crime or organized crime. Furthermore, while Sutherland was often criticized for labelling white collar crime "crime," Vold, who recognizes the basis of the criticism—that white collar criminals are seldom labelled as such either by the public or by the legal system—may not be criticized on the same grounds. Vold takes a similar position with regard to syndicate criminals: Is organized crime "crime" if local public authorities allow it to exist and do not prosecute?

Vold's concluding chapters are very critical of the emphasis placed on reform and individualized treatment in modern penology. As he points out, the individualistic disposition is popular with prison administrators because they are in a position to attempt to reform the criminal. Furthermore, this approach meets with community approval for, because of their religious orientation, Americans are obligated to blame the individual rather than society for society's ills. Vold, seemingly questioning the premise which supports this individualistic disposition, asks: If crime is the result of group conflict, ought not the emphasis be placed on reforming society? However, the thrust of this query is perhaps immaterial under Vold's theory, which purports to explain white collar crime and organized crime, since the individual engaged in such criminal activity is seldom found in the general prison population due to his position in the social structure and his political influence.

The initial portion of Vold's book is devoted to a discussion of the theories of criminality which emphasize physical type, mental defect, heredity, psychopathy, economic conditions, and social factors. As a survey of these theories this is the best book presently available to the criminologist. Unfortunately however, Vold neither attempts to integrate the several approaches to criminality nor offers much in the way of critical evaluation.

This book is not designed as a general text book in criminology. Its main use will come in graduate seminars and as supplemental reading. Students of law interested in the legal dimension of crime will gain insight into American criminology from Vold's discussion. Its chief value lies in the attempt made to explain crime in political rather than psychological terms, and in the criticism of

¹ Hall, *Theft, Law and Society* 290-96 (2d ed., 1952).

² Vold, *Criminology at the Crossroads*, 42 *J. Crim. L. & Criminology* 155 (1951).

the shortcomings of modern penology. It is refreshing to read a book in criminology devoted to topics other than the Oedipus complex or differential association. Legal scholars will see the implications of Vold's ideas; whether or not psychologists and sociologists will do so remains to be seen.

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The Law of AWOL. By Alfred Avins. New York: Oceana Publications, 1957. Pp. 288. \$4.95.

With the numerous procedural reforms instituted by the Uniform Code of Military Justice and the accompanying elimination of command control, the procedural aspects of military law have been improved to the point where "equal justice under law" is a reality, not a mere possibility, in the armed services. To ensure such justice, however, it is imperative that the substantive law be accurately and adequately stated in treatises readily available to military courts and counsel. Unfortunately, there has been a dearth of such expositions. This deficiency has been competently remedied, with respect to the law of AWOL and related offenses, by Professor Avins' book. Careful study of the book indicates that the author is not merely an ex-service lawyer bent upon finding fault with all aspects of military law. Instead, he understands the basic need for—and the delicate balance between—the necessity for discipline in the armed services and the need for exact justice for each man regardless of rank.

The results of the author's efforts to form the great diversity of military cases into logical patterns represent a major step forward in military legal thought. This is particularly true with respect to the welter of cases in which the accused was held to have had a defense to charges of being AWOL or disobedient to his orders. After the largest portion of the cases had been classified as involving impossibility, illegality or other well-recognized defenses, there remained a small number which had always defied categorization. Some, for example, were decided on the ground that a high-ranking subordinate officer had a great deal of discretion. Others were decided on the basis of the peculiar necessity of the situation, the uselessness of the order or duty, or the existence of a change in the circumstances. Each of these cases had seemed to be merely an ad hoc decision. Professor Avins, however, has found a common denominator in all of them: a mistake by the officer in charge regarding the facts surrounding the order.

In addition to forming the various groups of cases on the law of AWOL into rational patterns, the author has carefully analyzed the reasons underlying particular aspects of that law. A good example is the section on fault. Professor Avins has classified fault into the three categories of intention, recklessness and negligence. He has then taken up the difficult question of why, although a