

Foucault's conclusion is that the prison does not "represent the unleashing of a different kind of punishment, but simply an additional degree of intensity of a mechanism that has continued to operate since the earliest forms of legal punishment." We began with the punishment of criminals by a single agent of punishment, the sovereign, inflicting physical punishment in an indiscriminate fashion on persons challenging his authority. We end with an administrative mechanism of social control integrated throughout the social body, which acts independently of any person and is applied discriminately to specific groups within society who deviate from societal norms.

For all of its detailed documentation, Foucault's functional analysis of the development of the prison is a work that, while useful in the understanding of the rise of the prison, provides no clear explanation as to why the prison came into being or what the next step is to be in its evolutionary progression. While this criticism can be made of Foucault's work, one should not lose sight of its value. One of the book's most valuable contributions is the new insight it gives us into the development and the use of prisons. This comes about by Foucault's removing consideration of the prison from the narrow scope of the criminal justice system and examining it as an institution shaped within the larger arena of society and the prevalent social values of the times.

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Urban Politics and the Criminal Courts by Martin A. Levin.

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Urban Politics deals with what its author identifies as three major contemporary public

policy concerns: urban politics and criminal courts (as might be expected) and "crime reduction." The reader of this work soon discovers that the author chose to make crime reduction his dominant theme, and eventually gets the impression that he has read two separate works, united only by a common title and cover. The first of these works is an interesting comparison between judges selected by urban political machines and those whose selection has been "taken out of politics." To this generally useful study Levin appended a second work, which is best described as an attack on the sentencing practices in the criminal courts. This forced marriage of works and themes probably would not have succeeded no matter how the author attempted to present them; it is even more disastrous here, since the portions of *Urban Politics* that deal with crime reduction are far inferior to those that compare the urban judges.

Those materials that focus on the themes of urban politics and criminal courts challenge a widely held assumption that "machine" judges behave arbitrarily and hand down strict sentences, while "nonpolitical" ones behave more humanely. Levin's data, gathered from Minneapolis and Pittsburgh—representing the polar opposites of "good government" and "traditional" selection procedures, respectively—revealed precisely the opposite to be true. To measure the Minneapolis and Pittsburgh judges' behavior, Levin gathered sentencing data from those cities' felony courts; in addition, he interviewed judges in both cities to obtain information relating to their background and attitudes, and he also interviewed prosecutors, court clerks, and other courtroom participants.

Levin's comparisons of the two cities' criminal courts appear in Chapters 2 through 9. Chapter 2 contrasts the decentralized, nonpartisan politics of Minneapolis with those of Pittsburgh, which are dominated by a disciplined partisan organization. The third chapter compares the two cities' methods of selecting judges: under the nonpartisan appointment procedure of Minneapolis, the local bar association (which, as the author points out, is quite political in its own right) has the greatest influence, while in Pittsburgh judicial candidates are selected by the local Democratic party organization. The fourth chapter presents Levin's impressions of the cities' criminal pro-

cesses. The Minneapolis courts are found to proceed in a formal and legalistic fashion and to administer severe punishments; in contrast, Pittsburgh's courts appear to be characterized by informality and leniency. In Chapter 5 (and accompanying Appendix B) the author presents and analyzes data—principally a comparison of how frequently convicted felony offenders were incarcerated rather than given probation, and the length of the prison sentences handed down—confirming his findings of severity in Minneapolis and leniency in Pittsburgh. The sixth and seventh chapters summarize the Minneapolis and Pittsburgh judges' views and the effects of those views on the type of decisions they make. Minneapolis judges—most of whom are upper-middle-class Protestants and who generally have practiced business or corporate law—identify themselves with “society” (rather than with individual defendants), the need to abide by rules, and their professional peers; thus their decisions tend to be both uniform and severe. Epitomizing the Minneapolis judges' harshness is their tendency to punish guilty defendants who “wasted the state's time” by pleading not guilty and demanding a trial. On the other hand, Pittsburgh judges—whose background in elective politics reflect greater exposure to “lower” social classes—identify with the defendants, appear more willing to make exceptions to rules and take extenuating circumstances into account; thus their decisions are particular and lenient. The Pittsburgh judges' preference for informal, extralegal procedure is typified by the “slow plea,” in which the defendant pleads not guilty; at the nonjury trial his attorney introduces background information favorable to the defendant rather than evidence of innocence.

Contained within these chapters are a number of possibilities for further research: for example, whether judges in cities with homogeneous populations are more likely to adopt uniform sentencing practices, and the nature and extent of political activity in bar associations that recommend judges for appointment. All in all, these chapters could have comprised all of *Urban Politics*; in Chapter 8, the author should have stated his findings and conclusions, suggested areas for further research, and stopped writing.

Chapters 9 through 11, Levin's second work, deal with an entirely fresh topic: the manner in

which judges ought to use their sentencing powers to achieve what the author terms “crime reduction.” The central theme of these materials is that since convicted felons cannot commit any more crimes against society while in prison, sentencing guilty persons to prison would be the best means of achieving short-term crime reduction. Taking Levin's argument to its logical conclusion, capital punishment would achieve both short- and long-term crime reduction; in addition, it would be more cost-effective than imprisonment. Levin, recognizing the weakness of a pure crime-reduction approach, ultimately advocates the general policy of granting first-felony offenders probation and incarcerating repeaters, with enough exceptions to ensure that offenders could not predict the courts' behavior and behave accordingly. However, he despairs of his sentencing proposal being adopted, contending that the judiciary—for various selfish reasons—would never accept it.

The final chapter of *Urban Politics* best illustrates the weaknesses of the author's criminal-sentencing materials. Levin's concluding observations have the tone of a political stump speech rather than a social science analysis of criminal sentencing. His prejudices and emotions are exemplified by his naive observation that one means of increasing the “visibility” of courts might be to give the prosecution the apparently unqualified right to appeal from criminal trials (such a departure from the Constitution undoubtedly would attract attention to that court system), and by his incredibly romantic concluding suggestion that influential political leaders should convince all of society to take innovative steps toward solving the crime problem. Levin apparently forgot that several recent presidents and scores of politicians at lower levels unsuccessfully attempted this.

In short, in *Urban Politics*, Levin detracts from a fine analysis of criminal court judges' behavior by grafting onto it a polemic bearing the label of “policy social science.” Levin's analysis of the judges—and Levin's readers—deserve better.

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