

gunshot wound.⁵ And had the doctors heeded their patient's neurological symptoms, they would not have probed his pelvis continually.⁵ Guiteau was aware of the physicians' contribution to Garfield's demise, but his argument that he had only shot the president was not persuasive at trial, since legal and medical causation were the same.

There is much more to *Destiny of the Republic* than President Garfield's medical course. We learn much about Guiteau's life, his philosophy, and his spirituality. His deific delusions took on a determined concreteness, as he asserted he was "in the employ of Jesus Christ & Co., the very ablest and strongest firm in the universe." Nevertheless, he was often ridiculed, was expelled from the Oneida (New York) Community, and engaged in shenanigans as a trial lawyer. It comes as no surprise, then, when he set his sights directly on Garfield, whom he saw as an impediment to his own ascension. Millard's portrayals of Bell and Bliss, genius versus idiocy, are splendidly detailed and alive with the dynamic of the time.

Millard's descriptions of Guiteau disclose a methodical and persistent man, a schemer who became a nuisance to the president, Secretary of State Blaine, and the First Lady. With instructions from on high, he believed that the Garfield administration owed him at least a prime ambassadorship. After all, he thought, his speeches were instrumental in Garfield's election.² Rejected, he took the matter to an extreme, formulating, for legal purposes, specific intent to kill. There is no question that he displayed psychotic grandiosity infused with religious ideas. Unrepentant and arrogant, he paraded his self-importance into the trial, ensuring an adverse outcome. His extreme narcissism was captured in Sondheim's lyrics in the show *Assassins*, as Guiteau cheerfully extols the utility of a gun:

The Gun Song

What a wonder is a gun!
 What a versatile invention!
 First of all, when you've a gun
 Everybody pays attention!
 When you think what must be done.
 Think of all that it can do:
 Remove a scoundrel,
 Unite a party,
 Preserve the union,
 Promote the sales of my book,

Insure my future,
 My niche in history,
 And then the world will see
 That I am not a man to overlook!
 Ha-ha!

—from *Assassins* by Stephen Sondheim¹

Destiny of the Republic is as worthwhile a read as *The Trial of the Assassin Guiteau*⁴ for the forensic professional or general reader. Millard's use of Garfield quotations and source material generally creates liveliness, and her humanization of all her characters is superb. For example, after Garfield's inauguration in early March 1881, the author notes, as the president set out to work in the White House he was buoyed by the opportunity to see more of his five children (two had already perished), but was saddened by the fact that even his friends wanted something from him. Among the many who sought a position in the administration was one Charles Julius Guiteau—a man who "never said 'never' or heard the word 'no'" (from Sondheim's "The Ballad of Guiteau").¹

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Children as Victims, Witnesses and Offenders: Psychological Science and the Law

Edited by Bette L. Bottoms, Cynthia J. Najdowski, Gail S. Goodman. The Guilford Press, 2009. 412 pp. \$49.50, hardcover.

This book was published 16 years after the seminal *Child Victims, Child Witnesses: Understanding and*

Improving Testimony, (Goodman and Bottoms), 1993, and addresses topics central to children's active and effective participation in legal proceedings: disclosure, interviewing, memory, testimony, and juror decision-making. In addition, it focuses on how the legal system should deal with juvenile offenders, by punishment or rehabilitation, and whether they should be treated in the adult system and held accountable as adults. This book in some ways anticipated the recent Supreme Court decisions on child and adolescent culpability as victims and offenders.

The chapters, written by widely respected legal and social science scholars, examine several key questions associated with children's involvement in the legal system. The book is divided into two parts: Part I covers the topic of children as victims and witnesses and Part II as offenders. The latter part is further subdivided into several sections regarding disclosure, memory and interviewing, children in court, expert testimony, juror decision-making, and an international overview of children's involvement in legal proceedings. In the section on juvenile offenders, the first chapter serves as a bridge between the two main sections by postulating how victims become offenders and further discusses police interrogation and forced confessions, juvenile transfer, therapeutic jurisprudence, girl offenders, and adults' perception of juvenile offenders, culminating in an international perspective on juvenile justice. At the end of each section, the authors summarize what has been learned in the preceding chapters and conclude that much is known, but that the knowledge and skill attained must be applied so that children and adolescents can benefit from the research.

In the introduction to the book, the authors refer to pertinent legal cases that involved children's victimization and landed them in the legal system. The authors explore factors that influence disclosure, recantation, and denial of abuse. Other chapters shed light on the victim's initial reluctance to disclose abuse and their subsequent ability to remember and recount abuse accurately. Much of the research is sparked by the satanic ritual daycare abuse allegations of the 1980s and early 1990s. The authors contend that forensic interviewing is unlikely to create false memories in a child for whom sexual abuse is an implausible event. Nevertheless, interviewers should receive specialized training, con-

duct audio- or video-taped interviews, explore potential sources of contamination for children's reports, and interview the first person with whom the child discussed the alleged abuse (first confidant or outcry witness).

The cavalier approach to juvenile offenders transferred from juvenile court and tried in adult criminal court is a "misguided and reactionary crime control measure that exposes adolescents to the more adversarial and punishment-oriented adult criminal system where a consideration of developmental maturity is not required" (p 295), according to Reppucci *et al.* in their critical chapter. They cite the Supreme Court decisions in *Kent v. United States*, 383 U.S. 541 (1966), and subsequently *In re Gault*, 387 U.S. 1 (1967) that recognized the abuse of the waiver provision and the judges who arbitrarily transfer youths deemed nonamenable to treatment or a threat to public safety. Youths have been granted more adult-like due process rights and are more subject to adult-like punishment. Both the Supreme Court and forensic clinicians have addressed the developmental maturity of juvenile offenders and their adjudicative competence. Similarly, juveniles' preadjudication competence and their comprehension of *Miranda* rights have been questioned. Since the interrogation process often occurs in a highly adversarial and manipulative setting, adolescents may be more vulnerable than adults in this legal context and fail to understand and appreciate the significance of their *Miranda* rights as an important procedural safeguard. In particular, juveniles subjected to police interrogation often do not understand their *Miranda* rights and make false confessions because of the manipulations that they undergo. Research has revealed that adolescents younger than 15 are significantly less likely to meet the adult norm for comprehension and appreciation of *Miranda* rights than are adults. Similarly, 15- and 16-year-olds with an IQ below 80 do not meet the adult standard of comprehension, nor is their comprehension comparable with that of same-age peers. It appears that age is the most significant predictor of the likelihood of offering a false confession. This may be particularly relevant for juvenile sex offenders who may be registered as sex offenders in regard to specific types of nonserious offenses including, for example, child pornography in which a youth may look at naked pictures of an underage girlfriend or "sexting" and be persuaded to confess, come clean,

but be ensnared in the legal system with its registry for sexual offenders and its indefinite sentences.

I urge all practitioners, legal, forensic, and lay, to read the chapter on Police Interrogation and False Confessions, digest it, assimilate it, and use the knowledge to advocate for our youthful charges. I anticipate that readers of this chapter will be seduced into reading other chapters in this book that will advance their knowledge and skills.

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Ethics of Total Confinement: A Critique of Madness, Citizenship, and Social Justice

By Bruce A. Arrigo, Heather Y. Bersot, and Brian G. Sellers. New York: Oxford University Press, 2011. 300 pp. \$75.00.

This book undertakes a vigorous challenge in reviewing the ethics structure of judicial approaches to juveniles charged as adults, solitary confinement of the mentally ill inmate, and sexually violent predators (SVPs). The authors are concerned about the rights of offenders and the perception that certain groups are not amenable to rehabilitation. Their premise is that the law ought to serve as a healing agent. The concepts are drawn from ethics, psychology, law, and social theory and require a substantial investment in a close reading of the text. This review focuses on the perspective on ethics in the text. Each approach to ethics has strengths and weaknesses, including virtue theory.

A review of contemporary ethics will assist in addressing the text. Utilitarian theory (Jeremy Bentham and John Stuart Mill) attempts to balance good and negative effects; in medical training, this thinking is common in discussing informed consent and medication usage. A negative feature is the potential disregard for the needs of a minority group, such as prisoners. Duty-based ethics (Immanuel Kant) focuses on rules and includes universal principle such as not using others as a means rather than as an end; research that does not concern itself with the needs of

the patient would be unethical. A negative feature is the expectation that a rule should be universal. If a prisoner has special needs, a Kantian approach could fail. Virtue ethics has a long, historical tradition (Plato and Aristotle) and emphasizes the virtues of character such as wisdom, courage, temperance, and justice. The goal of an ethical life is “human flourishing (a translation of the Greek term, *eudaimonia*)” (p 22). Attention to virtue ethics will assist one in taking moral action. The consequence of virtue is the improvement of social life. By extension, a virtue ethics approach to criminal justice emphasizes social reintegration and participation. The weakness of virtue ethics is its limitation in making specific decisions.

The authors review legal decisions regarding juveniles, solitary confinement, and sexually violent predators (SVPs); in each domain, the type of ethics-based justification is identified. Utilitarianism and duty-based approaches are the predominant sources of decision-making. By contrast, there was scant reference to virtue ethics in current decision-making. The authors starkly assert that a virtue-based approach would promote that “all individuals have value and as such can thrive” (p 149). By encouraging the rehabilitation of the prisoners’ lives, the authors contend that there can be an improved connection to the “large social world” and human flourishing.

The authors state that virtue ethics has strong similarities to psychological jurisprudence. Their vision encourages “judges as counselors.” The necessary reform would have attorneys, judges, and mental health workers become better educated in the practices of therapeutic jurisprudence and restorative justice which was identified as “mediated reconciliation” (p 7). An examination of the text assists the reader in determining if this approach is to be encouraged.

The analysis of the needs of the criminally charged and convicted is an essential corrective in maintaining a humane balance between societal protection and individual liberty. The authors identified a tendency to overstate or misidentify the level of recidivism in SVPs. The courts, having a faulty understanding of recidivism, are limited in their ability to craft meaningful approaches to SVPs.

Looking at the role of shame and humiliation in the lives of those convicted is an important investigation. In the development of registries for the SVPs,