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## Book Reviews

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# BOOK REVIEWS

## UNEMPLOYMENT AND CRIME: AN OBJECTION TO PROFESSOR BRENNER'S VIEW\*

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I object to the review of *Forecasting Crime Data* which appeared in the Summer 1979 issue of the *Journal of Criminal Law and Criminology*.<sup>1</sup> Professor Brenner's review is unbalanced, determinedly critical, and incorrect concerning a very important issue. Although occasional divergence between a critic's appraisal and one's own is expected, a condemnatory appraisal that proceeds from a false interpretation of reality requires refutation.

Professor Brenner notes several deficiencies in *Forecasting Crime Data*. The fatal defect, to which he devotes almost half of the review, concerns Professor Fox's treatment of the relationship between unemployment and crime. Fox does not include an unemployment rate variable in the equation that purports to predict crime rates. In Professor Brenner's words:

Through such exclusion, Fox arrives at erroneous conclusions: "The absence of an impact of the unemployment rate on the rate of crime appears at this time to be unequivocal" (p. 29). In fact, this statement is quite equivocal, and Dr. Fox's position truly represents a major departure from both recent econometric research and the major theoretical traditions relating to criminology that are found in the social and psychological sciences. Specifically, Fox does not include unemployment in his equations despite the fact that in previous multiple regression econometric research, unemployment has been found to be a stable and important predictor of crime trends as estimated by arrests. Indeed, a major and consistent empirical finding in over thirty time-series studies is that unemployment is temporally associated with crime indices with statistically significant ranges.

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Lest it seem that we are reacting only to the serious omission of work which we value, we will

\* A critical response to M. Harvey Brenner's review of FORECASTING CRIME DATA. By James Alan Fox. Lexington, Ma.: Lexington Books (D.C. Heath), 1978. Pp. vii, 140. \$14.95.

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<sup>1</sup> Brenner, Book Review, 70 J. CRIM. L. & C. 273 (1979) (review of *Forecasting Crime Data* by Paul Fox).

simply note that large fields of effort are similarly treated; Fox dismisses out of hand findings based on cross-sectional analyses despite the fact that they are generally consistent with the basic time-series findings.<sup>2</sup>

In a sense, there is a "major theoretical tradition" that relates unemployment to crime. The neoclassical theory can be used to deduce an unemployment-crime relationship. Becker provides an elegant mathematical nexus for the two variables.<sup>3</sup> Ehrlich,<sup>4</sup> Sjoquist,<sup>5</sup> and others have refined the Becker model. However, Block and Heineke's<sup>6</sup> and Heineke's<sup>7</sup> subsequent theoretical works show that Becker's result depends upon the assumption that leisure time is fixed. In other words, the model assumes that an individual allocates his time between legitimate and illegitimate activity. When this assumption is relaxed, so that legitimate activity and leisure become substitution possibilities, one no longer can assert that higher unemployment rates lead to increased crime rates. Thus, contrary to Professor Brenner's view, the theory is essentially agnostic. "[P]olicy recommendations do not follow from theory but rather require empirical determination of relative magnitudes."<sup>8</sup>

Therefore, the empirical evidence must be examined. Gillespie surveyed the pre-1975 cross-sectional literature. Of the ten studies displaying some degree of statistical sophistication, only three confirmed the existence of an unemployment-crime relationship. Indeed, most of the others reported negative coefficients for some formulation of their

<sup>2</sup> *Id.* at 274.

<sup>3</sup> Becker, *Crime and Punishment: An Economic Approach*, 76 J. POL. ECON. 169 (1968).

<sup>4</sup> Ehrlich, *Participation in Illegitimate Activities: A Theoretical and Empirical Investigation*, 81 J. POL. ECON. 521 (1973).

<sup>5</sup> Sjoquist, *Property Crime and Economic Behavior: Some Empirical Results*, 63 AM. ECON. REV. 439 (1973).

<sup>6</sup> Block & Heineke, *A Labor Theoretic Analysis at the Criminal Choice*, 65 AM. ECON. REV. 314 (1975).

<sup>7</sup> Heineke, *Economic Models of Criminal Behavior: An Overview*, in ECONOMIC MODELS OF CRIMINAL BEHAVIOR, (1978).

<sup>8</sup> Block & Heineke, *supra* note 6, at 323.

models—though none are statistically significant.<sup>9</sup> The cross-sectional evidence since Gillespie's review is no better. Bartel found that female unemployment rates vary directly with the crime rate for most specifications of the model; however, the coefficients are never statistically significant.<sup>10</sup> Forst's analysis of state index offense data for 1970 is inconclusive.<sup>11</sup> The Center for Econometric Studies reports a relationship for long-term unemployment, but none for short-term unemployment.<sup>12</sup> Vandaele found no relationship between automobile theft and unemployment.<sup>13</sup> Wadycki and Balkin report a perverse, almost statistically significant coefficient for index crimes for 1970.<sup>14</sup>

Similarly, the time-series evidence is no better. Most consist of a reportage of first-order correlation coefficients or simple regressions. There are relatively few that qualify as serious statistical analyses. Of these, Land and Felson found no relationship between the unemployment rate and the crime rate.<sup>15</sup> Levenson found a statistically significant relationship for youth unemployment, but no relationship for adult unemployment.<sup>16</sup> Professor Brenner's own study, which he cites in the book review, provides evidence that unemployment "influences rates of homicide and imprisonment."<sup>17</sup> However, a report by the Center for Econometric Studies shows that Professor Brenner's results are extremely sensitive to changes in the model speci-

fications.<sup>18</sup> For example, the introduction of variables to correct for a potential confounding of the unemployment effect with variation in age, sex, and sanctions ratios eliminates the alleged unemployment effect. Hence, Professor Brenner's results also are inconclusive. Orsagh, using data for 1950–1977, found a statistically significant relationship for some, but not all, specifications of his model;<sup>19</sup> however, the elasticity of the unemployment rate coefficient always is quite small.

Additionally, one should consider Professor Fox's own time-series results. While the reader easily might infer from Professor Brenner's review that Professor Fox gave no consideration to the unemployment variable, that inference would be unwarranted. Tables E.1 and E.2 show eight separate models that include an unemployment rate variable. The pattern of results displayed in these tables is instructive. Only two of the eight specifications yield statistically significant results. Moreover, unemployment is associated more closely when the race variable is excluded from the equation. It is axiomatic that a variable whose coefficient is highly unstable and becomes statistically significant only with the use of a dubious model specification should not be included in a model which is to explain or forecast. Professor Fox was justified in excluding the variable from his large model.

One more data set deserves consideration. If unemployment and crime are related, then those rehabilitation programs that increase employability of offenders by providing jobs and vocational training should reduce recidivistic crime. A survey of the rehabilitation literature does not support this view. Indeed, the findings parallel those presented above. Robin, who evaluated a program providing employment for juveniles, found that juveniles accepting employment were as likely to recidivate as were those who did not accept employment.<sup>20</sup> Dixon and Wright reviewed 350 juvenile programs, concluding that some programs were "promising." Job training and placement services had favorable impacts on older juveniles,

<sup>9</sup> R. GILLESPIE, *ECONOMIC FACTORS IN CRIME AND DELINQUENCY: A CRITICAL REVIEW OF THE EMPIRICAL EVIDENCE* (1975).

<sup>10</sup> A. Bartel, *Women in Crime: An Economic Analysis* (September 1976) (research paper no. 143, Graduate School of Business, Columbia University).

<sup>11</sup> Forst, *Participation in Illegitimate Activities: Further Empirical Findings*, 2 *POL'Y ANALYSIS* 477 (1976).

<sup>12</sup> CENTER FOR ECONOMETRIC STUDIES OF THE JUSTICE SYSTEM, HOOVER INSTITUTION, TECHNICAL REPORT NO. CERDCR-2-78, *PROPERTY CRIME AND THE RETURNS TO LEGITIMATE AND ILLEGITIMATE ACTIVITIES* (March 1978).

<sup>13</sup> Vandaele, *An Econometric Model of Auto Theft in the United States*, in *ECONOMIC MODELS OF CRIMINAL BEHAVIOR*, *supra* note 7, at 303.

<sup>14</sup> Wadycki & Balkin, *Participation in Illegitimate Activities: Forst's Model Revisited*, 9 *J. BEHAVIORAL ECON.* (1980).

<sup>15</sup> Land & Felson, *A General Framework for Building Dynamic Macro Social Indicator Models: Including An Analysis of Changes in Crime Rates and Police Expenditures*, 82 *AM. J. SOC.* 565 (1976).

<sup>16</sup> I. LEVENSON, *THE GROWTH OF CRIME* (1976).

<sup>17</sup> H. Brenner, *Estimating the Social Costs of National Economic Policy: Implications for Mental and Physical Health, and Criminal Aggression* (1976), (a study prepared for the use of the Joint Economic Committee, Congress of the United States. Washington, D.C.: G.P.O.).

<sup>18</sup> Center for Econometric Studies of the Justice System, Hoover Institution, *A Review of Some of the Results in Estimating the Social Cost of National Economic Policy: Implications for Mental and Physical Health, and Criminal Aggression*, (1979) (unpublished report).

<sup>19</sup> Orsagh, *A Criminometric Model of the Criminal Justice System*, in *MATHEMATICAL FRONTIERS IN CRIMINOLOGY* (1980).

<sup>20</sup> Robin, *Anti-poverty Programs and Delinquency*, 60 *J. CRIM. L.C. & P.S.* 323 (1969).

but not on younger ones.<sup>21</sup> Pretrial intervention programs using economic status instruments fared no better. Taggart found two intervention programs to be effective for adults but not for juveniles,<sup>22</sup> while Rovner-Piecznik's analysis of fifteen projects led her to conclude that short-term effects were positive.<sup>23</sup>

Taggart's analysis of fifty-five in-prison vocational training projects and the study of another twenty-five projects by Abt Associates<sup>24</sup> yield inconclusive results. The Toborg evaluation of postrelease employment services shows that the experimental and control populations have similar recidivism rates within three years of release.<sup>25</sup> Work release programs yield mixed results. California's program is said to have reduced recidivism.<sup>26</sup> North Carolina's program had no effect on recidivism rates, but fewer serious crimes were committed.<sup>27</sup> Finally, Massachusetts<sup>28</sup> and Florida<sup>29</sup> reported no effect.

Recent policy initiatives—LIFE and its successor program TARP—have been designed to reduce recidivism by enhancing an offender's economic viability. These programs are promising.<sup>30</sup> However, even if they are successful, they could not be viewed as a general remedy for the crime problem because these programs focus on specific, relatively small subsets of the offender population.

<sup>21</sup> M. DIXON & W. WRIGHT, *JUVENILE DELINQUENCY PREVENTION PROGRAMS: AN EVALUATION OF POLICY RELATED RESEARCH ON THE EFFECTIVENESS OF PREVENTION PROGRAMS* (1974).

<sup>22</sup> R. TAGGART, *THE PRISON OF UNEMPLOYMENT* (1972).

<sup>23</sup> R. ROVNER-PIECZENIK, *PRETRIAL INTERVENTION STRATEGIES: AN EVALUATION OF POLICY-RELATED RESEARCH AND POLICY-MAKER PERCEPTIONS* (1974).

<sup>24</sup> ABT ASSOCIATES, INC., *AN EVALUATION OF MDTA TRAINING IN CORRECTIONAL INSTITUTIONS* (1971) (vols. 1-3 & final summary).

<sup>25</sup> M. TOBORG, L. CENTER, R. MILKMAN & D. DAVIS, *THE TRANSITION FROM PRISON TO EMPLOYMENT: AN ASSESSMENT OF COMMUNITY-BASED ASSISTANCE PROGRAMS* (1977).

<sup>26</sup> Jeffrey & Woolpert, *Work Furlough as an Alternative to Incarceration: An Assessment of its Effects on Recidivism and Social Cost*, 65 J. CRIM. L. & C. 405 (1974); Rudoff & Esselstyn, *Evaluating Work Furlough: A Followup*, 37 FED. PROBATION 48 (June 1973).

<sup>27</sup> Witte, *Work Release in North Carolina—A Program That Works*, 41 LAW & CONTEMP. PROB. 230 (Winter 1977).

<sup>28</sup> D. LECLAIR, *AN EVALUATION OF THE IMPACT OF THE MCI-CONCORD DAY WORK PROGRAM* (1972).

<sup>29</sup> Waldo & Chiricos, *Work Release and Recidivism: An Empirical Evaluation of a Social Policy*, 1 EVALUATION Q. 87 (1977).

<sup>30</sup> T. Orsagh & A. Witte, *An Economic Approach to Offender Rehabilitation* (November 16, 1979) (paper presented to The American Society of Criminology, Philadelphia).

Thus, Professor Brenner's criticism of *Forecasting Crime Data* cannot be sustained. Fox evaluated the unemployment variable. He excluded it from his model because it was not a reliable forecasting instrument. Professor Brenner's allegation that "unemployment has been found to be a stable and important predictor of crime trends"<sup>31</sup> is false and must be rejected. Unemployment may affect the crime rate; but even if it does, its general effect is too slight to be measured. Therefore, the proper inference is that the effect of unemployment on crime rates is minimal at best.

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THE PREVENTION OF YOUTHFUL CRIME: THE GREAT STUMBLE FORWARD. By James G. Hackler. Toronto: Methuen, 1978. Pp. viii, 252. \$——.

Recognizing the inexact knowledge about delinquency prevention and the inconsistencies among theories, research, and policies, Hackler states that his "goal is to reflect this confusion rather than dispel it" (at 3). To some extent, Hackler is being realistic; there is much complexity and confusion among delinquency prevention theories, research, and policy. On the other hand, Hackler seems to embrace the confusion too readily and appears unwilling to devote sustained, critical analysis to perspectives that might bring some order to the confusion. The more interesting and promising ideas in the book are mentioned only briefly without a full analysis.

In the opening chapter, Hackler states his goals and his personal position. He favors "standing in the middle, leaning one way at times and then the other as circumstances change and ideas evolve" (at 6). The next five chapters discuss the dilemmas of initiating and evaluating delinquency-prevention programs. Hackler contends that researchers and policymakers must respond to ever-present public demands to "do something" about delinquency, even though those demands may be based on distortions of reality. He argues, however, that the scientific ideal guiding the process of "doing something"—planning and implementing programs in ways that allow outcomes to be evaluated with rigorous experimental designs—may create more problems than it solves. He believes that the actual process of evaluation creates harmful strains and disruptions in the program. Furthermore, more rigorous evaluations are more likely to result in a finding of no effect on outcomes. Hackler accurately points out that the increasing demands for

<sup>31</sup> Brenner, *supra* note 1, at 274.

impact evaluations are most harmful to new, innovative programs, since the more established programs can resist demands for evaluation or can influence the methods used either in conducting the evaluation or in presenting the findings.

Given the problems with using classical impact evaluation, an alternative is needed. Hackler suggests a more flexible process-oriented approach that uses quasi-experimental designs when feasible, but emphasizes rigorous analysis of officially collected data. Accordingly, he argues for improved recordkeeping and the accumulation of large data sets with common identifiers.

Hackler argues that "experts" in delinquency prevention ought to be more modest in the scope of their research and more realistic in their expectations about research findings being translated into policy. He notes that "recommendations relating to delinquency prevention do not spring directly from scientific knowledge. They reflect the needs of those playing different roles in society" (at 92). This is one of the many interesting ideas that Hackler presents to the reader without developing it. This is an important, though not necessarily original, point and it should be the starting point of a critical analysis rather than the concluding comment in a chapter.

In chapters seven through twelve, Hackler discusses several of the approaches to delinquency that have been attempted. Chapter seven discusses institutions. Hackler is opposed to institutions and supports "a systematic reduction in the number of juveniles sent to them" (at 113). Although briefly mentioning that society should consider taking no action as an alternative to institutionalizing juveniles, Hackler quickly regains his pragmatism and recognizes that institutionalization will not be abolished. Therefore, he recommends shortening the length of institutional stays, encouraging contact between institutionalized youth and the world outside, and making institutions more humane.

Chapters eight through twelve touch on a variety of programs, including group therapy, vocational training, and corrective (cosmetic) surgery. Hackler sees *some* value under *some* conditions for *some* delinquents in almost all of the approaches. The main thread running throughout his review is that one should not have great expectations for any one of the approaches. This can be seen, for example, in his comments on diversion ("makes as much sense as any of our other programs") (at 132) and behavior modification (it will likely "make its very modest contribution in a piecemeal manner") (at 170).

One can discern a definite preference in Hackler's five-chapter review of programs in addition to his preference for community-based rather than institutional programs. For example, in his discussion of the use of volunteers, he points out that great initial enthusiasm in such programs can lead to success which tapers off as the enthusiasm wanes. This leads him to suggest that "a constant level of activity may, in the long run, not be as valuable as surges of enthusiasm" (at 147). Similar hints, strewn throughout the book, are brought together in one brief section of chapter twelve entitled "The Shotgun Approach." In this section, Hackler argues for programs that incorporate multiple approaches and have "variety, flexibility, and constant change" (at 181). According to Hackler, the shotgun approach might capitalize on what he defines as the Hawthorne Effect ("the tendency of people to respond favorably when someone pays attention to them") (at 181) and on the waves of enthusiasm that seem to occur whenever anything new is attempted.

Part of chapter thirteen contains a brief discussion of fundamental social changes that could have major effects on delinquency. Hackler suggests expanding the opportunities for youth to play constructive roles in society. The constructive role envisioned by Hackler is much larger than the middle-class ideal of equal opportunity. This brief discussion, along with suggestions for using "child shelters" and informal community leaders, represents Hackler's only foray into primary prevention.

Chapter fourteen discusses the juvenile justice system. Basically, Hackler favors abandoning the myth that the system operates in the "best interests of the child." Instead, he argues that the punitive role of the system should be admitted honestly. Hackler does not advocate increasing the severity of punishment; he favors mild sanctions, including mild physical punishment. His main point is that the system should not disguise its intentions. Society coerces juveniles to conform for its benefit, not theirs, and if that is admitted, "more honest and effective communication would probably result" (at 201). Hackler also suggests introducing more procedural fairness into the juvenile justice system. This would include a move toward uniformity (rather than individualization) in sentencing and the use of penalties that are no more painful or restrictive than necessary, yet are "clear forms of punishment" (at 215).

A problem that recurs throughout the book is Hackler's tendency to discuss an interesting line of thought briefly without developing its full impli-

cations. Despite this flaw, this reviewer still recommends Hackler's book to persons interested in delinquency prevention. Reading the book may, at times, prove irritating, but Hackler does offer scattered insights. In addition, Hackler tries to address the Canadian situation by using Canadian examples even when he admits that better examples from the United States exist. This alone can be welcome relief for readers in the United States.

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**VIOLENCE IN AMERICA: HISTORICAL AND COMPARATIVE PERSPECTIVES** (Rev. ed.). Edited by *Hugh Davis Graham* and *Ted Robert Gurr*. Beverly Hills, Ca.: Sage Publications, 1979. Pp. —, —\$18.95.

For social scientists and historians concerned with the study of violence in the United States, the first edition of *Violence in America: Historical and Comparative Perspectives* was a landmark. The book was widely held to be a classic collection of many important perspectives, and its juxtaposition of crosscultural, historical, and crosscrime perspectives was considered a methodological breakthrough. The debate among academics spurred by this volume has been profound and continues to this day. The chapters by Tilly, Hackney, and Feirabend frequently are cited, debated, or condemned. Given the amount of interest generated by the first edition of this book, it is very gratifying that on the tenth anniversary of the original publication of the volume, a second, substantially revised edition has been published. This edition reflects both the real changes in patterns of violence of the past decade and the changes in the academic perspective which have occurred since the publication of the first edition.

In the first edition, research in historical, crosscultural, and crime-comparative perspectives were compartmentalized. Studies were classified as either historical or comparative. In this second edition, historical and comparative perspectives are combined. In the first edition, published during the turmoil of the late sixties, individual violence was barely considered. During the decade following the publication of the first edition, individual violence increased substantially in the United States, while political violence subsided. In the second edition, several articles are specifically concerned with the study of individual violence.

Four elements remain constant between the two

editions. First, there is substantial documentation of the long history of violence in the United States. Second, political and sociological explanations of violence are emphasized to the detriment of biological and psychological theories. Third, most of the articles adhere to causal explanations which are related either explicitly or implicitly to the theory of relative deprivation or which use a concept shaped by the unique historical and philosophic character of American society. Finally, neither edition provides conclusions relevant to policymakers.

The new edition has retained certain chapters contained in the first edition. Most of these are classic works in the study of violence that have greatly influenced scholars. Some of the most notable of these are Tilly's study of collective violence and Brown's study of the American vigilante tradition. The new edition, however, has retained a few chapters, such as the study by Gold, which have lost their significance. The book also contains a revised version of Janowitz's heavily criticized study of positive and negative violence.

With all this in common between the two editions, one might ask why bother with the new edition? What is learned which was not already known? The most important contribution of this second edition is its combination of historical and comparative perspectives in the same research. This combination is best reflected in two articles by Gurr. The first, concerning political protest and rebellion in the 1960s, addresses differences and commonalities, over time, in political violence in the United States and other nations. Gurr concludes that levels and intensity of violence are higher in the United States than in most other western nations, but somewhat lower than in most nonwestern nations. In the second article, Gurr finds a great deal of commonality among trends in personal violence in Europe and in America. He attributes this similarity to three factors; urbanization, wars, and the size of the youth population.

The chapter containing the two Gurr articles, in combination with the work of Archer and Gartner,<sup>1</sup> points to a consistent pattern and interpretation of trends in personal violence. It seems to this reviewer, however, that the integration of so much data for so many countries permits only the grossest theoretical development. Theory is limited by the small number of variables available for large scale national comparisons. A series of comparative crossnational studies of two or three countries, such

<sup>1</sup> Archer & Bartner, *Violent Acts and Violent Times: A Comparative Approach to Postwar Homicide Rates*, 41 *AM. SOC. REV.* 937 (1976).

as Clinard's study, *Cities With Little Crime*,<sup>2</sup> may be more useful for the development of a comparative theory of violence than a study that covers a great many countries with less comprehensive research.

The other new material in this edition is not as important as the articles by Gurr. Although these other articles are of excellent quality, they are updates rather than research that breaks important theoretical or methodological ground. Some of these articles are concerned with new forms of political rebellion, such as the protests of American Indians. Other articles simply extend the study of political or personal violence to a more recent date.

The first edition of *Violence in America* was criticized for a lack of policy relevance. The concluding chapters in that edition were a summary more than they were a conclusion. The concluding chapters of the second edition are no better. Graham's chapter is a dry restatement of conflict and consensus perspectives in violence. In Gurr's final chapter, "An Alternative to Violence," he concludes only that political movements are more likely to be successful in achieving their goals, be it change or maintenance of the status quo, through the use of violence (although most will fail anyway). This reviewer does not believe that either Graham or Gurr present viable alternatives for the reduction of violence.

Overall, this reviewer found the second edition of *Violence in America* an excellent updating of a classic collection of articles. While no new theoretical ground is broken in the book, the updating of previous research and concerns and the methodological breakthrough in simultaneous comparative and historical analysis make the book a worthwhile contribution.

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THE PUNISHMENT RESPONSE. By *Graeme Newman*. Philadelphia: J. B. Lippincott Co., 1978. Pp. xiii, 315. \$5.95 softcover.

Two paradigms of punishment are distinguished in *The Punishment Response*: retributive punishment and its utilitarian counterpart. The author uses an historical and social science analysis to describe the ways in which these two alternative paradigms have been used in a variety of criminal and non-criminal institutions.

The book opens with the thesis that, historically,

<sup>2</sup> M. Clinard, *CITIES WITH LITTLE CRIME: THE CASE OF SWITZERLAND* (1978).

punishment was considered to be retributive. In primitive society, deleterious natural irregularities were believed to be punishments for some human shortcoming. As primitive society changed from unstratified to a class structure, changes also occurred in the paradigm of punishment. Although retribution was still touted as the major rationale for punishment, administrators of punishment, who were generally members of the most preferred social class, were actually implementing a utilitarian paradigm, the aim of which was to encourage obedience to legal rules. It is in this sense, then, that punishment upheld the legal order while promoting discrimination through the class structure. This utilitarian purpose often was not apparent because the punishment appeared retributive.

This historical analysis and the author's conclusions are well-documented. Newman traces the various punishments administered by social institutions in which one group socially controls another, including religious, educational, and legal institutions. Legal institutions are examined through to the final development of more humanitarian forms of punishment.

Although the first half of the book dispels common myths concerning punishment, the author has devoted far too much space to the documentation of his thesis. Newman describes detailed examples of the punishments used by each of the social institutions. In this reviewer's opinion, Newman could have accomplished the same goal by examining a smaller number of social institutions and punishments.

The excessiveness of the documentation is all the more glaring when contrasted with the compact presentation of arguments in the remaining chapters of the book. Unfortunately, some of the assumptions made in these last chapters are not readily acceptable. For example, the author writes that in punishing an individual, society upholds his rights to deviate (at 195). Even retributive punishment, which fits the punishment to the wrong committed, does not assume that one may break rules at will when one is prepared to pay the price. Van den Haag, in his book *Punishing Criminals*, notes that retributive punishment is a societal threat to the criminal informing him of the consequences of breaking societal rules. One hardly can imagine society listing a set of tariffs for legal infractions in the same way it does for commodities. If Newman has a different idea in mind when he writes of the right to deviate, he does not state it. Without some justification, dubious statements of this kind are insufficient.

The chapter entitled "The Science of Punishment" compares criminal punishment with the results of research in various other punishment settings. Some of the analyses in this chapter are plainly incorrect and a number of them are quite strained. In one instance, the reader is informed that research has demonstrated that a time-out in classrooms is an effective punishment for misbehavior. He concludes that these studies provide the analogue of incapacitation as punishment (at 244). But this is actually a case of general deterrence rather than incapacitation. The incapacitation is simply a natural by-product of an incarcerative form of punishment. Even if the author had correctly realized that this was an analogue of general deterrence, the circumstances of punishing a child in the presence of his classmates is entirely different from the context in which society punishes criminals. At the end of the chapter, Newman is forced to qualify his arguments by stating that despite positive research results, the empirical evidence from noncriminal settings is inclusive (at 249).

Newman makes a bold and interesting policy statement in his concluding chapter. He argues for the primacy of retributive punishment because it affirms the moral order of society and transcends the social order which is supported by utilitarian forms of punishment. The utilitarian form of punishment, which emphasizes obedience, results in centralized authority and totalitarianism. Civilization progresses as it moves further away from tyranny, and this necessitates the decentralization of authority. With complete decentralization of authority, reciprocal relationships occur among individuals.

Strangely enough, this elegantly argued thesis appears to be persuasive to the author only in comparing retributivism with general deterrence. In juxtaposing retributivism and special deterrence, however, Newman advocates almost any technique of behavior modification that will deter. Although it is true that he would have society do this within a broad framework of retributivism, his ideas seem to contradict all that he has written earlier in the book. Furthermore, Newman would go so far as to advocate refined techniques in psychosurgery if society would find such procedures acceptable. This is a direct move toward the tyranny and centralized authority against which the author has argued. In any event, forced individual deterrence in a behavior modification context cannot be placed in a retributive setting as this is additional punishment, which is inconsistent with the very notion of retribution.

Despite some of this work's shortcomings, it performs at least two valuable functions. First, the bulk of the work validates all that Rusche and Kirscheimer concluded in the thirties.\* This validation is valuable because it is placed in a different historical context than the earlier work. Second, in an era when criminologists have thought of so many different ways to bring about changes in sentencing policies, Newman forces criminologists to focus on an implication not often considered. He believes that one must consider how changes in sentencing policies may affect societal structure.

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\* G. RUSCHE & O. KIRSCHMEIER, *PUNISHMENT AND SOCIAL STRUCTURE* (1939).

