believe that a definition of tribal sovereignty that incorporates the perspectives of indigenous nations is necessary for fair and mutually respectful intergovernmental relations and sound public policy" (24). Though they recognize and respect scholarly work that argues that current Indian gaming compacts "replicat[e] old and damaging political battles between states and tribes" (151), they are optimistic that "Indian gaming also carries equal potential for transcending the adversarial, zero-sum struggles between states and tribes" (151). In their conclusion, as they begin to imagine an "informed law and policy" regarding tribal gaming, they call for a "compromise among sovereigns"—for a policy that takes seriously not only indigenous understandings of sovereignty, but also state and local needs vis-à-vis gaming development and increased trends towards federal devolution.

The resulting suggestions call for compromise among all three sovereign entities; however, they are grounded in the firm acknowledgment that tribal gaming is both here to stay and a legitimate economic and governmental activity. Specifically, Rand and Light advocate sharing of information and congressional funding of fact-finding activities regarding socioeconomic impacts of gaming; an attitude of mutual respect in the compact process; and the identification of common goals among state, federal, tribal, and local jurisdictions upon which further compromise can be reached. Their suggestions are both pragmatic and hopeful.

The research presented in *Indian Gaming and Tribal Sovereignty: The Casino Compromise* is rigorous and analytically sound. It would be in the best interest of tribal and state entities to take notice of this work. It would also benefit political scientists and academics in other disciplines not traditionally concerned with "Indian issues" to take note. Such work sheds light on empirical issues of federalism and intergovernmental relations, as well as normative issues like fairness and justice.

–Renee Ann Cramer

POISON WEEDS

Marie Gottschalk: *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge and New York: Cambridge University Press, 2006. Pp. xiii, 451. $75.00. $28.99, paper.)

DOI: 10.1017/S003467050700068X

Marie Gottschalk has written an unusually important book, and a very good book it is. She begins from the stunning fact—one about which most Americans are in denial—that the United States imprisons both a larger proportion of its residents—citizens and others—and a larger number of such residents than any other society, present or past, in human history. And this is a recent phenomenon. In 1974 about 100 residents per 100,000 of the

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population were in state or federal prison. By 2001, the latest year for which Gottschalk gives figures, the number was over 450. Furthermore, these figures do not include prisoners in local jails. Since 2001 the rate of increase in prison population has slowed, but the total number is still growing. Comparison with other countries is instructive. In 1995, when the prisoners in American state and federal prisons numbered about 400 per 100,000, the incarceration rate for England and Wales was 140 per 100,000 and for Germany and France 96 and 94, respectively. How is this peculiarly American phenomenon to be explained?

Giving an account of Gottschalk's answers in the short space of a review is not easy, just because it is one of the great merits of her book that her explanations are careful, detailed, qualified, and nuanced. And, her accounts of why some explanations are inadequate are as important as her exposition of her own views. So summaries cannot do her book justice. It is a book that needs to be read. Most explanations of mass incarceration focus on characteristics of penal theory and practice during the past forty years, the period in which this great change came about. Gottschalk gives such explanations their due. But she argues that the various factors at work in the past forty years only had the kind of effect that they had because of the ways in which the previous history of the United States had prepared the way. "Crime and punishment have been integral to the history, politics, and identity of the United States," (43) and "When it comes to crime and punishment, Americans have had an anxiety-ridden history" (52), from the Jacksonian introduction of the penitentiary onward. So a variety of debates, campaigns, and institutional changes "helped construct the institutional scaffold for the more punitive politics of the carceral state" (52), a state that had at its command a variety of coercive means that were unavailable at earlier periods in American history.

Gottschalk, therefore, has two great achievements to her credit. She has supplied an historical perspective that was commonly lacking in earlier explanations. And, she has built on and gone beyond her predecessors' accounts of the various factors more recently at work. But a third feature of her narrative is even more striking. It is her demonstration of how a variety of different types of cause combined to bring about accidental and often unintended consequences. The story she tells is one of unpredicted and unpredictable contingencies and conjunctions. So movements and events as various as the efforts to secure a hearing for victims within the justice system; the campaign by feminists to get the crime of rape taken seriously so that rapists are severely punished and their victims treated humanely; the campaign to achieve justice for battered women; the demise of the prisoners' rights movement; the unhappily conceived "war" on drugs; and the ebb and flow of conflicts over capital punishment have all contributed one way or another to bring about the present state of affairs.

Gottschalk also draws our attention to two effects of mass incarceration that make the prison situation a good deal worse than it would otherwise

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be. One is gross overcrowding, from which follow various additional evils. The other is the increasing and burdensome expense to taxpayers of maintaining prisons and the cost-cutting measures that are adopted in order to limit that increase. Together these have produced a deterioration in the condition of many prisons and many prisoners. A prison sentence today is often cruel, if not unusual, punishment. And it is not only the public but also the courts that generally behave as if this were not so. It would be salutary—do not hold Gottschalk responsible for this suggestion—if every new judge spent a week as a prisoner in the worst of the prisons in which her or his sentencing will condemn prisoners to spend time.

Implicit in Gottschalk's account is something that badly needs to be made explicit so that it can be spelled out further. One distinctive mark of the public and legislative debates that have taken place at each stage in the movement toward mass incarceration, as she recounts them, has been the extent to which they have been inadequately guided by attention to the relevant evidence. And this fault has been exacerbated by the lack of any informed consensus about how crimes are to be classified and what the goals of punishment should be in respect of each different type of crime, a lack of consensus that is the outcome of widespread and long-standing American confusions about punishment and education, not just in the justice system, but in the home and in the school.

The function of punishments in home and school is to discipline offenders so as to make them educable. The function of punishments in society at large concerns those for whom home and school have failed. It is or should be to discipline and reeducate those who are reeducable and to protect the rest of us from the violent and dangerous. It is these latter whom we need to put in prison. For those who are not violent and dangerous, there are other types of punishments that can be as or more effective: for some young offenders the short, sharp shock of three months of the kind of discipline to which they would be subjected in the Marines; house arrest; imprisonment for a number of weekends in a jail; fines well calculated in relation to an offender's earnings. And those offenders who try to cheat their way out of such punishments should, of course, then go to prison.

This inability to distinguish between offenders for whom prison is appropriate and offenders for whom it is not is not, of course, peculiar to the United States. The contingencies of American social history have produced effects that are unparalleled elsewhere, but confusion, inattention to evidence, and worse with regard to penal policy and practice are also found elsewhere. Consider just one example. Gottschalk reports that one of the consequences of recent attempts to curb the growing expense of maintaining prisoners has been "reducing the amount and quality of food served to people in prison" (244), with fewer fruits and vegetables, fewer calories, and sometimes only two meals a day on weekends. Yet clinical studies have shown that good nutrition is one effective means of changing prisoners' behavior for the better. In an experiment in England in which one half of a group of young

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offenders were given nutritional supplements and the other half a placebo, serious offences by members of the former group were reduced by 37 percent. More striking than this finding, however, is the blank refusal of the British Home Office and Prison Service to accept, let alone to act, on it (see *Prisongate: The Shocking State of Britain's Prisons and the Need for Visionary Change*, Free Press, 2003, 265 pp., £ 20, by Sir David Ramsbotham, the chief inspector of prisons for England, Wales, and Northern Ireland from 1996 to 2001). This kind of contempt for facts when it comes to matters of crime and punishment—even among highly educated people—is far from universal in advanced countries, but it recurs in both the United States and the United Kingdom. It, too, needs to be explained and those who are guilty of such contempt—many of our legislators and administrators—need to be punished and reeducated, just as much as our criminals do.

–Alasdair MacIntyre

BUSYING GIDDY MINDS

Edward D. Mansfield and Jack Snyder: *Electing to Fight: Why Emerging Democracies Go to War* (Cambridge, MA: The MIT Press, 2005. Pp. ix, 300. $32.95.)

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Electing to Fight seeks to qualify the democratic peace thesis with its claim that democracies do not go to war with one another. Mansfield and Snyder accept the idea that "mature democracies" do not fight, but they make the counterintuitive argument that "democratizing states" are not only inclined to go to war, but are even more inclined than most other types of states. Thus, the book refutes the notion that promoting democracy of autocratic states will lead to a peaceful world.

The book is divided into three parts: a theory section, an analysis of statistical data, and a series of case studies that examine the casual mechanisms of their argument.

Mansfield and Snyder assert that democratizing states, or "mixed regimes," are very prone to war because they are domestically unstable. As the masses become mobilized and part of the political process, demands are placed on the system that cannot easily be met, for democratizing states lack the institutions needed to channel popular aspirations into peaceful and constructive endeavors, even though the masses are not necessarily bellicose at first. Mansfield and Snyder claim that elites, particularly more traditional ones, see that they can use nationalism to rally the masses behind them instead of working to build democratic institutions that truly serve the people. Since nationalism is best promoted through international conflict, democratizing states seek foreign enemies. Indeed, democratizing states not only have been involved in more wars than other states, they have initiated most of them.

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