

The Prison and the Gallows: The Politics of Mass Incarceration in America. By Marie Gottschalk. New York: Cambridge Univ. Press, 2006. Pp. xiii+451. \$75.00 cloth; \$28.99 paper; \$23.00 e-book.

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Gottschalk's *The Prison and the Gallows* is a significant and welcome addition to the growing literature on the development of mass incarceration in the modern United States. Gottschalk successfully argues that, despite all the attention, the growth of the carceral state remains poorly understood as a historical phenomenon. While there is relatively little argument over just when incarceration rates began to increase, this book successfully demonstrates a deeper history at work. By better illuminating the long past of crime politics, this passionately argued work helps us better imagine what the future could be.

Ideas, culture, or "public opinion" matter a great deal in this story, but only so far as they are able to intersect with political power in a way that creates momentum for change. Indeed, Gottschalk argues that when public opinion lacks a direct outlet in policymaking, such as popular support for the death penalty in Western Europe even in the midst of its abolition, a more dispassionate process results. Of course, this is precisely the conclusion that has led some scholars to call for a decisionmaking process in the United States that is better insulated from the popular will. To this, Gottschalk offers the caution that American attitudes on crime and punishment are more complex than they may appear at present, containing competing and contradictory impulses.

From the first pages of this work, Gottschalk makes it clear that she regards the coming of the mass imprisonment regime as a major exercise of state-building power, on a par with the New Deal or the Great Society. While the New Deal comparison perhaps fails to fully account for the vast range of policy programs launched under that label, it is almost certainly correct that mass incarceration ranks among the most significant moments in the history of American social policy. Indeed, Gottschalk appears to be running well ahead of academic historians on this point, though the book's recent receipt of the Ellis W. Hawley Prize from the Organization of American Historians suggest that they are beginning to get the point.

In her consideration of state-building, Gottschalk makes the very sensible point that mass incarceration depends upon the development of new state capacity. Where punitive impulses are not matched by state capacity, they will obviously fail to have the same kind of impact. Gottschalk offers a number of useful examples of this, such as the national experiment with the prohibition of

alcohol, where any close reading of federal enforcement reveals a skeletal and confused enforcement effort. Yet there is a slightly unidirectional quality to the story Gottschalk tells here, which is largely one of steady consolidation of the state's power to punish. Partly this stems from the focus on the federal government, but even here the author misses some chances to explore turns away from expanding state authority. Indeed, the well-remembered collapse of alcohol prohibition was in fact a dramatic turn away from a less well-remembered effort to dramatically increase the scope and punitive quality of the federal war on alcohol at the end of the 1920s.

In the most provocative chapters in the book, Gottschalk makes the argument that feminists, the victim's rights movement, prisoner rights advocates, and death penalty opponents all contributed to the push for mass incarceration, either by promoting policies that were readily co-opted by conservatives, or by ceding important political ground to the law-and-order crowd. While Gottschalk at times seems a bit too earnest to move beyond traditional explanations for mass incarceration's emergence, there is little doubt that she is correct in asserting that the causes of the left too often suffered from a kind of historical amnesia about the ways in which the politics of crime had been so often turned in punitive directions. This amnesia certainly created a vulnerability that the supporters of a punitive turn in policy readily exploited.

Gottschalk concludes with two effective chapters on the death penalty, predicated on the idea that the histories of capital punishment and the prison cannot be separated. Her review of death penalty politics highlights the uneven and unpredictable manner in which the United States has confronted crime. This is a story of far greater contingency than most treatments of mass incarceration allow, and in this respect it offers the would-be reformer some measure of hope. This is not the hope of a swinging pendulum, of biding one's time until politics swings inexorably back to the center (or left). Gottschalk's history offers no such mechanical and predictable source of change. Rather, she urges opponents of the carceral state to embrace (and criminologists to understand) the lessons of the past and fully engage the political realm, casting their argument in durable elements of American culture such as citizenship, rights, and the protection of children and families.