

Barrios' work will be important for the three theoretical contributions it makes: (1) viewing the gang as a broader social organization, thereby emphasizing the non-criminal activities of members and the group, (2) their emphasis on social movements as part of gang identity and activity and (3) the role of self-identity in the evolution of the gang.

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Michael Tonry

*Thinking about Crime: Sense and Sensibility in American Penal Culture*  
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After being a stealth issue, even in criminology (but see Zimring and Hawkins, 1991), for much of the 1980s and early 1990s, the unprecedented punitiveness of the United States became a hot topic beginning in the late 1990s and has received growing attention from sociologists and criminologists (e.g. Beckett, 1997; Simon, 1997; Currie, 1998; Garland, 2001). Michael Tonry, long one of the leading experts on American penal trends, stayed largely in the background on this issue during the 1990s, promoting attention to the American pattern through his widely read newsletter *Overcrowded Times*, but not making a major statement of his own, has finally jumped fully into the discussion with his most recent book. The result, a major contribution, takes full advantage of its timing by offering the best effort yet to take theoretical stock of recent efforts to analyze American punitiveness.

Efficiently summarizing the stark facts about American penal trends, the core of the book is a careful analysis of most of the major efforts to explain the pattern. Tonry identifies eight explanatory frameworks, finds most of them wanting and then combines their most plausible elements with an account of his own that emphasizes cycles, sensibilities and moral panics. Tonry takes little time to dispense two of the most popular among the general public and the political class (i.e. crime rates and public opinion). The idea that American punitiveness was a straightforward response to rising crime rates fits poorly with the actual trends in crime and punishment. Crime began to rise quite dramatically in the 1960s, but punishment trends did not depart clearly from past patterns until the early 1980s when, ironically, violent crime was trending down (victimization rates had actually been falling steadily throughout the 1970s). But even if we treat this pattern as indicating a lagging response to rising crime, it runs into what will become a familiar objection, the absence of similar patterns in other industrialized nations that experienced roughly similar crime patterns. Crime in one period may lead to punishment increases in the next, but it did so only in the United States.

Even if objective crime patterns do not explain the rise of punishment, many would assume public opinion does. Punitive policies in the United States may be misguided on this account, but at least they are responsive to the political

demands that should prevail in democracies. Tonry argues, however, that serious efforts to look beyond popular support for particular policies, and into the deeper interests of the American public on penal policies, document a much more complex picture. Americans have often worried that courts are too lenient, but their idealized responses emphasize treatment as well as punishment, and when asked about specific outcomes generally support policies far more lenient than those actually implemented by American governments.

But if democratic responsiveness does not account for American punitiveness, American politics does make some headway in Tonry's view. A third theory emphasizes cynical partisan politics by conservative Republicans who early on identified the crime issue as a strategic wedge to use against the once-popular liberal democrats who dominated United States elections during the 1960s (Beckett, 1997). Tonry thinks this is basically correct on a descriptive level, but simply raises the question of why it worked so well.

A fourth account emphasizes changes in American governance and political structure (Caplow and Simon, 1999; Garland, 2001). The 1960s saw a rapid expansion of welfarist policies by the federal government in the United States. Hampered by structural features of American government, this expansion of welfarism was enormously expensive and visibly inadequate. The result was a catastrophic drop in confidence in American government, especially at the federal level. Room for maneuver to address this confidence gap was restricted by another change in American politics. The broad class and cultural coalitions that dominated mid-20th-century American parties began to fragment after the 1960s, leading to a political field increasingly characterized by single-issue 'values' voters whose causes like abortion, prayer, feminism and gay rights created grave difficulties producing compromises and coalitions. Crime, especially violent crime and drugs, provided a life-saver to American politicians because it resonated with voters' values and did so across the fragments that had sundered the great economic coalitions of the previous generation. Tonry concedes that this argument is 'plausible and probably valid' but points out that it cannot account for the peculiarly severe policies that politicians pushed as a response to the crime problem.

The fifth and sixth accounts emphasize in slightly different ways the role of late modern cultural change in explaining punitiveness. One version discusses the impact of the emergence of what sociologists have called 'the risk society' on crime policies (Lupton, 1999; Hope and Sparks, 2000; Stenson and Sullivan, 2001). Beset by transformations in technology and the global economy that leave ordinary citizens exposed to risks uncontrollable by welfarism and government regulation, publics have adopted harsh crime penalties as a way to create symbolic safety and to shift blame to already disliked minorities. Proponents of what Tonry describes as postmodern angst (Garland, 2001) provide a similar account suggesting that the breakdown in modernist strategies of governance have raised the salience of crime. Tonry believes these theories add little explanatory value and run into the comparative problem. Why have not the same cultural, social and economic trends produced harsh crime policies elsewhere besides the United States?

Tonry's response to these theories is the least satisfying of his critiques. One way of understanding the risk society analysis is that it provides a more theoretically grounded analysis of the political restructuring explanation that Tonry praises. From this perspective the punitive policies in the United States are best seen as one path that publics have taken to the postmodern conditions of risk society. While Europe may not have taken this path, other popular trends, including the politics of human rights, anti-globalization and anti-technology represent a similar kind of new politics (Douglas and Wildavsky, 1982; Simon, 2001). Hyper-punitive policies are, in effect, an American version of the 'precautionary principle' that dominates European environmental policies, both; a response to unfathomable risks. Also ignored by Tonry are more Marxist-inspired accounts that would emphasize the role neo-liberalism and expanding global capitalism (both of which have had a much freer hand in restructuring American society than Europe) play in producing the cultural and political responses of late modernity (Young, 1999).

A seventh account emphasizes a different kind of political cultural distinction between the United States and Europe. According to historian James Whitman (2003), the USA and Europe took two different roads away from monarchy. The USA dismissed aristocracy by leveling down, making the work of degradation a familiar trope of American politics. In contrast, Europe leveled up, embracing the extension of aristocratic dignity to even the most stigmatized groups (including prisoners). Tonry thinks this analysis provides a crucial element to understanding the severity of American policies, but cannot account for the overall trends, given the relative lenience of American penal policies for much of the mid-20th century.

Tonry's own account is designed to build on the plausibility of the political and governmental accounts described earlier in a way that can explain both the timing and severity of American patterns. At the center of Tonry's theoretical analysis is the notion of sensibilities. Developed from the work of Norbert Elias (1978) and expounded by David Garland (1990), sensibility describes a psycho-social attitudinal aspect missing from the more sociological accounts described earlier. The vicissitudes of sensibilities help explain why policies unthinkable in one era can be widely embraced in another. In one of the most valuable chapters of the book, Tonry identifies a number of current American policy proposals that are widely accepted today but would have been dismissed as crack-pot proposals a generation ago, including prosecutorial appeals of sentences, and deliberately shaming and humiliating punishments. Likewise as recently as the 1960s the most respected criminal jurists in the United States adopted a Model Penal Code that largely read retribution out of the set of respectable rationales for punishment, unthinkable today.

Tonry thinks changing sensibilities can explain American punitiveness if linked to cycles of crime as well as the role of 'moral panics' (Cohen, 1972; Hall et al., 1978). He adopts a social response theory adopted from historian David Musto's (1987) account of American drug policies. Musto theorized that drug policies became harsher and more focused on minorities at the point in the cycle where drug use itself began to decline. Tonry applies this to crime,

suggesting that just as most forms of crime began to decline around 1980, crime policy became harsher and more focused on minorities. Musto theorized that after a period of righteous expressive policies against drug use, a new cycle of mildness sets in, resulting in retreat from the harshness of policy and the demonization of minorities. Tonry also sees this happening today as a period of sustained declines in crime and increasing harshness of policy begins to give way to signs of mildness like public support for medical marijuana, drug treatment for non-violent offenders instead of incarceration, and reconsideration of mandatory minimums.

Following Musto (and Durkheim), Tonry adopts the view that harsh crime policies flow from public righteous outrage about crime that begins as a period of heightened crime abates. But surprisingly Tonry seems to treat this wholly functionalist account as adequate without marrying it to the political sociology he earlier praised. Other than suggesting that moral panics might explain the speed and intensity of attitude change, Tonry seems to abandon the explanatory role of politics. But the idea that sensibilities change directly in response to crime patterns (drug or otherwise) seems to contradict what Beckett (1997) has shown, i.e. that public concern about drugs and crime in the 1980s followed rather than preceded political efforts to mobilize public concern. Likewise, this account requires Tonry to ignore the role played by the political realignment of American voters. Moreover, having carefully shown that the pattern of crime is not simple and clear (e.g. victimization rates began to drop from the beginning of their measurement in the early 1970s while crime reports did not begin to drop until 1980), Tonry's embrace of the cyclical theory requires him to abandon this nuance to fit the story.

Above all, the singular focus on cycles runs into two of Tonry's own buzzsaws; the comparative perspective (why did not European countries have the same cycle?), and the temporal perspective (why no earlier moments of populist punitiveness?). Two brief examples suggest that cycles cannot explain punitive policies by themselves, but combined with the political accounts improve them. Soon-to-be-published work by Juanjo Medina-Ariza (2006, forthcoming) shows that Spain went through a rapid increase in crime after the fall of the fascist Franco regime in 1978 but that crime politics did not materialize even after crime leveled off (as Tonry would predict) until decades later when it seemed to be borrowed by socialist politicians from its successful use by New Labor in the United Kingdom. Medina-Ariza suggests persuasively that post-Francoist politics in Spain were too concerned with establishing the shape of democratic institutions to divert off into crime.

Second, notwithstanding Tonry's statement that crime patterns have only been through one distinct modern cycle of rise and decline between the 1960s and the 1990s, the USA had an earlier and much popularized wave of crime in the 1920s as a result of prohibition. On Tonry's account one might have expected a populist politics of crime during the 1930s as crime leveled off. Indeed, imprisonment and death penalty rates went up in the 1930s and a much more politicized sensibility almost materialized as Franklin Roosevelt laid the foundation for a war on crime that came to be forgotten against the far

bigger politics of the economically progressive New Deal (Potter, 1998). In short, cycles tied to perceived rises in crime predispose societies toward punitive sensibilities, but they only materialize when political strategies coalesce. I do not think Tonry would disagree with this, he might even claim it as his own theory, but the chapter on cycles gets carried away enough to downplay the political dimension.

On Tonry's cyclical account American punitive policies may in fact be approaching their natural end. The last chapter of the book is optimistically aimed at charting policy pathways that might allow politicians a graceful retreat. The very title of the book, *Thinking about Crime*, echoes James Q. Wilson's highly effective polemic of that title in 1975 that became a policy bible for politicians looking to transform themselves into crime warriors. Unfortunately, Tonry's analysis is probably too sophisticated and nuanced to make the same mark as the back-of-the-cover praise by three *former* United States Senators might seem to suggest.

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