

Torture and dehumanization go hand in hand to make executions easier, a fact that was not lost on the World War II German SS officers and men. Johnson notes that the torture and loss of humanness allowed concentration camp executioners to kill and to forget that they were killing human beings. Such a process is alive and well on American death rows.

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The Death Penalty in America: Current Research. By Robert M. Bohm (Ed.). (Cincinnati, OH: Anderson Publishing Company, 1991. Pp. 148)

The Death Penalty in America is a collection of eight post-*Furman* research articles, each with distinct authorship. Five topics are discussed: racial bias and arbitrariness, general deterrence, death-qualified juries, the social risk of not executing first-degree murderers, and the complexity of aggregate sentiments favoring capital punishment. Although a rudimentary understanding of statistics will increase comprehension, most readers who are familiar with the capital punishment debate will find this collection to be both accessible and relevant. All of the articles support an anti-death penalty agenda. However, because the monograph primarily reaffirms and broadens existing knowledge, it is unlikely to have an immediate impact on executions. Death penalty advocates who are concerned with effective criminal justice policies, due process, and equal protection will nevertheless find the book troubling. Evidence continues to grow that post-*Furman* U.S. Supreme Court decisions have not ameliorated the racist or arbitrary tendencies of executions.

The first article in Bohm's collection presents the most recent attempt to enumerate U.S. executions, "The Espy File." Its numbers, which include executions carried out on the local as well as

state level, suggest that capital punishment has been more closely related to racial suppression than was previously suspected. Contrary to data presented in *Legal Homicide: Death as Punishment in America* (1984), the South has led the United States in executions since the middle of the eighteenth century. More importantly, declining proportions of African-Americans executed in the South have coincided with their emigration.

Two articles on prosecutorial discretion likewise assert that race, among other legal and extralegal factors, continues to influence the question of who is to be targeted for execution. Paralleling earlier findings, prosecutors in South Carolina were found to be motivated to seek the death penalty for the killing of whites and for one form of interracial homicide—white victim, black offender. Although the same article reports that race has not influenced prosecutorial decisions in North Carolina, earlier analysis of the same data by Barry Nakell and Kenneth A. Hardy in *The Arbitrariness of the Death Penalty* (1987) found North Carolina's death penalty process to be characterized by capriciousness and, at points, racial bias. In Kentucky, prosecutors were also found to seek the death penalty disproportionately in cases where blacks were accused of killing whites. The Kentucky data, however, are not without problems. Because of missing information, primarily on the race of the offender or the victim, fully 28 percent of potential cases (first-degree murders) were excluded from analysis. It is troublesome to accept the authors' tacit assumption that these oversights were random and therefore analytically insignificant.

Two articles examine the consequences of integrating *Furman*-commuted inmates (FCIs) into the general prison population and of granting them parole. Vito, Koester, and Wilson utilized episodes of institutional violence from 26 states (25 violent offenses, including three murders) to determine that FCIs were a greater threat to their

fellow inmates and prison personnel than was earlier thought. Because the authors failed to compare the rate of violence among FCIs with that of other inmate populations, however, readers will find it difficult to assess accurately the effect that *Furman*-commuted inmates have had on prison life. The same article reports reincarceration rates for FCIs at 19.7 percent, which is similar to other studies. The reasons for reincarceration included three murders, three robberies, one rape, and one kidnapping.

In a second study of FCIs, researchers found significant differences between Ohio's and Kentucky's *Furman*-commuted populations. For example, the capital offenses for which Ohio inmates were sentenced to die tended to have been more heinous. Nonetheless, both groups had reincarceration rates nearing 20 percent, and no parolee from either group had yet committed an additional murder. Researchers also concluded that in both Ohio and Kentucky persons who were convicted of killing whites were more likely to find their way to death row. Both FCI papers conclude by arguing that advocates of capital punishment have to identify something other than social protection to justify the death penalty.

To test the hypothesis that executions act as a general deterrent to all serious crimes, William C. Bailey researched the relationship between capital punishment and index crimes for the years 1950 and 1960. Concerning his findings, Bailey writes, "There is no evidence for 1950 and 1960 that residents of death penalty jurisdictions are afforded an added measure of protection against serious crimes by executions" (p. 35). In fact, much of his data suggest that capital punishment is as likely to increase as to reduce the volume of index crimes.

Adding to data concerning the proneness of death-qualified juries to convict, Williams and McShane report that among death-qualified jurors (DQJs) psychiatric experts testifying on behalf

of defendants are as likely to enhance as to reduce the chances of conviction. Such testimony only slightly reduces the tendency for DQJs to recommend death. Moreover, in both the trial and sentencing phases of capital cases, African-Americans benefit the least from psychiatric testimony alleging insanity.

In the final article, Robert M. Bohm argues that polls reporting 70 percent pluralities of U.S. citizens favoring capital punishment leave numerous questions unanswered. Although most of the problems and questions identified by Bohm warrant additional attention, others tend to obfuscate rather than clarify understanding. It is no mystery why African-Americans and low-income persons are less supportive of capital punishment. On this issue a level of class consciousness exists. Bohm's failure to discuss the role of opportunism in resurrecting and perpetuating pro-death penalty sentiments is also disappointing.

In conclusion, *The Death Penalty in America: Current Research* makes a significant and necessary contribution to the death penalty literature. On the negative side is the tendency for works of this type to reduce the debate over capital punishment to arguments about deterrence and civil rights. Such reasoning tacitly suggests that capital punishment would be acceptable if it deterred in the least degree and was applied without bias. Deterrence and bias are important issues, but it is the essence of capital punishment, in and of itself, that disturbs most death penalty abolitionists. This work will do little to further those sentiments.

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Punishment: Rhetoric, Rule and Practice.
By Christopher Harding and Richard W. Ireland. (New York, NY: Routledge, 1989. Pp. 242)

Most students of punishment generally start by defining the empirical