

## Taking the Mystery Out of Murder Rates: Can It Be Done?

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RANDOLPH ROTH, *AMERICAN HOMICIDE* (Harvard University Press 2009)

Randolph Roth's *American Homicide* is an impressive achievement, unmatched in the scale and scope of its account of changes in murder rates over time. In addition to his own research, Roth has gathered all the extant quantitative studies of murder in America, a rapidly growing field, into a single database. When appropriate, he uses foreign scholarship as well to venture into Western Europe, as far back as the Middle Ages: first, to establish a kind of baseline for rates on this side of the Atlantic; next, to show the state of homicide in whatever place successive waves of immigrants originated. This exploration, beginning with the Puritans, always promotes the comparison, contrasting, and testing of theses. And while the biggest of these theses, a macro-explanation of the social and political conditions that tend to make overall rates go up and down, is deeply unsatisfactory, the book's many virtues outweigh this flaw, however important. The first of these virtues is the sheer comprehensiveness of Roth's evidence for who did what to whom, when, how, and above all how often, plus the statistical ingenuity with which he compiles it. This is an enormous achievement. The key rates are traditionally expressed in terms of annual homicides per 100,000 persons, but for much of our history both numerator and denominator are hard to establish. Since the 1930s, the FBI has published reasonably accurate national figures derived from individual police departments, but local studies for earlier periods have struggled with both numerator and denominator. The best figure for "homicide" is a body count, used here, but when too often this is not available, scholars have used arrests, imprisonments, or indictments.<sup>1</sup> Until the U.S. census began in 1790, and in new or contested parts of what is now the United States, the denominator, too, is often no better than an educated guess. To further complicate matters, Roth himself, who is writing a separate book about child murder, prefers,

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<sup>1</sup> My own study, *ROGER LANE, VIOLENT DEATH IN THE CITY: SUICIDE, ACCIDENT, AND MURDER IN NINETEENTH-CENTURY PHILADELPHIA* (Ohio State Univ. Press 1999) (1979), used indictments, better sources being unavailable; among other weaknesses, my study cannot show murder-suicides, or those with no identifiable suspect. The "rate" thus obtained is notably smaller than for actual homicides. Better and fuller sources, as Roth's, allow more nuanced analyses than mine.

although not consistently, to use rates per 100,000 adults over fifteen years of age. (P. xv.)

Roth has searched harder, deeper, and wider than anyone for past victims of homicide, although until well into the Twentieth Century geographical coverage was necessarily a patchwork, dependent on those jurisdictions whose courthouses or other records have mostly survived fire, flood, neglect, or deliberate destruction. Most of the earlier quantitative studies, including my own, have concentrated on a few big cities, generally in the Nineteenth Century. But Roth and others working with him have managed not only to build on existing research, but to add enough of their own to present us with painstakingly created pictures of a number of representative places, ranging from Upper New England (his own specialty) through thirty-four selected counties in the mountain and plantation South, down to Florida, up to the rural Midwest, and on to California. The word “painstaking” is not used lightly: In many of these jurisdictions, in addition to the (relatively) easy numbers provided by officialdom, Roth has used “every scrap of paper”—diaries, letters, newspapers, local histories—to hunt for missing cases (p. xi–xii), using careful statistical techniques both to avoid overlap and to extrapolate missing numbers in the official series, even eliminating cases that on mature reflection were officially labeled homicide but seem in fact to have been accident or suicide. Full appendices on sources and methods, plus directions to the database, allow readers to crosscheck on their own. (P. xiv–xv.)

But even Roth’s unmatched work will not eliminate the “dark figure,” as scholars call the number of offenses that are wholly unknowable.<sup>2</sup> While murder is and was less likely to be ignored than lesser crimes, victims could be hard to find in wild or underpopulated places, and until well into the Twentieth Century, the trouble, expense, or embarrassment of a murder investigation could prompt local authorities to overlook or mislabel dubious cases.<sup>3</sup> There is reason to be skeptical of the figures Roth advances for black-on-black, as well as white-on-black, killings in the South. (Pp. 99–101, 411–14, *passim*.) Slaves, with no recourse to the formal justice system, often had to settle their quarrels physically. Even after the elimination of slavery, white officials could be indifferent, at best, to black victims, and during the antebellum years owners had economic incentive to cover up killings among their bondsmen—better not to hang the guilty party, which would leave little or no compensation for the loss, but rather to sell him “down the river,” to raw new lowland plantations, itself often a death sentence.

In fact, one of Roth’s major contributions is to call attention to some of the conditions in which accuracy is wholly impossible. One simple reason why earlier

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<sup>2</sup> See, e.g., Richard A. Leo & Jon B. Gould, *Studying Wrongful Convictions: Learning from Social Science*, 7 OHIO ST. J. CRIM. L. 7, 29 (2009).

<sup>3</sup> During five selected years in Nineteenth-Century Philadelphia, which yielded eighty-two murder indictments, there were ninety-two other incidents that the newspapers labeled suspicious, not counting patrons with skull fractures found to have “accidentally fallen” outside of saloons, or the scores, perhaps hundreds, of annual infant deaths that would today demand investigation. LANE, *supra* note 1, at 89–90.

quantitative studies of homicide have largely concentrated on the bigger cities of the Nineteenth Century is that these had relatively stable justice systems, and the kind of bureaucratic record-keeping that enables longitudinal histories over many decades.<sup>4</sup> But especially today, when the public associates violence with inner cities, the records of Nineteenth Century Philadelphia, Chicago, or New York leave a misleading impression about how murderous our history has been, their rates belonging at the least on the same scale as the current national average, which is close to six per 100,000 persons. In the past, rural places have usually been the most violent, especially when different races, nations, parties, and even individuals contested for land and supremacy. Roth reminds us of how many wars we have fought on what is now our own soil, and that quite apart from the official combatants, the cycle of provocation, violence, plunder, and revenge often preceded and outlasted their formal duration. (P. 37.) And so Roth estimates that for much of the founding Seventeenth Century, as French, Natives, Dutch, and English jostled each with and without official declarations, peacetime homicide rates could reach an astonishing 100 or even 500 per 100,000 adults. (P. 46.) Late in the following century, in parts of the new republic established by the American Revolution, the 1783 Treaty of Paris only settled the issues on paper. In the southern backcountry, unrepentant Tories and Patriots, Natives, and land grabbers battled each other through the 1790s and into the early 1800s, with murder rates “probably” reaching 200 or more. (P. 162.) A few decades later, in what is now the American Southwest, before the War with Mexico, tensions among Anglos, Hispanics, and Natives from Texas to California pushed their combined homicide rates “probably” above 100, and afterwards up to 250. (Pp. 234, 354.) Back east, rates soared, too, before the Civil War, a development Roth attributes mainly to political tension. During the war itself, in the southern Appalachians, where the Confederate government was weak, his 100–200 estimate for North Georgia, was dwarfed by an epic “at least” 600 on the upper Cumberland, along the Kentucky-Tennessee border. (P. 336.) Southern Reconstruction, after the war, was notorious for the violence used by defeated whites to restore or maintain racial dominance, while out on the plains, much of the fabled gunplay of Hollywood’s Wild West involved bitter ex-confederate outlaws confronting one-time union soldiers such as Bill Hickok and Wyatt Earp. (Pp. 382–83.)

At least as interesting as rates at the macro level is what Roth does at the micro, after establishing categories in terms both of apparent motive and relationship between killer and victim. Many observers have shown that almost always and everywhere homicide is a “guy thing,” as perhaps excepting

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<sup>4</sup> Among fine urban studies are: JEFFREY S. ADLER, *FIRST IN VIOLENCE, DEEPEST IN DIRT: HOMICIDE IN CHICAGO, 1875–1920* (2006); CLARE V. MCKANNA, JR., *HOMICIDE, RACE, AND JUSTICE IN THE AMERICAN WEST, 1880–1920* (1997); ERIC H. MONKKONEN, *MURDER IN NEW YORK CITY* (2001); KEVIN J. MULLEN, *DANGEROUS STRANGERS: MINORITY NEWCOMERS AND CRIMINAL VIOLENCE IN THE URBAN WEST, 1850–2000* (2005); and DENNIS C. ROUSEY, *POLICING THE SOUTHERN CITY: NEW ORLEANS, 1805–1889* (1996). The late Eric Monkkonen also compiled in 2005 a complete computer file in Los Angeles homicides, 1830–2001, which Roth has incorporated into his database.

neonaticide, men account for roughly 90% of perpetrators and 80% of victims. Roth, too, finds that most incidents resulted from fights involving male honor, usually among acquaintances, whether cards, words, or women furnished the proximate cause; property disputes, robbery, and sexual aggression round out the usual suspects. (P. 16.) And although far rarer than the killing of unrelated adults, homicide also occurred among relatives. (P. 138.) With a little extra dose of murder over property and inheritance among fathers and sons, or uncles and nephews, deadly quarrels among male relatives, whether blood, step, or in-law, were much like those among men in general (although sibling rivals for status or dominance were presumably less inclined to question each others' paternity, or their mothers' sexual preferences). But spousal killings, and those between real or hoped-for intimate partners, were another matter entirely. In general, Roth argues, the incidence of these killings went up or down for reasons independent of those that changed overall rates, and in tracing these over time he provides his readers with an often fascinating history of marriage and courtship. (Pp. 108–09, 251–52.)

During the colonial period, slaves outside of New England could not legally marry, and the records everywhere are too scarce and murky to allow much generalization. But, while observers were often shocked by both the casual nature and the violence of marriage among Native Americans, whose rates of both marital and "intimate" homicide were perhaps fifteen to twenty times the white average (p. 108), spousal abuse was endemic in their own communities. In its usual form, a husband's "correction" (beating) of a wife thought blameworthy was both socially and legally acceptable. (P. 110.) Still, despite the timeless quarrels over fidelity, drinking, children, money, and work, the death rate was then minimal, a generally accidental by-product of actions intended to punish rather than kill, for reasons based on the nature of contemporary marriage itself. (Pp. 251–52.)

During the Seventeenth and Eighteenth Centuries, Roth argues, spousal homicide was low across the whole of the Anglo-American world because of the economic, and to a lesser degree social, importance of family ties. (P. 109.) New Englanders, especially, wed as mature adults who knew what they were getting into, and although their unions were freely entered, not arranged by their parents, the emotional temper of their expectations was low. (Pp. 111–12.) Marriage was conceived as a contract, not least economically, and while the division of labor was clearly gendered, both partners, and often the wider network provided by their conjoined families, were essential to proper running of farm or shop. (P. 109.) Cruelty in itself was no ground for divorce, but abuse was generally kept within accepted bounds partly through intervention by family and partly, again especially in New England, by the wider community. (P. 120.) In the whole period up to 1800, only thirty-five spousal homicides appear, a rate "probably two or three times" as low as that in Mother England, in part because the hardships of the New World "seem" to have promoted even greater mutual dependence. (P. 109.) "Romance" killings between lovers, meanwhile, were as rare as romance itself. (P. 132.)

All of these conditions changed as the Eighteenth Century gave way to the Nineteenth. One of the factors that pushed up the murder rate among intimates was an increasing stress on love as the basis for marriage, and on the rights of women. (P. 281.) While other scholars have suggested these links, *American Homicide* extends and deepens them, providing nuanced and sometimes surprising insights. Cultural historians have measured the onset of the Romantic Era through, for example, the growing proportion of magazine stories and articles that stressed sentimental emotion as basis for attachment, the percentage growing from less than 20% between 1741 and 1794 to nearly 60% between 1795 and 1825. (Pp. 135 & 526 n.65.) And with a little lag, Roth adds his own quantitative measure, as beginning in the late 1820s murders of lovers or spouses, although still a small proportion of the total number of homicides, began to spurt upwards. In New Hampshire and Vermont, the number of homicides increased by a factor of five. (P. 250.)

Although the number of cases he can analyze in detail is limited, it is big enough to let Roth distinguish a variety of patterns that differ in often fascinating ways: not only romantic-versus-spousal murders, but several types of the latter, as they changed over time, among Northerners and Southerners, blacks and whites, Hispanics and Chinese, Catholic Irish and native-born Protestants, together with references to several European nations.

Romance murders were most common among educated urban Protestants in the North, the ones most sensitive to a changing cultural context. (P. 252.) Once imbued with the notion that there would be a unique “one and only,” would-be suitors found rejection intolerable. (P. 252.) And although fully aware that they could never get away with it—and in fact two-thirds of them in the North and Midwest committed suicide after the fact (p. 285)—they felt the need to kill the object of their obsessions. (P. 250.) A typically interesting side note is that once widely available, beginning in the 1840s, pistols were the overwhelming weapon of choice, apparently because the killers did not want to disfigure the beauty of their victims as with axe, knife or blunt instrument. (P. 252.) The relatively rare women (often prostitutes), on the other hand, who murdered or tried to murder men who had passed them over, tended to be less respectable than their male counterparts, and reacted not with suicidal melancholia but with fury; one has the feeling they might have used chain saws had they been invented. (P. 288.)

Husbands who killed wives, too, were generally lower on the social scale than romantic males, and reacting to somewhat different kinds of social change. (Pp. 256–57.) By the middle of the Nineteenth Century opportunities in mills, shops or schools gave women economic opportunities that they had earlier lacked, and both popular culture and the law increasingly turned against the notion of absolute patriarchal authority. At the same time, again especially among northern Protestants, there was a surge in religious enthusiasm which coupled with the temperance movement to raise the standards of wifely expectations; men were expected not merely to support their families but to behave respectably, feel and display sentimental emotion, and not least to limit their drinking. (Pp. 262 & 546

n.19.) Alcohol or other drugs have always figured in the majority of homicides, and husbands, feeling hemmed in by these new standards, sometimes struck back in murderous rage. Unlike the colonial patriarch who killed accidentally, as a beating got out of hand, such a man was defiantly unapologetic, having given the damn woman exactly what she deserved. (P. 256.)

Again and again, especially for the Colonial and early national periods, and in northern New England and the rural Midwest, the times and places where Roth has done the most original research, *American Homicide* is full of material that is new even to scholars in the field, with insights that range from the suggestive to the convincing, and small historical vignettes illustrated by representative cases.

But it ends with an anti-climax. The final chronological chapter, covering the near-century from World War I to the present, runs fewer than forty pages out of a 655-page book. The reason given is curious: The official data, which become fully available at state and national levels only for this period, “cannot be used to determine rates for specific kinds of homicides, like marital or robbery murders, or rates for specific demographic groups.” (P. 435.) In the first place, this is simply not true of the FBI’s annually published *Crime in the United States*, dating from the 1930s, which has provided increasingly detailed breakdowns by category. Recent editions allow for extraordinarily complex analyses, reporting killings listed by the age, sex, and race of both victims and offenders, the relationship among them when known, the weapons used and apparent motive, and those killings committed in the course of other felonies (including robbery, rape, burglary, and many other offenses). As an example, for 2008, the line for “Child Murdered by Babysitter” counts fifty-one victims in 2008—forty-one of the killers are listed as acquaintances, five family, two friends, and three of unknown relationship.<sup>5</sup> In the second place, except for trial transcripts, the official data Roth uses do not yield detailed information in themselves: he, as others before him, must work to get it, using newspapers and other sources far more available for the Twentieth Century than for earlier periods. And there is no reason why sample jurisdictions cannot be mined in the same way that he uses, for example, Ross County and Holmes County in Ohio, from 1798–1900. (P. 163 and *passim*.) Perhaps a better explanation for why Roth slights recent experience is that it poses obvious challenges to his overall thesis, or theses, the most disappointing aspect of his book.

Although it has little to say about either the changing legal context of homicide or of popular attitudes towards it, *American Homicide* is rich in political and economic data. Both are central, Roth claims, to the four conditions whose presence raises, or absence lowers, the homicide rate, anywhere or anytime. (P. 18.) The first three conditions are closely related; indeed the first two virtually indistinguishable. They are: (1) a belief that government is stable, its institutions

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<sup>5</sup> FED. BUREAU OF INVESTIGATION, *Crime in the United States, 2008: Murder Circumstances by Relationship* (Sept. 2009), [http://www2.fbi.gov/ucr/cius2008/offenses/expanded\\_information/data/shrtable\\_10.html](http://www2.fbi.gov/ucr/cius2008/offenses/expanded_information/data/shrtable_10.html).

both unbiased and strong enough to protect life and property; (2) trust in government and its officials; and (3) patriotism, empathy, and fellow feeling arising from racial, religious, or political solidarity. The fourth condition—a belief in the legitimacy of the social hierarchy (which he defines largely in economic terms), and that one’s social position is or can be satisfactory to oneself and respected by others without resort to violence—is a little different, but this condition clearly overlaps belief/trust in government, as part of and guarantor of “social hierarchy.” (Pp. 17–18.) But, more significantly, all of the conditions Roth lists are questionable, especially to those seeking guidance or expertise about our current situation or recent history. At one extreme, they are too obvious to be of much use; at the other end, they present enormous problems of definition and evidence. Although Roth claims universal validity for all four, occasionally citing evidence from other countries, I will not speculate, say, about what, by his indices, must have been astronomical rates among Russian Jews under the Czars; rather, I will confine my critique to American History.

The “obvious” charge certainly applies to those times and places (as examples: the early Seventeenth Century, the mid-Nineteenth Century Southwest, and parts of the South in the era surrounding the Civil War) where government was so minimal or contested by antagonistic groups that law and order broke down, grossly violating conditions (1) and (2), and leading to off-the-chart rates of homicide. The problems of definition and evidence, in contrast, apply to the whole of our history, and the entire book.

With establishment of a new nation in 1789, Roth attempts to measure conditions (1), (2), and to a lesser extent (3), usually with reference to attitudes towards the federal government. (Pp. 20–21.) Before the Gallup Poll, first published in 1935, his estimates are based on such ingenious indices as the number of new counties named after national heroes during a given period, or on standard political history, positing low trust, for example, during the stormy decade preceding the Civil War. (P. 306.) And although he finds them basically irrelevant to homicide rates among intimates, as described above, he insists, repeatedly, that attitudes towards the federal government affected the far larger category of rates among unrelated adults. Although “[m]ost of these murderers were unaware that their behavior had any connection with political conflict,” Roth manages to make the connection, whether the apparent or proximate cause was a robbery, rape, or barroom brawl. (P. 312.) Problems abound.

In the first place, murderers were typically poor or marginal males, often illiterate or ill-informed, and, yes, perhaps alienated. But given the remoteness, and the limited role, of the national government during most of our history, to the degree that such men may have been hostile to or even aware of government, it was surely the county courts, or perhaps the state, that inspired their sullen resentment. Roth pays little attention to state government, except in the post-bellum South, and none whatsoever to the counties. It strains credulity to imagine that tariff policy, say, was on the minds of the participants in the typical saloon fight. The problem of information is especially acute as applied to slaves, even

apart from the perhaps questionable figures regarding black homicides, as suggested above. These were people deliberately isolated from news outside the plantation, yet Roth attributes variations in their intra-racial murder rates in the decades after the American Revolution to hopes (killings down) and disappointments (killings up), regarding the always faint possibility of emancipation through federal action. (Pp. 177, 182.)

Again with blacks as one among several possible examples, *American Homicide* offers different and even opposite explanations for the same kind of trend. Thus, in the South during the 1890s and early 1900s, a rising homicide rate among African Americans is attributed to the "hopelessness and rage" caused by white political oppression. (P. 434.) Three generations later, it was the lifting of that oppression, through passage of the Voting Rights Act of 1865, that supposedly "made the inequality that remained all the more intolerable," leading to another rise in violence. (P. 456.)

The very diversity of the American population, of which Roth continually and rightly reminds us, further undermines his theses. That is, different and often hostile groups may have diametrically opposite views of government, at different levels, making it hard to establish an overall index for the nation as a whole. As an example, white southerners after the Civil War were generally opposed to federal policy, their attitudes towards state and county differing from place to place, depending on who was in charge. (Pp. 386–87.) The only possible generalization is that their politics were typically the mirror image of those of the local blacks.

A parallel problem dogs condition (3): "fellow feeling" seems hard to establish across group lines, and Roth makes it clear that it is strongest when the group is threatened by, or in conflict with, others. He writes: "Nothing depresses homicide rates more effectively than a race war (for the winning side, at least)." (P. 469.) After King Phillip's War in colonial Massachusetts, the best and perhaps only other full-blown example is the Mexican War, officially 1846–48, but in effect lasting much longer as Anglos, Hispanics, and Native Americans continued to battle over land and power. (P. 357.) In California, rather unusually, more than half of all mid-Nineteenth Century homicides occurred across racial lines. (Pp. 369–70.) Yet despite constant threats from the outside, "[t]here was little solidarity within any racial group," as intra-racial rates were also high. (P. 370.) The same was true a little later in Arizona, where an "us-versus-them mentality" did nothing to prevent soaring intra-group killings. (P. 404.) And the Nineteenth Century Southwest is hardly unique: In what seems a direct contradiction of his own thesis, Roth notes, oddly, that all across the country Anglos killed each other, and still do, "[w]herever they held narrower majorities and were less firmly in control." (Pp. 407–08, 445.)

The last proposition, that belief in the legitimacy of the social hierarchy is a factor tending towards homicidal behavior, is more promising. (P. 469.) In practice, Roth infers its rises and falls from the ease or difficulty of an individual's ability to move up economically, or at least to find a secure and respected place among the rungs of the fabled American Ladder of Success. This is a more



sophisticated variant of the old, too simple, and often discredited notion that poverty, or bad times, are in themselves root causes of violence. Roth is convincing when he points out that in the increasingly violent 1830s, 40s, and 50s, although incomes were generally rising, it was growing harder for wage earners to achieve independent ownership of shops, farms, or businesses, long the American ideal, thus contributing to widespread alienation. (P. 261.) And later in the Nineteenth Century, although the hope of ownership was still in retreat, homicide rates generally declined somewhat, the result of more favorable attitudes towards wage labor, as terms of self-esteem such as hard work and respectability became functional substitutes for economic independence. (Pp. 390 & 575 n.10.)

The key period in the rise of American homicide rates, all observers have found, was indeed the 1840s and 50s, when the United States, which had had among the lowest murder rates in the western world, suddenly emerged as number one in that respect, and has stayed there ever since. (P. 180.) This unfortunate pre-eminence, in keeping with Roth's stress on the primacy of political attitudes, is attributed to the alleged fact that our country is "the only major Western country that failed at nation-building," a proposition that would astonish many historians on both sides of the water. (P. 384.) Indeed, he avers that "national feeling and the empathy, trust, and goodwill that flow from it," have never recovered from the Civil War, "except for a brief period during World War II and the Cold War." (P. 386.)

One ill-effect of this insistence on his own theses is that Roth systematically slights the conventional wisdom, always of course a legitimate target, but often the best explanation available. With respect to the 1840s and 50s, for example, prior historians,<sup>6</sup> while noting political tensions, have stressed two other factors, especially in fast growing preindustrial cities. One is Samuel Colt's invention of the pocket revolver: small, cheap, easily hidden on the person, with the potential to turn any drunken shoving match into an instant fatality. (P. 252.) The other, compounding factor, is the arrival of hundreds of thousands of desperate Irish refugees from famine (my people), with a long history of drunken recreational violence. (P. 84.) With factories still located out by rural waterfalls, there was little market for unskilled urban labor, and many immigrants joined violent street gangs that delighted in their newfound firepower, helping make this the heyday of urban riot. While Roth places some blame on the Irish, he still claims that North-South political tension was the key, while handguns, the most obvious suspects in the differing paths taken by America and Europe then (and later), are treated as merely incidental—"as much a response to the rise in homicide rates as a cause." (Pp. 315 & 560 n.35.)

On the other side of the Civil War, as rates moved down in the North, other historians have pointed to an expanded police, and more importantly the new jobs opened by factory and bureaucracy, which complemented a growing school system

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<sup>6</sup> ROGER LANE, *MURDER IN AMERICA: A HISTORY* (1997) summarizes my own and others' work on this period in Chapter 4, especially pages 109–11.

in regimenting new generations, demanding that they sober up, cooperate, and sublimate their aggressive impulses—developments further aided by the proliferation of ball-clubs, prize fighting, amusement parks, and other means of absorbing young male energies.<sup>7</sup> *American Homicide* explicitly denies these suggestions when not ignoring them, but does credit the fact that the Wild Irish “were gradually assimilated into society” by the 1880s and 90s, nine-tenths of them having moved out of unskilled labor, with their murder rates down dramatically. (Pp. 389–91.) He does not explain how this happened, but it was surely not a matter of national politics; as a group, Irish Catholics remained Democrats in an era of Republican ascendancy. (P. 198.) Perhaps parochial and public schooling, factories, and bureaucracy contributed after all, together with skating rinks, ice cream parlors, and the likes of John L. Sullivan and John McGraw as exemplars of disciplined rather than uncontrolled aggression.

For most readers, more familiar with the late Twentieth and early Twenty-First Centuries than with earlier times, the weaknesses of *American Homicide* will be most apparent towards the end of the last and least of its chronological chapters. Here, as elsewhere, the privileging of political attitudes as central explanation for changing levels of homicide leads Roth either to downplay other explanations or to offer debatable interpretations of political history itself. Thus a rise in urban homicides during the 1920s is attributed to a number of factors (pp. 461 & 586 n.51), not including national prohibition (the name Al Capone is notably absent); nor does Roth mention such technical aids as the explosion in automobile traffic, which in the form of getaway cars greatly enhanced robbery-murders, especially in combination with Tommy guns. Rates fell during Roosevelt’s New Deal, arguably a time, despite much controversy, of relative consensus about the effectiveness of national policy. (Pp. 450–51.) And for much of the period between World War II and the end of the Cold War, normal rates settled into the single digits, low by historic standards—perhaps the result, as Roth has it, of the patriotism and fellow feeling generated by these external threats. (P. 448.) Double-digit homicide rates were, however, occasionally reached, according to the Bureau of Vital Statistics, as in 1973–74 (Nixon), and 1979–82 (Carter and Early Reagan). (Pp. 462–64.) Following a drop, then another surge in the late 1980s, the modern record was set in 1991–92, which did indeed correlate with the end of the Cold War.<sup>8</sup> (Pp. 464–66.) Many observers, however, credit both this final surge and peak to the fad for crack cocaine, a drug doubly dangerous: its pharmacological effect on the aggressive impulse is worse than alcohol (the traditional villain) and its ease of distribution makes for continual contests on inner-city street corners—worse, again, than alcohol under National Prohibition. In the chapter, Roth devotes less

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<sup>7</sup> *Id.* at 181–88 (summarizing my and others’ work on this period for the later Nineteenth Century).

<sup>8</sup> For figures from the Bureau of Vital Statistics, see *id.* at 308. These are slightly higher figures than those found in the FBI’s annual *Crime in the United States* publication for reasons of definition, thus further complicating the compilation of accurate homicide statistics.

than a single sentence to crack, instead citing disenchantment with the political revolution led by President Ronald Reagan. (P. 466.) Despite this alleged disenchantment, however, Reagan was successfully able to pass the office on to his Vice-President, George H.W. Bush, whose own term was never more popular than during the First Gulf War of 1990–91—that is, just at the peak for homicide rates. (P. 466.)

The thesis grows even more untenable during the past twenty years. Rates dropped rapidly down into the range of five to six annual homicides per 100,000 persons early in the 1990s, and have stayed there since. No one has satisfactorily explained just why this is so, although surely the ebbing of the crack epidemic had something to do with it, as even young inner-city dealers were likely appalled by the wasted, drooling addicts they had helped to create. But, just as surely, neither the fall nor the relatively low flat-line since can be explained in terms of favorable attitudes towards the national government. Bill Clinton, elected by a minority of voters, was impeached by the Congress of the United States, the only President in over a century to achieve either of these negative distinctions. George W. Bush, his successor, was also elected by a minority of voters, under far more controversial conditions. And if the attacks of September 11, 2001, should have united Americans in patriotism and fellow feeling, the effect was notably unreflected in homicide rates, and remarkably short-lived. Even Bush's few remaining partisans would not claim that his time in office, which sparked a partisan bitterness unseen for generations, was distinguished by trust in the legitimacy or effectiveness of the federal government.

Finally, it is Roth's misfortune to have finished his chronological narrative in 2006, although he added a few hopeful words two years later: "It is . . . a good sign that most of the leading candidates in the American elections of 2008 recognized that divisive rhetoric is capable of inciting violence and deliberately stepped back from the worst excesses of partisanship." (P. 474.)<sup>9</sup> During 2009, a year marked by truly unprecedented political anger and mistrust, compounded by the second-worst depression in our history, when not only faith in government but in the American ladder of opportunity surely reached lows not seen in generations, the FBI's *Uniform Crime Reports* tell us that the national murder rate, having *dropped* by 1.7% and 4.2% during the last two, especially unpopular years of the Bush Presidency, plunged a truly astonishing 7.1% during the first year of Barack Obama's.<sup>10</sup> Roth could not have foreseen this; few of us did. But few of us have offered such sweeping explanations for the rises and falls of homicide rates.

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<sup>9</sup> Roth's "most of" construction presumably is meant to exclude Sarah Palin.

<sup>10</sup> FED. BUREAU OF INVESTIGATION, *Crime in the United States, 2007: Crime Trends by Population Group* (Sept. 2008), [http://www2.fbi.gov/ucr/cius2007/data/table\\_12.html](http://www2.fbi.gov/ucr/cius2007/data/table_12.html); FED. BUREAU OF INVESTIGATION, *Crime in the United States, 2008: Crime Trends by Population Group* (Sept. 2009), [http://www2.fbi.gov/ucr/cius2008/data/table\\_12.html](http://www2.fbi.gov/ucr/cius2008/data/table_12.html); FED. BUREAU OF INVESTIGATION, *Crime in the United States, 2009: Crime Trends by Population Group* (Sept. 2010), [http://www2.fbi.gov/ucr/cius2009/data/table\\_12.html](http://www2.fbi.gov/ucr/cius2009/data/table_12.html).

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This review will not end on so down a note. *American Homicide* remains a remarkable achievement. The failure of its overall thesis should not obscure the rest of its contributions. And if the thesis is a failure, it is a noble failure, the result of an attempt far more ambitious than any American has ever dared. This is, after all, an effort to advance general rules for the direction and incidence of homicide not only for this country but for the Western World in general, beginning well before the settlement of British North America.

My own synthesis of original data and others' scholarship did no more than to try to explain why our murder rates have been higher historically than those of most advanced nations, finding slavery at the root of that touchiness about personal respect or male "honor," which has led us into an often deadly tendency both to fight on slight provocation and to tolerate (even honor) those who do. Like most in the field, I tried no more than, at best, to interpret the fluctuations of a single jurisdiction, and/or for a few decades of our national history, using multiple explanations as seemed appropriate for the specific venue and period under study.<sup>11</sup>

This grudging acceptance that much about murder remains mysterious contrasts strongly with Roth's single set of keys to why rates have gone up and down in different times and places. Some European historians, indeed, have followed Norbert Elias, writing back in the 1930s, who professed to see a continual process of "civilization," which with inevitable zigs and zags has broadly pushed down murder rates from the Twelfth Century down to modern times.<sup>12</sup> Roth, taking careful account of improvements in medical care—which in the Twentieth Century tended to pull significant number of cases back from death, thus transforming homicides into assaults—quietly destroys this rival thesis, showing modern rates as high as those of the Middle Ages. (P. 12.)

And readers may find in his figures a reminder that our homicide problem, however fearsome it seems to us now, has generally flattened out since the late Nineteenth Century at rates far smaller than in the past; as a single example, the largely white Mountain South of the 1870s was perhaps ten times more murderous than today's cities, such as Oakland, Chicago, or New Orleans, which are filled with desperate minority populations. And if, finally, we are more violent than our peers and rivals in Western Europe and the Far East, we still average fewer than the planetary average as of late in the Twentieth Century: 6.9 homicides domestically versus 8.8 homicides globally per 100,000 persons annually, even

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<sup>11</sup> See generally LANE, *supra* note 1; LANE, *supra* note 6.

<sup>12</sup> The first English translation of Elias's work was made decades after its original German publication in 1939. See NORBERT ELIAS, *POWER & CIVILITY: THE CIVILIZING PROCESS: VOLUME II* (Edmund Jephcott trans., 1982). His thesis has most recently been taken up by PIETER SPIERENBURG, *A HISTORY OF MURDER: PERSONAL VIOLENCE IN EUROPE FROM THE MIDDLE AGES TO THE PRESENT* (2008).

according to the perhaps suspect estimates supplied by the World Health Organization. (P. 7.)

Historical perspective is no small gift.

