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## FATHER IN JAIL

David C. Baldus\*†

MAKING FATHERS PAY: THE ENFORCEMENT OF CHILD SUPPORT. By *David L. Chambers*. With Methodological Appendix by *Terry K. Adams*. Chicago: University of Chicago Press. 1979. Pp. xiv, 365. \$22.50.

*Making Fathers Pay: The Enforcement of Child Support* addresses what many observers consider a national scandal — the failure of divorced fathers to support their children even when under a court order to do so.<sup>1</sup> Conventional wisdom holds that most divorced fathers pay little or nothing after the first few years of divorce, and they get away with it;<sup>2</sup> the children and their mother suffer a serious loss of income and the taxpayers are left to pick up the tab through the welfare system. Like much conventional wisdom, this picture contains an element of truth. In most states, divorced fathers probably pay less than one third of what they owe as a group, and over half of them pay nothing.<sup>3</sup> To compensate for the loss of income resulting from divorce, most wives seek employment or remarriage, but for those who fail, welfare is often the only option.<sup>4</sup>

Would this problem go away if divorced fathers paid what they owe? Professor Chambers says no. In a provocative analysis, he demonstrates that even if fathers paid everything they owe, most di-

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† I am grateful for the comments and criticisms of Ronald J. Allen, James W. Cole, Thomas F. Pogne, and Charles A. Pulaski, Jr., who read an earlier draft of this review.

1. The author, David L. Chambers, is a Professor of Law at The University of Michigan Law School. During the project, two "research associates" with "experience in the techniques of social science research and with knowledge of computer programming" (p. xii) worked with Chambers and obviously played a significant role in the data analysis. The methodological appendix was written by Terry K. Adams, Chambers's research associate from 1972-1974.

2. Throughout the book, Chambers refers to the parent with custody of the children as the "mother" and the noncustodial parent as the "father." He clearly recognizes that the "custodial" roles of men and women will be reversed with increasing frequency in future years. His random sampling in the two counties studied most closely, however, unearthed no noncustodial mothers.

3. Little hard data are available on the rates at which fathers pay nationwide. A 1975 nationwide sample indicated that about 60% pay nothing, ranging from over 80% in the low income groups to about 45% in the higher income categories. See J. CASSETTY, CHILD SUPPORT AND PUBLIC POLICY 65 (1978).

4. In Genesee County, the Michigan county Chambers studied most intensively, 30% of the mothers in the sample were on welfare at some time during the period covered by his study (p. 60).

vorced women with dependent children would still need a substantial income supplement to maintain their pre-divorce standard of living, and many would still need welfare. The reason is that after divorce, the typical mother needs 80% of her pre-divorce total income to maintain her pre-divorce standard of living. Yet the courts generally require divorced fathers to pay no more than 40% of their net pay in child support.<sup>5</sup> Thus a policy that ensured full payment from all employed fathers (such as the mandatory wage assignment law proposed by Chambers) would not eliminate divorced mothers' need for more income.

Although the private activities of remarriage and employment are clearly the most attractive ways to restore the divorced mother's standard of living, two public policies could ameliorate her plight. The first would be to encourage higher awards against divorced fathers. Chambers gives this possibility only summary consideration, apparently because of the strong consensus that divorced fathers should be required to pay no more than 30% to 40% of their net income.<sup>6</sup> The second, more feasible approach is to make fathers pay more of what they owe. The purpose of Chambers's book is to examine the relative effectiveness of various means, especially jail, of achieving the latter objective. The book's main argument is that even though the extensive use of jail makes divorced fathers pay more than they would otherwise, the approach is ultimately less effective than less coercive alternatives, particularly the mandatory wage assignment. If jail must be used, then Chambers argues that the two best ways to ensure high payment rates are (a) to maintain a high jailing rate, and (b) to maintain a "self-starting" enforcement system that initiates action against delinquent fathers in nonwelfare cases without waiting for the mother's complaints of nonpayment. He further argues that long jail terms should be avoided because they do not affect general or specific deterrence, and that prosecutors and sentencing judges should develop consistent charging and sentencing standards that take into account the father's ability to pay.

Chambers's argument is based primarily on evidence from Michigan. Since 1917, each Michigan county has maintained a publicly-supported collection system — the Friend of the Court — which pursues delinquent fathers, whether or not their ex-wives are on welfare. The organization and intensity of the enforcement effort varies significantly among counties, but throughout Michigan seriously delinquent fathers are frequently jailed for substantial lengths of time. For example, in Genesee County, 14% of the 411 men in his sample

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5. In Michigan, alimony was almost never included in final divorce orders (p. 287).

6. This pattern appears to hold not only in the United States but also in Western Europe and Russia (p. 270).

received jail sentences for nonpayment at one time or another.<sup>7</sup> Michigan courts also make frequent use of less coercive measures, such as warning letters, mandatory wage assignments, judicial reprimands, and probation.

A study of child support in Michigan is important because it is probably the most coercive system in the United States used against fathers whose children are not receiving welfare. In most other states, such fathers never face the sanctions with real bite — wage assignment and jail.<sup>8</sup> Michigan, therefore, stands as a natural experiment from which other states can estimate the likely results if they were to adopt similar systems in their jurisdictions. The book is also important for what it tells us about deterrence. The results show that jail has substantial deterrent value and lead the reader to ask why this sanction is so much more effective than the sanctions used in other areas of criminal law enforcement.

What distinguishes this book from most policy-oriented studies by law professors is its empirical methodology. To be sure, *Making Fathers Pay* is riddled with value judgments, and they are essential to the final argument. The major factual contentions of the book, however, are based (a) on statistical analyses of data obtained from files in the offices of the Friend of the Court throughout Michigan, and (b) to a lesser extent, on interviews with fathers and ex-wives and their families, Friend of the Court personnel, judges, and jail keepers. The inquiry was massive (over 17 data sets based on over 13,000 case files), creatively designed, and meticulously executed, with careful attention to the nuances of the data and their meaning. In general, Chambers presents his results clearly and objectively, and maintains high reader interest by skillfully integrating statistical, survey, and anecdotal evidence. Of particular interest is the case study of Jerry Neal, a hapless father, who was jailed three times over a ten-year period. Neal's reactions to his personal predicament and his scrapes with the Friend of the Court personnel flesh out the statistics and buoy the reader's interest when the numbers start to weigh heavily. Chambers also heightens interest by frequently interjecting his judgments about the fairness and efficiency of the practices he describes. The study took seven years to complete and makes a major contribution to the literature on deterrence, family law, and welfare law. For an "amateur in [the] sophisticated field" of empirical research, as Chambers characterizes himself (p. xii), it is quite an accomplishment.

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7. The ground for the sentence is contempt of court. Although a jail term of up to one year is always a possible sanction, the proceeding is "civil" and most criminal due process protections do not apply.

8. In recent years, as a result of federal legislation, fathers of children on welfare have been subjected to more vigorous enforcement efforts, but rarely to threats of jail.

*Making Fathers Pay* develops far too many interesting arguments for me to consider in this review.<sup>9</sup> In the remaining pages, I intend to evaluate what I consider the most important factual contentions in the book. My critique is primarily methodological, with an eye to the strengths and weaknesses of the major quantitative analyses and to the limitations imposed by the available data.

I. JAIL AS A GENERAL DETERRENT

The study raises two questions about general deterrence.<sup>10</sup> First, in a jurisdiction that uses jail, what are the marginal effects of self-starting versus non-self-starting systems, different jailing rates, and different sentence lengths? Second, what changes in average payment rates could be expected if a jurisdiction that did not use jail were to adopt a non-self-starting, low-jailing enforcement system, similar to the least coercive of those in use in Michigan? For both questions the key outcome is payment rate — the proportion that fathers pay of what they owe.

The first analysis, designed to show the marginal effects of alternative enforcement strategies, is well controlled and based on good sample sizes. The data set was constructed from 28 random samples (with an average of 430 divorced fathers in each), drawn from 28 of Michigan's 83 counties (pp. 304-05). From the individual case files, Chambers calculated average payment rates for each county. He then performed a statistical analysis to examine the extent to which a variety of law enforcement, demographic, and socioeconomic variables explained intercounty variations in payment rates, which ranged from .87 to .45. The most instructive evidence is the following regression analysis, whose three factors explained approximately 75% of the payment rate differences among the Michigan counties.<sup>11</sup>

	Regression Coefficient	Beta Weight	Significance Level
<i>High-Jail/Self-Start Factor</i> — a binary variable that treated counties that were both high-jailing (a jailing rate of four or more per 10,000 persons in the county population) and self-starting as "1" and all other counties as "0."	14.8	+.64	.01
<i>County Population</i> — The log <sub>10</sub> of the county's 1979 population.	-10.8	-.47	.01
<i>Unemployment Rate, 1970</i>	- 2.65	-.22	.05

9. Of particular note are the discussions of the types of marriages that end in divorce, the reasons for seeking divorce, the economic consequences of divorce, and the reasons why some fathers pay more than others within a given county.

10. The theory of general deterrence is that the risk of arrest and punishment discourages potential offenders from committing crimes.

11. The negative signs in front of the regression coefficients and Beta Weights for "County Population" and "Unemployment Rate 1970" indicate a negative correlation between these

The regression coefficient for the "High-Jail/Self-Start Factor" indicates that, if the other two factors in the model are held constant, then self-starting, high-jailing counties have on the average a 14.8-point higher collection rate than all other counties. The coefficients also indicate that payment rates are higher in smaller counties (where the divorced fathers are better known to the enforcement personnel) and in counties with low unemployment rates. These findings are particularly interesting when read together with another analysis that suggests that neither an increase in the jailing rate nor the adoption of a self-starting policy alone has a significant impact on payment rates (p.91 & n.\*). Only when a high jailing rate is combined with the self-starting system is a real difference observed.

Interpretation of the regression results would have been facilitated, however, by a report of the confidence intervals about the crucial coefficients, or at least their standard errors.<sup>12</sup> The reported tests of statistical significance give us assurance that self-starting, high-jailing counties collect more than other counties. Without further calculations, however, they do not tell us the range of possible error in the reported coefficients. Does the estimated 14.8-point difference in payment rates fall within a 13-to-17 point range or within a 5-to-25 point range?

Chambers's study also includes more finely grained evidence of jail's deterrent effect. The research designs are imaginative, and the results largely eliminate the nagging possibility that socioeconomic or demographic variables not included in the regression model, rather than differences in enforcement policies, explain the differences in payment rates. One analysis defines subgroups of fathers in terms of factors that tend to influence payment rates (*e.g.*, the father's occupation, his attitude toward reconciliation, and the number of children). It then compares the payment rates of a subgroup of fathers in a high-jailing, self-starting county (Genesee) with the results for an identical subgroup of fathers in a low-jailing, non-self-starting county (Washtenaw). The payment rates are uniformly 20-25 points higher in Genesee, the high-jailing, self-starting county (p. 119). Another interesting analysis compares the lifetime payment rates of fathers in Genesee and Washtenaw Counties who were never arrested or brought before a judge. Payment rates in Genesee averaged about 20 points higher across the major occupational groups (pp. 158-60, 336, Table 7S).

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variables and county payment rate. A "Beta Weight" is a standardized regression coefficient that measures the relative importance of the variable in predicting payment rates. Because the magnitudes of regression coefficients depend on the measurement scale of independent variables, they cannot be compared like Beta Weights.

12. A confidence interval is a range of values for an estimated characteristic (such as the difference between payment rates in high-jailing, self-starting counties and other counties) that appears plausible in view of the evidence.

Chambers also tested the hypothesis that the length of the sentence (as distinguished from the probability that some sentence will be imposed) affects payment rates. A simple correlation analysis showed no association between county payment rates and average lengths of imposed sentences (p. 238). Chambers then used a multiple regression analysis that sought to explain payment rates with an index created by multiplying the rate of jailing in each county by the average length of the sentences imposed (pp. 239-40). This index was even less valuable in explaining variations in county collections than the jailing rate alone, apparently because judges in most high-jailing, high-collection counties used very short sentences (pp. 95, 240). The only problem with these analyses is that Chambers states just his conclusions. He reports none of the underlying data or coefficients. Without more information, it is impossible to evaluate definitively Chambers's assertion that imposed sentence length does not affect payment rates.

The second interesting general deterrence question concerns the change in payment rates one should expect if a no-jail jurisdiction outside of Michigan adopted a Friend of the Court system and applied a non-self-starting, low-jailing policy. The book does not directly address this issue, but it does provide some basis for a prediction. The most relevant evidence comes from a detailed comparison of payment rates in Genesee County, Michigan (a self-starting, high-jailing jurisdiction), with payment rates in Dane County, Wisconsin, where jail was used heavily against fathers with children on welfare but not at all against other fathers. Dane County's proceedings on behalf of welfare families were criminal actions initiated by the prosecutor's office. Nonwelfare families, who probably constituted a large percentage of those receiving child support, received no public collection assistance and had to rely exclusively on some private enforcement mechanism, typically a lawyer (pp. 97-98). The variation in payment rates between the two counties was significant. In the first year after divorce, the proportion of fathers paying 10% or less of what they owed was more than two times higher in Dane County (42% v. 16%). And by the sixth year after divorce, the gap in favor of the Michigan county had grown to 47 points (71% v. 24%) (p. 77).

On the basis of this comparison and the study of payment rates within Michigan, Chambers concludes:

Had Dane been a Michigan county with a Friend of the Court and with the same population and the same rate of unemployment it had in 1970, our study suggests that, even if it had been a low-jailing, non-self-starting county, it would probably have collected over 60 percent of all that was ordered (not the 30 percent it in fact received in an average year) [P. 98].

Chambers's caution — "our study suggests" — is well placed, for

this analysis does have limitations. It is only a two-county comparison; Dane, the Wisconsin county, was used in the comparison solely because it had been the subject of an earlier study, and good data were available on it. We have no idea whether it is representative of other Wisconsin counties. Nor do we know, again for lack of data, the range of payments among Wisconsin counties or how well Dane County fathers pay in contrast to fathers in other Wisconsin counties. Except for the unemployment rate, which was no higher in Dane than in Genesee county, we do not have much idea about how similar Dane and Genesee counties are with respect to other nonlegal factors that may have influenced payment rates.<sup>13</sup>

Thus qualified, however, the conclusion is strongly supported by other evidence. Even the lowest-paying Michigan county exceeded the Dane payment rate by 15 percentage points (.45 Mich. v. .30 Dane), and the median Michigan county exceeded Dane County by 35 points (.65 Michigan v. .30 Dane) (p. 316). Moreover, the Michigan counties least likely to have good payment rates (large, low-jailing, non-self-starting) had a 27-point better record (.57 Michigan v. .30 Dane). On balance, therefore, Chambers's 30-point prediction appears quite plausible, although we would be more confident if further comparisons had been made with jurisdictions outside Michigan.<sup>14</sup> Moreover, because Dane County did use jail against fathers with children on welfare, we could reasonably expect the introduction of a non-self-starting, low-jailing system into a jurisdiction where jail was never used at all to produce more than a 30-percentage-point improvement in payment rate.<sup>15</sup>

## II. JAIL AS A SPECIFIC DETERRENT

Specific deterrence concerns the impact of jail on the payment behavior of the particular men who are jailed. To what degree did they make lump-sum payments to buy their freedom, and how well did they pay after their release from jail?<sup>16</sup> The book argues that, in general, fathers sent to jail pay more than those who are not, but that

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13. The book states merely that fathers in the Wisconsin county were "reasonably well-off, largely white-collar, with [child support] orders no higher in relation to earnings than is the case elsewhere in the country" (p. 72).

14. Data for such a comparison are unavailable.

15. The prediction assumes, of course, that other factors affecting payment rates will be substantially equal. In Dane County, the .30 payment rate reflects the impact of the County's policy of jailing fathers of children on welfare. It probably increased the payments of fathers with children on welfare and may also have had a spillover deterrent effect on fathers whose children were not on welfare.

16. The theory of specific deterrence is that future unlawful behavior by individual offenders is suppressed through their experience of arrest, conviction, and incarceration. Normally the concept would not embrace offender behavior undertaken to reduce the severity of punishment, as is the case when jailed fathers pay lump sums to obtain their freedom.



long jail sentences make fathers pay no more than do shorter sentences.

To support the first argument, Chambers describes in detail the payment behavior of a two-county sample of fathers who were sentenced to jail. The jail sentence is nominally imposed for contempt of court, and thus the judge often cancels it if the father makes a substantial lump sum payment. Responding to this pressure, more than half the jailed men bought their freedom with lump-sum payments, and their post-release payment rates were .53 and .33 in the two counties (pp. 218, 222).<sup>17</sup> Those unable to purchase their release with a lump-sum payment served average terms of about 150 days and 85 days in the two counties. Since jail sentences are imposed only on seriously delinquent fathers who are likely to remain delinquent, it seems that jail encouraged the men to pay. But how would they have performed if, instead of jail, they had received some lesser sanction? The following table from the book gives some idea. It compares the ways seriously delinquent fathers responded to four sanctions: (a) a warning letter, (b) a wage assignment, (c) a judicial reprimand or probation, and (d) jail. In terms of total response (measured in weeks of post-sanction payment) delinquent fathers respond much more positively to jail than to warning letters (31 weeks v. 9 weeks) and to reprimands and probation (31 weeks v. 12 weeks). Fathers given wage assignments, however, do better than jailed fathers. But since, by definition, wage assignments can only be imposed on men who are employed, the causal factors could well be socioeconomic, attitudinal, or personal traits that are also correlated with the sanctions imposed. No theory, however, suggests itself to support this possibility. On the contrary, it appears quite reasonable to assume that the most important nonenforcement characteristics influencing payment rates are randomly distributed among the four different groups of sanctioned men.

The evidence that the length of sentence does not affect payment rates is also persuasive. The first comparison is between the behavior of the jailed men in Genesee County, where most sentences are for one year, and the behavior of the jailed men in Macomb County, where the length of the sentences varies a lot but tends to be much shorter (pp. 215-16). More men buy their freedom with lump sums in the short-sentence county (68% v. 52%), but since the average amount paid is higher in the long-term county (\$628 v. \$442), the expected lump-sum payments are about the same (p. 341). There are striking differences, however, in the post-release payment rates of the

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17. Chambers makes the interesting point here that it is not at all clear that the money paid in lump sums is earned by the father. Rather, most of it appears to be gifts or loans from family and friends. He concludes "the transfer seems to me to operate as a tax on the wrong persons." (p. 219).

**Table 9.5** Comparison of Payment Responses to Jailing with Payment Responses to Other Efforts, Genesee Random Sample

Responses	Nonjailed Comparison Group Sent Another Warning* (N = 283)	Nonjailed Comparison Group Placed on Wage Assignment* (N = 70)	Group Brought before Judge, Not Jailed (N = 45)	Jailed Group (N = 79)
<b>Lump-sum payments</b>				
Portion making lump-sum payments	20%	6%	22%	55%
Size when paid (mean)	\$199	\$438	\$737	\$691
Net weeks from lump-sum payments**	<u>1 wk.</u>	<u>1 wk.</u>	<u>5 wks.</u>	<u>19 wks.</u>
<b>Regular payments</b>				
Portion making payments beginning soon after effort	25%	79%	39%	30%
Length when paid (mean)	30 wks.	73 wks.	18 wks.	38 wks.
Net weeks from regular payments***	<u>8 wks.</u>	<u>57 wks.</u>	<u>7 wks.</u>	<u>12 wks.</u>
Total response from lump-sum and regular payment	<u>9 wks.</u>	<u>58 wks.</u>	<u>12 wks.</u>	<u>31 wks.</u>

\* Defined to include efforts (a) employed within forty-eight months of the final order, (b) preceded within six months by another enforcement effort, and (c) employed when there had been no payments in the immediate period preceding the effort.

\*\* Dollars obtained in lump-sums expressed in weeks' worth of payments divided by total efforts including those not followed by lump-sums.

\*\*\* Regular payments in weeks in all cases with payments divided by total efforts including those not followed by any payments.

jailed men — .53 in the short-sentence county versus .33 in the long-sentence county. Although this evidence is highly suggestive, its force is somewhat weakened by the small sample size (only two counties compared) and the failure of the research design to control for the jailing rates of the two counties and socioeconomic and demographic factors that might also affect post-jail payment rates. A statewide cross-sectional regression analysis of the type conducted in Chambers's general deterrence analysis would have been more persuasive, but the data needed for the analysis were not available.

The second and, in my judgment, more reliable measure of the impact of sentence length is a series of within-county comparisons of the post-release payment rates of men who served jail terms of different lengths (3 days or less, 4-10 days, 11-30 days, 31-90 days, and 91 or more days). Although Chambers reports this comparison for only two counties, the evidence is persuasive because it effectively controls for intercounty differences in jailing rates. The inverse relationship between sentence length and post-release payment rates is particularly striking in the high-sentence county. There, the payment rate was only .13 among the men who served 91 days or more, while the overall rate for all jailed fathers was .33 (p. 238, Table 9.6). The research design does not, however, control for the effects of attitudinal factors that may affect both willingness to work and the length of the sentences imposed. For instance, it would not be surprising to find that judges impose longer sentences on the lazy and improvident.

Yet the book's final evidence on the effect of long sentences, a regression analysis of factors explaining post-release behavior in Genesee County, gives further reinforcement. It shows that at the time of release from jail, the best predictor of post-release payment behavior is the number of days spent in jail. One year later the best predictor of an individual's long-term payment rate is whether he had left town (p. 225).

Although none of these three analyses is conclusive, the consistency of the results achieved with different research designs strongly supports Chambers's conclusion that his data provide "not the slightest shred of evidence" that "any group of men is frightened into *better* payments after release, the longer they are held" (p. 239).

### III. ARBITRARINESS IN THE JAILING PROCESS

Delinquent fathers are sentenced to jail in Michigan for contempt of court (p. 175). Under state law, a delinquent father is in contempt of court only if he has "sufficient ability" to pay what is owed. Nevertheless, the hearing transcripts and interviews with Friend of the Court personnel suggest that neither the defendant's ability to work or to find work nor the level of his income is of much interest to the sentencing judges. But how much confidence can one have in this judgment simply on the basis of the court transcripts and interviews? Here Chambers brings quantitative evidence to bear most creatively. By means of a statistical analysis, he demonstrates that among those men who fall greatly in arrears, a disproportionately high percentage of unemployed or alcoholic fathers are sentenced to jail (pp. 207-08). Moreover, these men make much smaller than average payments upon their release from jail (pp. 226-27). These facts suggest that some incarcerated fathers are, in fact, inca-

pable of paying in the first place, and that jail is unlikely to influence their subsequent behavior. Moreover, both the comments of the judges in the trial transcripts and Chambers's interviews with the Friend of the Court personnel suggest that some unemployed and alcoholic men are being jailed as punishment for their drunken and slothful behavior or as a means of scaring the general population of fathers into payment.

A regression analysis also suggests that the probability that a seriously delinquent father will receive a jail sentence is below average if he is a manager or professional, or is represented by counsel, and above average if he is black.<sup>18</sup> However, as Chambers points out, these results should not be interpreted too broadly. Some of them are based on small sample sizes (*e.g.*, only ten managers and professionals fell far into arrears). Moreover, the regression results regarding race are inconsistent with the results of an analysis of fathers sentenced to jail more than once. There, the data suggest that blacks are treated more leniently than whites (p. 206). Quite properly, Chambers goes out of his way to avoid suggesting that the evidence concerning the probability of jailing proves any intentional discrimination in either charging or sentencing. But in one respect Chambers does not go far enough. He fails to report the details of these highly suggestive correlation and regression analyses. On such an important issue, the reader is entitled to more than a verbal summary of the results.

#### CONCLUSION

*Making Fathers Pay* establishes one thing clearly — in at least some contexts, severe sanctions can produce their intended results.<sup>19</sup> The impact of jail on child support enforcement is even more remarkable since, in Michigan at least, a father can almost completely avoid the risk of jail by leaving the state. Faced with this overwhelming evidence of impact, why does Chambers oppose the use of jail in child support enforcement? First, he objects to jail's undesirable side effects. Incarceration brands fathers as criminals (even though the punishment is for civil contempt) and subjects them to the degradation and dangers of jail. Equally important, it severs all personal and business associations and can seriously damage a father's relations with his children. The evidence is clear that many jailed men leave the state upon their release. Further, although Chambers does not stress the point, jail can not only reduce incen-

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18. The regression analysis was run on the sample of cases from Genesee County, a high-jailing jurisdiction.

19. For a perceptive analysis of the contribution Chambers's findings make to deterrence theory, see R. LEMPERS, ORGANIZING FOR DETERRENCE: LESSONS FROM A STUDY OF CHILD SUPPORT (1980) (mimeo).

tives and opportunities for lawful employment but also provide contacts that lead to criminal activity. Finally, the charging and sentencing process is often arbitrary (ability to pay is frequently ignored) and not evenhanded (among 50,000 defaulting fathers in Wayne County only 914 — 2% — went to jail).

Chambers's second argument is that the social costs of jail cannot be justified by the severity of the father's offense. Although from a moral standpoint, child support obligations are more important than commercial obligations, the delinquent father is nevertheless being jailed for debt. Chambers also argues that the community consensus supporting the child-support obligations is changing. Adult children are no longer generally perceived to have a moral obligation to support their parents. Chambers believes the divorced father's analogous moral obligation to support his children declines after they have lived apart for several years and the mother and children have made new lives for themselves. Although he does not expect the legal duty to pay child support to be reduced in the foreseeable future, he believes that these changing values reduce the moral justification for jail.

The final argument against jail is the effectiveness of less coercive alternatives. Chambers relies here on the results from Genesee County, Michigan, which showed that fathers subjected to wage assignments paid much better than fathers who were jailed. The general deterrent effect of wage assignments, however, remains unknown, and one can never be sure how effective the wage assignments in Genesee County would have been in the absence of the jail threat. Moreover, both employers and employees strongly oppose wage assignments, especially if, as Chambers proposes, they are required against all divorced fathers, regardless of whether they are in default in their support payments. For all of these reasons, no doubt, Chambers presents his argument in favor of mandatory wage assignments only half-heartedly.

Besides those I have already noted, my complaints about the book are few and minor. First, I think it is too long. I found the long narrative descriptions of the statistical results wearisome and would have preferred that the text include fewer words and more numbers, especially the unreported regression results that supported several important points. I imagine Chambers was concerned about overwhelming readers who lack statistical sophistication. I understand this concern, but I think he could have presented all of his statistical results in a manner that was both comprehensive to lay readers and sufficiently detailed to satisfy more methodologically sophisticated readers. At many points he did just that.<sup>20</sup> Second, in

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20. While on the matter of style, I would like also to object to the placement of the footnotes at the end of the book rather than at the foot of each page. Since the notes frequently

the technical tables, I would have appreciated more attention to sampling error. To be sure, he often includes tests of statistical significance. Our ultimate concern, however, is with the *magnitude* of the differences one would expect if Michigan's system were adopted in other jurisdictions. These judgments would have been easier to make if confidence intervals had been reported for the crucial estimates and regression coefficients.

Third, I would have appreciated Chambers's thoughts about how far his results can be generalized. He tells us why jailing in the child support context will naturally provide greater deterrence than it does in more usual criminal law contexts (such as burglary or robbery), and this analysis provides a very useful framework for thinking about every type of deterrence (pp. 102-04). What he does not consider, however, is the applicability of his results outside Michigan. The study purports to address a nationwide problem. Yet, by and large, the reader is left to his or her own devices in predicting the impact of a Michigan-type system elsewhere.

Fourth, the study would have been stronger if the results had been related to the literature on deterrence and child support. The footnotes and bibliography contain references to work in both areas, but we are nowhere told what this book adds to the sum of existing knowledge.

Was the project worth the effort? It took seven years and cost over \$200,000. In my view, the answer is clearly yes. It provides a useful baseline for comparing future deterrence research. It lucidly clarifies the factual, policy, and ethical issues underlying the child support dilemma. It demonstrates the enormous power of a well-conceived empirical study to untangle complex legal and factual issues. And it demonstrates that under proper guidance, lawyers without methodological sophistication can learn enough about data analysis to meet and even exceed the standards of excellence normally expected in the social sciences.

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relate to data supporting statements in the text, a reader seriously concerned with the validity of the reported results has a burden following the text and notes together.