

# BOOK REVIEW

*It is Journal policy to review books that we can recommend to our readers.*

**Drinkers, Drivers, and Bartenders: Balancing Private Choices and Public Accountability**, by Frank A. Sloan, Emily M. Stout, Kathryn Whetten-Goldstein and Lan Liang. Chicago, IL: University of Chicago Press, 2000, 293 + xiv pages, \$50.00 (cloth), \$22.50 (paper).

One of the costs associated with heavy alcohol use is the tragic loss of life due to intoxicated or impaired drivers. Various interventions and policies aimed at reducing drinking-driving behavior have been developed and implemented, such as raising the drinking age to 21, lowering the legal blood alcohol concentration from .10 to .08, license suspension, administrative license suspensions, mandatory jail time, mandatory fines, treatment/education and ignition interlocks. In general, research has demonstrated that these interventions are effective when consistently applied and enforced. In contrast, much less is known about the influence of dram shop and server liability on reducing alcohol consumption and drinking-driving behavior. In this book, Sloan and his colleagues provide the first extensive look at how tort laws can influence alcohol consumption. The 10 chapters contain information from various surveys, focus groups and state databases.

Chapter 1 presents brief discussions concerning recent levels of alcohol consumption, the social cost of excessive consumption, political responses to the problem, and alcohol control policies. A discussion of the goals of public policy and the role that tort laws may have is also presented. Chapter 2 considers the roles that administrative agencies, such as the Alcoholic Beverage Commission (ABC) and State Liquor Authority (SLA), can play in reducing alcohol consumption. The basic conclusion from this chapter is that when the ABC or SLA are active in pursuing violations the perceived likelihood of a citation and the actual occurrence of a citation both increase. Implications are for greater follow-up on the part of the ABC or SLA. Chapter 3 provides a brief overview of the intent of criminal law: deterrence (general and specific), retribution, rehabilitation and incapacitation. There is also a short discourse on the rationality of criminal behavior, viewed from the perspective of a cost/benefit type of analysis. Results from the authors' own survey of police departments presented here indicate that police departments' budgets are positively associated with bar owners' and managers' likelihood ratings of receiving a citation. For example, owners and managers indicated that they were more likely to receive a citation for rowdiness, or for serving intoxicated patrons, than for serving minors. These first three chapters underscore the complexity of the liability issue, and the authors make it clear that there is no easy answer to the question of how to reduce hazardous alcohol consumption.

The next three chapters discuss the effects of tort liability and liability insurance on individual drunk drivers (chapter 4), describe the history of tort law (chapter 5), present the rationale for dram shop liability (chapter 5) and discuss the role of liability insurance for on-site injuries and tort suits from the perspective of the driver and the alcohol server (chapter 6). The authors provide a very good discussion of how liability insurance can mitigate the impact of tort laws. Results from surveys and focus groups indicate that basing premiums on drivers' crash records and violations might reduce the drinking-driving problem. If strict tort laws were in place, the perception of being sued for serving an intoxicated adult was increased. Moreover, server training increased when the potential for litigation and liability was realized. Despite these findings, however, dram shop liability insurers took little action to encourage practices that would reduce claims.

Chapters 7 and 8 present results from a national survey of over 800 bar owners, managers and employees. The question addressed in both chapters was whether holding servers liable for serving intoxicated adults (or minors) makes them more careful. Results from the surveys provide insight into the way owners perceive the situation and how they react to certain problems. For example, the threat of a lawsuit for bad serving practices led to increased monitoring of employees by the owners and/or managers. Findings suggested that servers can play an important role in reducing the problem of heavy drinking. The information presented in both chapters is insightful and will prove beneficial for both policymakers and researchers.

In chapter 9, the authors bring together implications of results from the previous chapters and apply them to data from the Behavioral Risk Factor Survey, the Fatal Accident Reporting System and information from the U.S. Department of Transportation concerning laws that pertain to drinking-driving. While the authors occasionally make more of marginal findings than is warranted, overall they provide a very thorough discussion of the results and present the full regression tables so that readers can draw their own conclusions. Of interest was the finding that tort laws reduced "binge" (episodic heavy) drinking, while criminal laws did not. This suggests that increased monitoring of servers can lead to decreased "binge" drinking. In addition, both criminal and tort laws reduced drinking-driving of "nonbinge" drinkers, but neither criminal nor tort laws reduced drinking-driving of "binge" drinkers. Results for fatalities showed that dram shop laws reduced total deaths, alcohol-related deaths and single-car night-time deaths, whereas from the criminal law measures only administrative per se laws appeared to influence fatalities. The authors provide a very thoughtful discussion of the implications

of these findings. The final chapter summarizes the main points of the book and provides a good overview of the influence of tort laws on alcohol consumption.

In summary, this book is well organized and will serve as a useful tool for policymakers and researchers alike. The authors present a comprehensive picture, neatly tying together the threads of the analyses and formulating reasonable conclusions based on empirical data. The result is a complex look at how laws and

perceptions can change behavior and how tort liability and server training might work to reduce the amount of hazardous drinking. The strengths of this book are not merely in the data as an end point, but rather as a starting point for further consideration by both policymakers and researchers.

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