

RACIALIZED CRIME CONTROL AND SOCIETAL EXCLUSION

A Tremendous Problem for Generations

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GLENN McNAIR, *Criminal Injustice: Slaves and Free Blacks in Georgia's Criminal Justice System*. Charlottesville, VA: University of Virginia Press, 2009, 240 pages, ISBN 978-0-813-92793-0. Cloth, \$45.00.

KHALIL GIBRAN MUHAMMAD, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge, MA: Harvard University Press, 2011, 392 pages, ISBN 978-0-674-06211-5. Paper, \$18.95.

MICHELLE ALEXANDER, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2011, rev. ed., 336 pages, ISBN 978-1-595-58643-8. Paper, \$19.95.

In 1930, W. E. B. Du Bois warned of an approaching backlash of racialized crime control and the two-pronged threat this posed to Black civil society. These were not altogether new threats—American criminal law and crime control practices had always been mechanisms of racialized societal exclusion—but Du Bois anticipated unprecedented levels of Black criminalization and incarceration in the second half of the twentieth century, and some of the collateral damage that would ensue. Du Bois's (1930) warning focused on juvenile crime and justice, “a problem which one can easily see among the better colored people of New York and Philadelphia, of Indianapolis and Chicago, of Pittsburgh and Baltimore, and all of our major cities” (p. 352). Du Bois (1916) had long been concerned with issues of child development and youth justice, since the fate of the “immortal child” inevitably defined the prospects and conditions of the race (Diggs 1976).

Citing evidence of growing Black urban delinquency, and the failure of Black families and communities to address it, Du Bois (1930) anticipated a dominant group reaction that would both deepen the actual problems of juvenile and adult crime, and further fragment and weaken Black collective efficacy. He referred to this “two-fold

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catastrophe” as “the tremendous problem of the next Negro city generation,” explaining:

First of all, the surrounding and dominant white world will put up with this impudence on the part of colored children to a certain point and then they will clap them in jail. The children will not deserve jail. They are not bad. They are simply untaught and their ideals are all awry. But in jail they will learn crime and thus a considerable proportion of them are destined to be driven into real crime almost before they reach manhood and womanhood.

In the second place, in their contact with their own colored people, they will, as they grow up, increase the inner hatreds, jealousies and feuds; [increase] the difficulties of attaining group action, the difficulties of maintaining proper and pleasant social intercourse . . . They will increasingly respect nothing and nobody because they will believe that nothing is respectable (p. 51).

Du Bois urged a proactive, coordinated response to what was still a budding problem, anticipating later efforts to prevent and address youth crime, such as Harlem’s Northside Center and HARYOU program, Mobilization for Youth, and other War on Poverty initiatives. His warning is remarkable in light of these brief intervention efforts, and the decades of racialized mass criminalization and incarceration in the United States since.

The modern crisis of racialized crime control and societal exclusion has been of great interest to social scientists and activists, especially over the past two decades. The bulk of this research focuses on the contemporary era of mass criminalization and incarceration, marking its start in the 1970s, and emphasizing the more and less subtly racialized Wars on Crime and Drugs. As Du Bois predicted, the dominant group came to support exclusionary criminal and juvenile justice policies, resulting rates of incarceration, and the evisceration of the civil rights of those suspected, accused, and convicted of crime, especially for Black youth and communities. Several direct and collateral social, economic, and political consequences of this punitive turn have been documented, including concerns that the current criminal legal system does more to generate than to deter or diminish neighborhood crime. The second part of the catastrophe foretold, concerned with implications for collective efficacy, has not been considered as closely, but levels of trust and cooperation among African Americans must have suffered as communities grew fragmented by victimization, fear, disassociation, and resentment.¹

Du Bois’s depression-era warning illustrates that this “two-fold catastrophe”—a crime control system which at once worsened Black community crime problems and weakened Black collective efficacy—was much longer in the making. Three recent books help place the present crisis of racialized crime control in this larger historical and political context, deepening our understanding of this tremendous problem for past, present, and likely future generations. These books—*Criminal Injustice* by Glenn McNair, *The Condemnation of Blackness* by Khalil Muhammad, and *The New Jim Crow* by Michelle Alexander—are perhaps more complimentary than comparable, as they focus on overlapping periods, asking different questions, with their own disciplinary and stylistic approaches. Yet the books similarly take a longer view of crime control in the Black American experience and they inevitably converge around similar themes, including: perversions of *equal protection* in a racialized social system; the cultural and institutional *mechanisms* of racialized crime control; and, how racial oppression and domination in crime control disproportionately affect the most disadvantaged, but undermine collective interests. The differences between the books add depth and

texture to this discussion, and together they signal what may be a new wave of historiography on the color line of crime control, and efforts to coordinate a response.

WHAT, TO THE ENSLAVED, IS DUE PROCESS? A CASE STUDY OF ANTEBELLUM GEORGIA

Frederick Douglass's (1852) famous query—"What, to the slave, is your fourth of July?"—laid plain the contradictions of a liberal democracy whose defining political freedoms and principles of justice are not universally enjoyed. Asked to join in a presidential celebration of American independence in 1852, Douglass opted to address this mockery instead, explaining to assembled White political elites and citizens that, "Your high independence only reveals the immeasurable distance between us." For Black Americans, Douglass continued, Independence Day was not a moment for proud celebration, but rather, "a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim."

There are perhaps no better daily measures of this distance in societal standing, and normative ordeal of injustice and cruelty, than those found in American criminal law, policing, and court practices, historically and still today. In *Race and the American Legal Process*, the jurist A. Leon Higginbotham's 1996 series on the role of law and legal institutions in Black American exclusion, we gained a broad survey of this reality from the colonial period through the mid-twentieth century. The studies emphasize how state and federal legal processes have substantiated, perpetuated, and rationalized what Judge Higginbotham called the "precept of inferiority," the ideology of White supremacy underlying the basic structure of American society, and ordeal of societal exclusion (p. xxv).

In *Criminal Injustice: Slaves and Free Blacks in Georgia's Criminal Justice System*, the historian Glenn McNair (2009) revisits this theme, providing an in-depth examination of criminal court procedure in colonial and antebellum Georgia. The study combines a survey of the development of a seemingly distinct legal culture in early Georgia, an exhaustive account of the formal criminal court procedures, and an analysis of differences in criminal case processing experienced by White and Black (enslaved and free) Georgians.

McNair links Georgia's legal culture to its slow and contested embrace of the institution of slavery. He argues that this debate itself weakened the colony's legal and governmental institutions, and eventually led to a system of slavery where slave owners were uniquely free of (weak) governmental influence, and highly protective of their control over hard-won human chattel. This unique "culture of mastery," he says, made enslaved Blacks especially vulnerable to the whims of their masters in matters of crime and justice, and left free Blacks with less protection or recourse than might have otherwise existed. His account of formal and informal criminal case processing in the colonial and antebellum periods is consistent with the legal culture of mastery interpretation, but this is difficult to assess in the absence of contrasting cases from slave states with different legal cultures.

Criminal Injustice is especially distinguished by the author's compilation of over 400 criminal cases between 1850 and 1865, and descriptive analysis of how offender, victim, and offense characteristics distinguish case outcomes. This analysis coupled with in-depth discussion of several cases gives life to what is at times a slog through formalities of court procedure. Like Douglass's famous speech, the analyses and stories make a mockery of Georgia's procedural justice (e.g., provisions of indigent defense) amidst racial tyranny.

Notwithstanding the procedural formalities and occasional paradoxes of equal protection, patterns of case outcomes lead McNair (2009) to conclude that Georgia's criminal legal system was organized according to the noted precept of inferiority, and priorities of White power. "Legal culture in Georgia demanded that the scales of justice tip in favor of slavery and white racial domination," he writes, "[and] throughout the formal criminal justice process, the law extended protection to Blacks only to the degree necessary to protect the interests of whites" (pp. 142, 169). This is unlikely to come as a surprise but it is nevertheless a useful historical marker, illustrating how American criminal justice has long been organized in opposition to Black American interests.

McNair's insight into Georgia's legal culture and practice highlight the value of historical "court community" research. Contemporary sentencing researchers have stressed the importance of this grounded or ecological approach, yet few manage to capture broader historical and cultural forces weighing on court practices as well as McNair seems to here. On the other hand, given the scant details of criminal cases at his disposal (defendant and case factors), his study lacks the analytical sophistication of contemporary sentencing research. Ultimately, it remains difficult to appreciate the distinctiveness of Georgia's legal culture without this detail and a more comparative approach.

Nevertheless, *Criminal Injustice* provides intriguing insights and questions to consider. One of these is how Georgia's post-emancipation legal culture was shaped by this history. As McNair notes, the path dependency of history suggests that Georgia's early choices to put interests in White power above Black human and civil rights facilitated its adoption of one of the most exploitative and brutal penal systems in the post-reconstruction South. This approach helped to cement the idea of "Black crime" in the public imagination, and the development of racially repressive criminal justice systems throughout the late-nineteenth- and twentieth-century United States.

Several historical studies have documented these turn-of-the-century developments, including some of Du Bois's earlier writings on crime and punishment. In *Some Notes on Negro Crime, Particularly in Georgia*, a 1904 report on the Atlanta University Conference, he criticized resistance in Georgia and other Southern states to liberal penal reforms, such as juvenile reformatories, which he attributed to the refusal of Whites to acknowledge Black humanity and support Black welfare. "Until the public opinion of the ruling masses of the South can see that the prevention of crime among Negroes is just as necessary, just as profitable, for the Whites themselves, as prevention among whites," he wrote, "all true betterment in courts and prisons will be hindered" (p. 8).

Such insights went largely unheeded throughout the twentieth century. Instead, racist caricatures of a "dark menace" and criminogenic social conditions—including individually and socially destructive practices of racialized crime control—flourished across the land. Generations would suffer as powerful segments of the American populace continued to deny recognition of Black human and civil rights, and our common interests in equal justice, and so the "true betterment" of U.S. courts and prisons.

DECOUPLING RACE AND CRIME: AN INTELLECTUAL AND SOCIAL HISTORY

The "precept of inferiority" coupled with power inequality became the linchpin of separate and unequal criminal justice in the twentieth-century United States. Impor-

tantly, though, this precept became more subtly coded with the liberalization of race relations, especially in the early-twentieth-century urban North. In *The Condemnation of Blackness*, historian Khalil Muhammad provides a lively and original history of this racialization of crime discourse, and ultimately crime control. The study considers how we reached this place in our culture where social constructions of race and crime seem, if not synonymous, nearly intractable. By skillfully blending intellectual histories of race and crime with community studies of racialized crime discourse and control, Muhammad illustrates these interwoven constructs. Muhammad picks up temporally where *Criminal Injustice* ends, at the dawn of the “Black nadir,” and reinforces and extends key themes from *Some Notes on Negro Crime*, including how denial of Black recognition (i.e., social respect and standing) fueled misrepresentations of Black criminality as a *racial* rather than *societal* problem, and the interpersonal and community violence of Jim Crow criminal justice (Logan 1954).

Several scholars have addressed the blanket criminalization of African Americans post-reconstruction, and its role in derailing the promise of freedom, yet Muhammad brings several novel insights and arguments to bear. For one, his attention to the Progressive Era (1890s to 1920s) and its aftermath, and focus on the urban North, help to fill a historical and spatial gap in race, crime, and justice research, most of which focuses either on the Jim Crow U.S. South, or late-twentieth-century cities. The focus on the Progressive Era is especially important since this marked an important moment where possibilities for racial group reconciliation and incorporation were presented but lost. Muhammad illustrates, for example, that rhetorical commitments to racial justice among Progressive Era reformers, such as Jane Adams and other Hull House leaders, were rarely matched by substantive commitments of services or support for growing Black populations. The pattern was repeated constantly from one growing metropolis to the next, as Black migration continued; Muhammad reveals how refusals of more inclusive crime-fighting strategies were rationalized by denials of Black humanity, or amenability to positive change, and prioritization of White youth and community well-being. Meanwhile, owing to continued denials of crime prevention resources and police and court complicity in festering Black community problems, the “two-fold catastrophe” took root.

A key contribution of *Condemnation* is Muhammad’s discussion of how crime statistics—beginning with the 1890 census—provided a novel and powerful means of defining and measuring “the Negro Problem,” specifically in terms of crime. This “racial data revolution,” he says, provided race reactionaries and liberals alike a seemingly objective barometer of the character of Black America, and how well Blacks were adapting to freedom (p. 16). Notwithstanding obvious distortions of racial discrimination in law enforcement and the administration of justice, countless social cranks and scientists rushed to cite “crime data” as bare proof that Blacks deserved exclusionary approaches to crime control, and were unfit for full citizenship and societal integration. The reaction is seen nationwide. “Southerners used crime to justify disfranchisement, lynching, and Jim Crow segregation,” Muhammad writes, “[and] Northerners used it to justify municipal neglect, joblessness, and residential segregation” (p. 153).

It was largely this misuse of crime and delinquency statistics that Du Bois feared in 1930 would spark the twofold catastrophe of mass youth criminalization/incarceration, and community devastation in its wake. Post-1970s juvenile delinquency and crime research has been cited as an important source of the present era of racialized social control, yet Muhammad provides perspective on the earlier historical origins of this phenomenon, and the nature of its influence. For instance, in his

discussion of Progressive Era Chicago and especially Philadelphia, Muhammad illustrates how racialized constructions of crime filtered to prominent White social actors and authorities, many of whom then reified race-crime logics and statistics through discrimination in community development (i.e., residential segregation and housing reform), policing, and courts. His study of police and other governmental complicity in the selective policing of vice districts, including efforts to concentrate organized vice in Black neighborhoods, so as to protect White neighborhoods, is especially compelling here.

Muhammad also illustrates how Black activists and authorities sought to counter these forces, especially by highlighting the roles of ineffective and duplicitous policing and courts in fostering both statistical illusions and actual Black criminality. Unlike much historical and contemporary research, he usefully reveals a contested terrain of racialized crime control, where White and Black race experts challenge each other's attempts to frame the race and crime relationship, and its implications for social policy. This discussion of Black American agency in the development of race and crime counter-narratives, and criminal justice reform, is a welcome addition to a literature where Blacks are too often reduced to passive objects of justice processes (e.g., criminal problem populations, crime victims, and victims of discrimination). His book provides a rare glimpse into the varied if typically aligned efforts of early Black neighborhood activists, crime and justice scholars, and professional "crime fighters," including probation officers, under-cover vice agents, and police. While some of these figures are well known, including Ida B. Well, Du Bois, Kelly Miller, and Charles Johnson, others have been rescued from obscurity, and will hopefully inspire further research on how diverse ethnoracial group actors have worked to shape contested ideas and practices of American criminal justice.

Ultimately, Muhammad concludes that Black American activists, race scholars, and crime fighters (i.e., practitioners) were continually overmatched by dominant cultural and institutional logics of racialized crime control, and lacked the power to translate their insights and priorities into practice. Chief among their attempted influences was the insistence that crime be understood as a social rather than racial phenomenon. As Du Bois and others insisted, crime was rooted in social problems of racism, sexism, and poverty in general, as well as the manifestations of these problems in criminal injustice. Many reformers sought to impress this insight on the public and political leadership, and to develop alternative crime prevention and control strategies addressing these root causes. The marginalization of this analysis in mainstream culture and public policy is undeniable, yet Muhammad's conclusion that Black reformers were "so marginal as to be invisible" (p. 144) seems an overstatement, especially in light of other evidence of modest but meaningful influence over the course of the past century (Dulaney 1996; Ward 2012).

Given the paucity of research on Black and other ethnoracial group *agency* in criminal social control, there remains more to learn about the imprint of Black Americans on crime-control strategies and practices in the urban North and beyond. If the precept of inferiority and power inequality are the linchpins of racial inequality in criminal justice, as I've proposed and both McNair and Muhammad imply, these are important questions. Indeed, recalling the second part of Du Bois's (1930) two-fold catastrophe—the warning that Black collective efficacy is adversely impacted by racial disparity in crime control—assessing this impact and responding requires insight into the extent and limits of Black power in reshaping race and crime discourse, and crime control practices, historically and today.

INDOMITABLE JIM CROW: MASS INCARCERATION IN THE AGE OF COLOR BLINDNESS

In *The New Jim Crow*, civil rights lawyer and legal scholar Michelle Alexander declares that Du Bois' noted fears have come true, but gives encouragement and direction to those who might yet be aroused to counter this massive problem, generations in the making, with a coordinated, radical response. Alexander's argument is straightforward and compelling. She claims that a familiar system of race-linked social immobility (racial caste) has been reestablished through the laws, policies, and practices of contemporary American criminal justice. "We have not ended racial caste," she says of so-called post—civil rights and even postracial America, "[but] redesigned it" (p. 2).

The New Jim Crow is directed at a more popular audience and written as a clarion call to the democratic polity. It intends to provide a comprehensive assessment of the present crisis, to weigh on the conscience, disturbing us, and arousing civic action. It is in this sense an especially important book, and distinguished from the more scholarly styling and contributions of *Criminal Injustice* and *The Condemnation of Blackness*. Indeed, save for its final two chapters, *The New Jim Crow* is largely a review of disparate bodies of legal and social research on both earlier historical phases of racialized crime control (i.e., old Jim Crow criminal justice) and contemporary mass incarceration and its collateral consequences. The review covers a vast expanse of time and topics, and is skillfully executed as a compendium of facts and figures, legal rulings and legislation, interlaced with illustrative cases, which seems crucial to the book's intended accessibility and impact.

Like the other books reviewed and much of the historical literature, Alexander's work reveals how the American system of criminal justice—a cultural and institutional expression of American democratic principle—is grossly distorted by the politics of race, and always has been. Like these authors, she also seeks to expand and even modify the scope of the race, crime, and justice debate. McNair's in-depth study of a colonial and antebellum criminal legal system illustrates how prerogatives of White racial domination shaped the earliest expressions of American criminal justice, prefiguring the horrors of Jim Crow juvenile justice. Muhammad (2011) considers historical adaptation of this racial structure. His intervention primarily aims at debunking the race-neutrality of crime statistics, and the associated narrative of "differential minority involvement in crime" which has been used to justify old and new practices of racialized and exclusionary crime control. His social history of this "race data revolution" strikes at the logic of modern American criminal justice—the idea of Black criminality—exposing the "invisible layers of racial ideology packed into the statistics, sociological theories, and everyday stories we continue to tell about crime" (p. 277). Alexander's intervention looks to the future of American criminal justice and, specifically, the insufficiency of "reform." Ideas and practices of crime control in the United States are too far gone to be reformed, she says, and must be replaced if we are to achieve what Du Bois (1904) plainly called the "true betterment" (p. 8) of American criminal justice.

The novelty of *The New Jim Crow* lies mainly in this analysis of the current socially destructive criminal legal system, and the challenges awaiting efforts to replace it, including Alexander's call for recommitment to race consciousness. Recalling Du Bois's warning of racialized crime control exacerbating *real crime*, Alexander stresses that ending mass incarceration must begin by dealing with this "as a racial caste system, not as a [working] system of crime control" (p. 224). There is urgent need for effective crime prevention and control in American communities, she says,

but the current system “is better designed to create crime, and a perpetual class of people labeled criminals, rather than to eliminate crime or reduce the number of criminals” (p. 224). Her analyses of legislative reforms and police and court practices related to the War on Drugs help to substantiate this assessment.

While exploitative opportunism and overt racial animus (i.e., prerogatives of White power) clearly drove the build-up of this system, Alexander attributes its endurance to a complex mix of what sociologists have recently termed “racial apathy” or indifference (Forman 2004). On the one hand she cites popular White indifference to harms suffered by Black Americans, indifference McNair and Muhammad also observe in analyses of earlier periods. “It is this failure to care, really care across color lines,” Alexander writes, “that lies at the core of this system of control and every racial caste system that has existed in the United States” or elsewhere (p. 222). Like Du Bois (1904), she urges the White polity to “care across the color line” for its own sake, and for the sake of our nation.

Yet she realizes the symbolic and substantive bases for this withholding of concern, and the obstacles to more committed advocacy, on all sides of the color line. For example, the built environment of mass incarceration represents an economic boon to many White and non-White Americans. Public and private prisons have been among the few growth industries in many U.S. states, and the expansion of the crime control apparatus overall (court workers; security guards; police, probation, and corrections officers, etc.) has been incredible. She cites a figure of over seven hundred thousand prison and jail personnel alone. These workers punish for a living, and their livelihoods may be threatened by ending mass incarceration. Alexander neglects to mention that growing proportions of those who punish for a living (i.e., prison workers) are Black men and especially women, further complicating issues of care along and across the color line (Ward 2004, 2006).

The *New Jim Crow* does address at length the question of Black American opposition to this modern racial caste system, and frankly, why there is not more of it. Alexander does not argue that it is their sole obligation to challenge racial caste, or in their interests alone, but that the Black public and civil rights establishment have been both complicit and surprisingly quiet in the midst of these developments. The complicity of the Black polity is tied to desperation in the face of criminal victimization and, more importantly, the absence of clear options. Alexander points out, for example, that while Black and White Americans express similar levels of support for some punitive measures (and not others), they divide on concerns about fundamental fairness and investment on crime prevention, where Blacks place greater emphasis. A recent book by political scientist Lisa Miller (2008) illustrates how federalism has marginalized the crime control agendas of local communities, and especially their most disadvantaged members: ghetto denizens faced with the greatest risks of criminal victimization and punishment. She shows how their nuanced crime-control and prevention preferences fail to move policy debates increasingly dominated by more powerful citizen groups and government actors. Many Blacks welcome increased police presence and punishment of offenders, but would prefer more socially viable options than the dominant polity fails to embrace or deliver (Miller 2008).

The subdued response of the civil rights establishment to mass incarceration and its consequences is rather harder to comprehend, and here Alexander offers her candid insider perspective on this paradox of constraint. She attributes the lethargy to a host of factors including the same denial that blocks many Americans from acknowledging the profound role that race continues to play in shaping life chances and experiences of crime control. This denial is a barrier to collective identification and action along and across the color line. Yet her analysis also focuses on the organization of contempo-

rary civil rights activism, including fading popular, grassroots activism, amid the professionalization of advocacy. The professional civil rights advocates and organizations—chief among whom are civil rights lawyers—grew “disconnected from the communities they claimed to represent” (p. 213), she says, and preoccupied with the logics of litigation. They increasingly concentrated on those discrete issues litigation might address, while more urgent but less legally remediable concerns of constituents (i.e., the reorganization of racial caste) were ignored. Adding to this neglect is the stigma of crime, and perhaps Black criminality, specifically. Civil rights organizations have long been reluctant to advocate on behalf of criminal offenders, she says, except in cases of clear innocence, or extraordinary circumstances such as the death penalty or youth justice. Beyond these interpretations, Alexander’s discussion of Black community complicity, disengagement, and marginalization around these issues also calls to mind the second part of Du Bois’s twofold catastrophe: his warning that mass criminalization and incarceration would also undermine Black collective efficacy.

The *New Jim Crow* offers a number of proposals for replacing the current criminal justice system and eradicating racial caste. The list is long and daunting, Alexander admits, and still just scratches the surface. She describes her book and these proposals as a “conversation starter” rather than answer to this question for generations: how to abolish the systems of racialized crime control which reproduce societal exclusion. Her answer begins with a repudiation of color-blind racial ideology, the logic that has worked to distort crime statistics while rationalizing selective punishment, and to diminish human compassion and action on behalf of those subject to what Du Bois (1904) called “the legalized slavery of men” (p. 9) and, according to Washington (1908), Black club women a few years later branded “the slavery of an iniquitous justice system” (p. 48) referring to Jim Crow juvenile justice. If ending racial caste requires *care* along and across the color line, as so many suggest, color blindness only promises to extend these American ordeals.

One might hope that Alexander’s analysis of the present racial caste system is somewhat more rhetorical than empirically precise. For if she is correct, millions have already been consigned to “permanent second class citizenship,” and countless more dependents, spouses, neighbors, and allies are saddled with some part of their social, economic, and political exclusion. Moreover, a sizeable proportion of the population has deep symbolic and material interests in the maintenance of this system, while those entities seemingly most inclined to counter its threat are in some state of indifference and disarray. The analysis cannot be too far off the mark, and however we label this problem for generations, its challenge is overwhelming. Replacing this racial caste system and undoing its generational damage is daunting enough, but of course criminal injustice is just one of many dimensions of the present racial divide, a division sociologist Lawrence Bobo (2011) has recently characterized as “somewhere between Jim Crow and post-racialism” (p. 14) and clearly well short of racial justice.

KEEPING THE FLAME: A CHALLENGE FOR GENERATIONS

The crisis of racialized mass criminalization and incarceration in the contemporary United States has drawn considerable research attention. The problem has often been framed in statistical terms, especially in early waves of research on race, crime, and justice. We have become well acquainted with the phenomenon of disproportionate minority confinement in juvenile justice, figures on racial profiling in policing, and the fact that well over two million people sit in American detention facilities, jails, and prisons, with millions more teetering on probation and parole. A bevy of empirical

work draws our attention to the relative explanatory power of so-called legal and extra-legal (e.g., racial status) factors contributing to these trends, purporting to identify exact amounts of disparity attributable to discrimination. Yet, more recent waves of research have helpfully cast racialized social control in a more robust sociological light, pressing past older theoretical orientations, modeling tendencies, and research questions, including naïve notions of American law unencumbered by race.

A key intervention of more recent research has been its subversion of the typical but often unstated racial theory of more conventional social science research—that is, the idea that “race-effects” or racism are individualized, irrational, and deviant departures from normative legal and law enforcement processes. In line with the emergence of a more structural understanding of race relations, and interest in the dynamic organization of what Bonilla-Silva (1997) has called “racialized social systems” (p. 469), recent studies have asked different kinds of questions and employed new research strategies to understand common laws and practices of racialized social control. Rather than asking *whether* discriminatory “race effects” affect individual life experiences (i.e., arrests, criminal sentences, etc.) these studies aim to clarify how race normatively shapes processes of social control, and the implications of these mechanisms for racialized social systems. As these three recent contributions to this later wave of more social structural research on race and justice make clear, this intervention helps to uncover the more complex cultural and institutional dynamics of racialized social control. In essence, they help to locate the intersection of race, crime, and justice in the very fabric of society, including past, present, and likely future contours of American democratic culture.

The books collectively offer context and direction for this conversation. They mark the parameters, dimensions, and mechanism of the problem by providing an extensive and layered historical analysis of the overlapping constructions of race and crime, and the idea of Black criminality as a defining aspect of American culture, politics, and social policy. This contribution is crucial, and yet there is still much more to learn here and otherwise from the historical record. We still know very little about ethnoracial group experiences beyond and even within the Black-White binary (i.e., non-Blacks/Whites and specific subpopulations therein), for example, and lack research on racial and ethnic group *agency* in contexts of crime control, and its relation to social change.

There is obviously more to research, and much to discuss, but these books also mean to provoke action. They challenge us—and perhaps those who study and teach about crime and justice especially—to rethink what we do, and become more intentionally involved in solutions.

Alexander titles one of her closing sections, “The Fire Next Time,” but reading these books and reflecting on this problem for generations, one can’t help but be discouraged by the scale of the problem, the limited progress from past movements, and the few signs of a lasting flame. In some ways each of these books signals a rekindling of an old flame, since addressing the problem of racialized crime control and societal exclusion—a problem for generations—requires historical perspective, and they revisit what has been a conversation for generations. It is ironic in this sense that Alexander describes her provocative book as “a conversation starter.” In fact, these books can fairly be described as conversation *re-starters*. They return us to a conversation Frederick Douglass invited in his 1852 remarks on the “immeasurable distance between us” made evident by daily ordeals of injustice and cruelty. They also recall the insights of the “first black crime expert,” W. E. B. Du Bois, in 1904, citing the role of race-linked crime control in establishing and maintaining this distance, and his warning in 1930 that this mechanism of exclusion might expand without a

coordinated response. Nearly a century later, we still await this conversation and response, along and across the color line. It is a challenge we can no longer ignore, at least while celebrating democratic freedoms, if ever our nation could.

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NOTES

1. Studies find that, as Unnever and Cullen (2010) write, “racial resentments are inextricably entwined in public punitiveness” (p. 99), especially among Whites. Others link intraracial resentment to older Black adult support of punitive drug control measures (Bobo and Johnson, 2004), and disengagement with issues of youth justice (Mays 1959).

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