

THE LEGACY EFFECT

Charting the Next Iteration of the American Carceral State

Carla Shedd

*Department of Sociology and Institute for Research in African American Studies,
Columbia University*

GEOFF K. WARD, *The Black Child-Savers: Racial Democracy and Juvenile Justice*, Chicago, IL: The University of Chicago Press, 2012, 344 pages, ISBN 978-0-2268-7318-3. \$32.00.

JAMES D. UNNEVER AND SHAUN L. GABBIDON, *A Theory of African American Offending: Race, Racism, and Crime*, 2011. London, UK: Routledge, 2011, 270 pages, ISBN 978-0-415-88358-0. \$44.95

This innocent country set you down in a ghetto in which, in fact, it intended that you should perish...You were born where you were born, and faced the future that you faced because you were black and for no other reason.

—James Baldwin, *The Fire Next Time* (1963, p. 18)

Taken from James Baldwin's 1963 masterful work, the quote above could have been written today. *The Fire Next Time* contains two essays, and the first—an open letter to Baldwin's nephew—is a succinct evocation of the power of legacy. This nephew not only inherited his uncle's first name, but also his father's and his grandfather's physical appearances and their tough, dark, vulnerable moods. The grandfather, by then deceased, was defeated by the daggers of double consciousness. The father, consumed by a rage with no outlet besides the tears invisibly shed in his laughter, speech, and songs. The grandmother is unsung, overworked, and ignored, but never bitter. This is the nephew James' American inheritance. Baldwin saw his White countrymen as the chief source of Black pain and suffering. However, what if these same individuals and the institutions they created and maintained were also supposed to provide refuge, resources, and care to their darker brethren? What do we make of the efforts to incorporate Black Americans into a *punishment* enterprise, as both recipients and

Du Bois Review, 12:1 (2015) 213–219.

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doi:10.1017/S1742058X15000028

administrators, in order to affirm the humanity of the former group and the competence of the latter? How does state violence create and perpetuate social violence? *The Black Child-Savers* and *A Theory of African American Offending* grapple with these questions and leave us with many more questions to both ponder and investigate.

These two books offer critical insight into the particular plight of African Americans and their entanglement with the state due largely to racial discrimination, paternalism, and denial of full citizenship. Both books seek to interrogate the meaning of race and justice in American society. *The Black Child-Savers* amalgamates the racial history of Jim Crow juvenile justice to investigate its contested cultural and institutional threads within the child-saving movement, a “social movement that established various systems of juvenile social control” (Ward 2012, p. 6). Ward presents juvenile justice as a negotiated racial structure with a dialectic of racial oppression, domination, and antiracial resistance contributing to its form and function; thus simultaneously diminishing and affirming the democratic status of Black youths within these institutions. *A Theory of African American Offending* marshals a wealth of empirical evidence to compose a straightforward theoretical account of how the collective history and particular lived experiences of African Americans contribute to their likelihood of criminal offending.

I started with Ward’s *The Black Child-Savers* because it is an historical treatment of juvenile justice, but was not convinced that these two books had connecting threads beyond simple examination of racially divergent paths to and through the American justice system. But synergistic revelation came quite easily once each work demonstrated how our nation’s carceral apparatus acts as a “remarkable experiment in racial democracy” (Ward 2012, p. 102) that failed Blacks in the past, and continues to fail Blacks in the present. It became all the more enriching to engage with the criminally prognostic possibilities embedded in Unnever and Gabbidon’s *A Theory of African American Offending* after reading Ward’s analysis of how Black child-savers sought not to dismantle the “master’s house”—to draw on Audre Lorde—but instead aimed to rebuild and repopulate it using very similar tools. The systemic failures of the justice system coincide with deleterious effects of White supremacy on multiple facets of Black people’s perceptions and experiences.

The Black Child-Savers offers a much-needed revision of the social history of America’s Progressive Era by centering the Black American experience. The historical development of the juvenile justice system (and its various systems of youth social control) coincides with major “sociohistorical” events such as Emancipation, Reconstruction, and the era of Jim Crow. Ward offers unique insight to the overlapping projects of re-imagining race, re-defining racial politics, and the institutionalization of racial justice in the twentieth century. This work complements other historical treatments of the development of juvenile justice systems (See Platt 2009; Ryerson 1978). Ward argues there remains a need for historical analysis of the contested cultural and institutional dimensions of racialized [juvenile] social control. However, he fails to draw on Khalil Muhammad’s (2010) *The Condemnation of Blackness*, which is another institutional “coming-of-age” story that historicizes racial crime statistics and social control policy during the same period.

Nonetheless, Ward deftly outlines the struggles over the racial politics of the parental state—rooted in the concept of *parens patriae* through which the state operates as the surrogate parent of the nation—and the warring ideas of Black childhood. Ward examines these opposing racial projects in two parts: Part 1 looks at the organization and mechanisms of Jim Crow juvenile justice during the late nineteenth- and early twentieth-centuries. Rooted in White supremacist ideology, the adherents to Jim Crow justice caricatured Black youth as categorically incorrigible, expendable,

and undeserving of attempts at normalization and civic integration. Part 2 covers the development, evolution, and effects of the Black child-saving movement, which overlapped with the Progressive Era (1890–1920) at its inception and ended in the 1960s. In order to avert the gaze from the despised Black body, the Black child-savers focused on transforming the institutions that were supposed to equally protect and provide for “all God’s children.” The Black child-savers sought the averment of rehabilitative ideals as a signifier of Black worth to counteract the structural violence inflicted on Black youth via the denial of democratic freedoms.

Ward’s elegant, and at times intricate, prose vividly captures the structure and culture of juvenile institutions as central to the creation or corrosion of Black youths’ possibilities. Chapter One presents the idea of American juvenile justice simultaneously functioning as a “manufactory of citizens” and as a laboratory of democracy. Not unlike our major institution of *formation*—schools—juvenile justice *reformatory* institutions were tasked with awakening the civic potential that was languishing deep inside its charges, which reveals why these children were “regarded as indispensable in the battle for the nation’s destiny” (Ward 2012, p. 32). The simultaneous affirmation and diminishment of Black youths’ democratic standing, and that of those who fought for them, underscores Ward’s argument regarding the power of racial effects and the “elusive” nature of racial democracy (p. 15).

Chapter Two uncovers the local and regional differences in the social organization of Jim Crow justice. The overarching, organizing structure of punishment is clear: dependent and delinquent youths were systematically denied full humanity, equal rights, and opportunity. Chapters Three and Four intrigued me with their continuing focus on place. Mississippi, Chicago, New York City and their various sites of punishment and promise play a prominent role in this book. The invention and diffusion of juvenile court interventions diverged in these regions in terms of impact on various constituents. White American and immigrant European youths were provided services under the banner of rehabilitation when placed in houses of “refuge” in contrast to the treatment of Black youths inside and outside of these systems.

The second part of *The Black Child-Savers*, beginning with Chapter Five, shifts its attention from the failures of the state regarding the care, treatment, and punishment of Black youth to the vanguard efforts of Black child-savers during the late nineteenth century to the 1920s as they set out to oppose Jim Crow juvenile justice and advocate and care for their own. Ward painstakingly details the capacity-building efforts of Black leaders and [women’s] benevolent social organizations to pool resources and coordinate their reform efforts all under the guise of achieving a racialized collective efficacy.

Chapter Six details the more formidable phase of the movement—from the 1930s through 1954—due to the establishment of a Black surrogate parental state focused on serving the Black youths enmeshed in the court system. This contingent represented those who cared most about the plight of institutionalized youth in the communities from which they emerged. This moment coincided with Black migration to the urban North, and the increasing influence of Black “operatives” with training, positions, and networks (and increasing economic and political influence) to not only infiltrate Jim Crow juvenile justice systems, but to also negotiate the segregated system’s demise.

The final two chapters outline how the Black child-savers’ strategy of integrating justice systems to serve diverse constituencies simultaneously altered the racial politics of juvenile justice. But as Ward notes, “the spoils of integration turned into bitter fruit” (p. 261). Representation no longer mattered because Black administrators’ abilities to use their discretion to (re)shape justice became further diminished with the implementation of mandatory punishment policies in the postintegration era. There was a commensurate decline in Black collective identification and action due to the Black

child-savers' strategic focus on gaining greater *access* to these institutions of social control without also attaining racially democratic control of the same.

Akin to James Baldwin's assessment of American history, Ward's chronicle of the *dynamic racial terrain* of juvenile punishment is "longer, larger, more various, more beautiful, and more terrible than anything anyone has ever said about it" (Baldwin 1985).¹ Ward's history exposes the disconcerting fact that *progress* during this era was marked by the incorporation of Blacks into the juvenile justice system—as punishers and the punished. How is it possible that racial justice can be simply framed as a distributive problem instead of it being debated as a cultural and political tool of surveillance and control? And what is the true meaning of inclusion when the divergent systems of justice for White and Black delinquents grant privatized "citizen-building" resources to the former and more "exclusionary sanctions, or variations on [exile]" to the latter? Ward's book exposes the persistent failures of social institutions to "save" the lives of both Black youths and the communities from whence they come. He ends the book with a call to renew the Black child-saving movement. Instead of exiling those who have stumbled, can we develop their unfulfilled promise and attain their unrealized aspirations? Can we *save the race* by saving our Black boys and girls? Instead of indicting Black people, can we *indict the system*?

In contrast to Ward's denser treatise, *A Theory of African American Offending* is written in more accessible language in alignment with its popular press, its target audience, and its authors' prior experience writing textbooks for the criminology set. *Theory's* linearity in its argument and language seems well suited for broader dissemination, similar to how Michelle Alexander's (2010) book, *The New Jim Crow*, moved conversation about the justice system to the popular sphere after its release. There is great potential for this work to do the same.

There are not many criminology books that launch into a description of chattel slavery, lynching, police brutality, northern urban riots, and residential segregation in the space of two to three pages, and *then* seek to explain contemporary offending rates for African Americans and adults. But Unnever and Gabiddon frontload this information in a way that primes the audience to think historically, geographically, politically, and, most importantly, sociologically about racial propensities to offend. It is their foregrounding of these inextricably linked institutional and social forces that keeps the argument legitimate even when the authors sprinkle broad racial generalizations into the text (e.g., the "inimitable dislike whites have toward African Americans" (p. 6)).

In fact, Unnever and Gabiddon's book is *almost* conspiratorial. The starting premise of why we even need a theory of offending that is specifically tailored to African Americans may lead some readers to begin the book with a very skeptical eye. As an African American woman from the deep south who studies criminal *injustice*, I thought of this book as a theoretical "treatment" not unlike those race-specific medications—African American heart drugs—that were marketed beginning in the early 1990s, to specifically address the unique biological characteristics of Blacks' heart ailments.² Could a specific sociological examination of the "Black experience" and this group's concomitant offending behaviors benefit from a *racially bespoke* theory?

The first chapter tries to decrease the skepticism by painstakingly arguing that a theory of African American offending is necessary because generalized criminological theories (e.g., strain, social disorganization, control, etc.) cannot explain the unique lived experiences of this racial group. Unnever and Gabiddon believe that African American offending is related to the "cumulative consequences of

being black in a racially stratified society with conflicted racial relations” (p. 174). Thus, it is African Americans’ *collective history and current lived experiences* that are related to their likelihood of offending, and the central explanatory variable is the experience of racial discrimination.

Chapters Two and Three present evidence that African Americans have a unique worldview that *informs the decisions* of individual African Americans to offend (as if all offending behavior is rational or by choice?). According to Unnever and Gabbidon, a core feature of the African American worldview is the experience with criminal *injustices*. These perceptions of injustice undermine the legitimacy of the law and increase the likelihood of African Americans expressing defiance and anger. The authors posit that the more African Americans perceive injustice, the more likely they are to defiantly offend. Although some of the findings they highlight do not account for race and class interactions, this is an empirical question that many more scholars, including myself, are tackling.

Chapter Four delves into how racial discrimination, stereotypes, and stereotype threats correlate with African American offending. Unnever and Gabbidon argue that these multilayered forms of racism have two main consequences: (1) they undermine the ability of African Americans to form strong bonds with White-dominated institutions, and (2) perceptions of racial injustices deplete the emotional capital of African Americans. According to the authors, the resultant *institutional anomie* and elevated perceptions of injustice increase the likelihood of individuals exhibiting “anger-defiance-depression,” which in turn increases African American individuals’ probability of impulsively offending.

Chapter Five presents an extended review of the literature on racial socialization and posits that it explains why all African Americans will not criminally offend even though group members have a shared worldview. Unnever and Gabbidon strongly assert that only those African Americans whose parents did not prepare them to cope with their experiences of racial injustice will offend, and there were particular gendered and interactional dynamics that influenced the likelihood and substance of this purportedly critical factor explaining criminal offending behavior. The authors marshal research findings that females are more likely to receive positive racial socialization (mainly from their mothers) that emphasizes: expressions of racial pride; exhibiting positive, proactive resistance when experiencing racial injustice; seeking institutional supports (going to church); and pushing egalitarian values (i.e., work hard to get your rewards). In contrast, fathers, if they were present, were more likely to emphasize negative bias and increase the likelihood that their sons would adopt an “avoidance-coping style” when confronted with racial injustices. The final chapter gives a comprehensive overview of the theory, and the book could have ended there. Instead, the authors include an epilogue that discusses environmental racism as a correlate of offending behavior. I submit that an epilogue outlining guiding principles for testing their theory would have been more effective.

Nonetheless, Unnever and Gabbidon’s compilation of recent research on the topic of race and crime is quite useful, especially since they use it to embed their theory into central constructs across multiple fields. Skin-tone stratification and colorism, oft neglected but critically important variables, are included in their theory. Unnever and Gabbidon hypothesize that darker-skinned African Americans, especially those not proactively and positively racially socialized, are more likely to encounter racial subordination and experience criminal injustices and, thus, have an increased likelihood of exhibiting criminal offending behaviors. Place was also posited as a central determinant of offending behavior. They submit that individuals who live in areas of concentrated disadvantage are more likely to have experiences with racial injustices that

would cause them to criminally offend. I was especially intrigued by their enumeration of several testable hypotheses on racial segregation, concentrated disadvantage, and positive racial identity on offending behavior in Chapter Five. Unnever and Gabbidon believe the crucial determinant of whether one would offend rested in the *degree* to which African Americans experienced racial discrimination and were negatively stereotyped. According to their theory, the degree of exposure should be measured across the following dimensions: (1) age of onset for first encounter with racial injustice, (2) who committed the racial injustice (e.g., a person in authority like school teacher or police officer), (3) frequency of exposure, and (4) duration of exposure (p. 183).

The two works reviewed here offer critical insight toward better understanding the institutional apparatuses that undergird criminal offending and criminal punishment. The intersections of race, class, gender, and place on African Americans' perceptions and experiences of criminal *injustices* are all too clear, especially when we harken back to the grander idea of legacy. *The Black Child-Savers* demonstrates how the "parental state," in its concept and authority, relies on the cultural and legal frameworks of deficits and accountability. The state thus intervenes when the failures of the child and/or the family are brought under its regulatory authority. But, to paraphrase Baldwin, how is it possible to raise a child without loving the child? *A Theory of African American Offending* reveals how difficult it can be for Black parents, particularly those mired in concentrated disadvantage, to prepare their children for the racial injustices they may confront in life. These parents are themselves dealing with the noxious effects of racial subordination and criminal injustice and may therefore be rendered emotionally unstable and unavailable to their children. How is it possible, James Baldwin asks, to love the child if one does not know who one is? What if no one cares enough about the child to prepare him for his journey?³

The state's role in delivering the "embryonic citizen to the body politic" (Ward 2012, p. 25) is corrupted when the *provision* of state services is rendered as state violence on those same vulnerable, Black bodies. Unnever and Gabbidon's theory sets out to explain the racial differentials in offending, and their causal constructs demonstrate the necessity of eradicating racial oppression, strengthening Black people's ties with formative institutions, and protecting and restoring family bonds. If racial subjugation is the central determinant of Blacks people's enmeshment in the carceral state, it is necessary to remove racism from the systems that structure Black lives, especially those that provide central services—education, employment, housing, and health. This is how we learn from Ward's history of the juvenile justice system to transform the structure of punishment institutions and our interactions with them. America, do you hear the clarion call of people across the world proclaiming that "Black Lives Matter"? Will America listen and act to fulfill her long-standing promise toward racial democracy? What will be the next iteration of the carceral state? The world is watching.

Generations do not cease to be born, and we are responsible to them because we are the only witnesses they have.

—James Baldwin, *Nothing Personal* (1983, p. 60)

Corresponding Author: Professor Carla Shedd, Department of Sociology, Knox Hall - Mail Code 9649, Columbia University, 606 West 122nd Street, New York, NY 10027. E-mail: cs2613@columbia.edu

NOTES

1. From James Baldwin's (1985) "A Talk to Teachers," originally published in *The Saturday Review*, December 21, 1963.
2. See Alondra Nelson's forthcoming work *The Social Life of DNA: Race, Reparations, and Reconciliation after the Genome*.
3. James Baldwin (1983), pp. 57–58.

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