ANNUAL REVIEWS

Annual Review of Law and Social Science

The Origins of Mass Incarceration: The Racial Politics of Crime and Punishment in the Post–Civil Rights Era

Katherine Beckett[1,2] and Megan Ming Francis[1,3]

[1]Department of Law, Societies & Justice, University of Washington, Seattle, Washington 98195, USA; email: kbeckett@uw.edu, meganmf@uw.edu

[2]Department of Sociology, University of Washington, Seattle, Washington 98195, USA

[3]Department of Political Science, University of Washington, Seattle, Washington 98195, USA

Annu. Rev. Law Soc. Sci. 2020. 16:433–52

The *Annual Review of Law and Social Science* is online at lawsocsci.annualreviews.org

https://doi.org/10.1146/annurev-lawsocsci-110819-100304

Keywords

mass incarceration, carceral state, racial politics, punishment

Abstract

This article examines the origins of US mass incarceration. Although it is clear that changes in policy and practice are the proximate drivers of the prison boom, researchers continue to explore—and disagree about—why crime control policy and practice changed in ways that fueled the growth of incarceration in all 50 states. One well-known account emphasizes the centrality of racial and electoral politics. This article more fully explicates the racial politics perspective, describes several friendly amendments to it, and explores a range of arguments that challenge it in more fundamental ways. In the end, we maintain that although mass incarceration has many drivers, it cannot be explained without reference to the centrality of racial politics; the importance of the crime issue to the GOP electoral strategy that emerged in the wake of the civil rights movement; and the nature of the decentralized, two-party electoral system in the United States.

INTRODUCTION

The term mass incarceration is now widely used to call attention to the unprecedented scale of the US institutions of confinement—and the havoc they wreak. After hovering just above 100 for decades, the incarceration rate climbed rapidly from the 1970s. In 2008, 760 of every 100,000 US residents—nearly 1 in 100 adults—lived behind bars. Five million others were on probation or parole, more than ten million spent time in jail, and nearly one in three people lived with a criminal record (Kaeble & Glaze 2016, table 4; PEW Cent. States 2012). By 2016, the US incarceration rate had fallen to 655 per 100,000 residents, a nearly 14% decline. Despite this modest drop, the United States remains the world's leading jailer.

As dramatic as its emergence has been, mass incarceration is one (quite important) component of an even larger development, namely, the growth of the carceral state. Sociologist Garland (2001b, p. 2) coined the term mass imprisonment in 2001 to call attention to the "unprecedented expansion of prison populations" in the United States and to the "systematic imprisonment of whole groups of the population." Since that time, the use of a similar term—mass incarceration, which also includes the jail population—has exploded. The literature that explores mass incarceration's causes and consequences pays particular attention to the tail end of the criminal process—namely, incarceration—and to the policy developments that have fueled rising incarceration rates. As Garland (1990, p. 8) notes, this focus on incarceration coexists with efforts to "trace all of the forms in which state power is exercised through the criminal justice apparatus." Studies aimed at this broader objective often use the term carceral state to call attention to the expanding role of penal institutions, broadly defined, in the lives of the poor and in communities of color. Thus, although these terms are sometimes used interchangeably, they do refer to different, if overlapping, phenomena.

This article examines the origins of mass incarceration, the emergence of which has spawned a tremendous amount of social scientific research. Many studies analyze the effects of mass incarceration and show that penal expansion has many effects that enhance, and mask, inequalities (Clear 2007; Harris et al. 2010; Lee et al. 2014, 2015; Pettit 2012; Pettit & Western 2004; Travis et al. 2014; Uggen 2016; Wakefield et al. 2016; Western 2006, 2012; Western & Beckett 1999). For the formerly incarcerated, these effects include reduced earnings and employment, increased housing instability and indebtedness, and impaired physical and mental health (Harris et al. 2010; Sewell & Jefferson 2016; Sewell et al. 2016; Travis et al. 2014; Western 2006, 2012). Mass incarceration also destabilizes the families and communities from which the convicted are overwhelmingly drawn (Clear 2007, Comfort 2007, Lee et al. 2014, Wakefield & Wildeman 2013, Western 2006, Wildeman & Western 2010). Given pronounced racial and ethnic disparities in criminal justice contact and involvement, communities of color have been especially hard hit.

Like mass incarceration, the growth of carceral state power has been quite consequential. For example, people who are stopped, frisked, arrested, fined, and surveilled are also harmed by their contact with the criminal justice system, even if they are not confined (Beckett & Herbert 2010; Brayne 2014; Harris et al. 2010; Kohler-Hausman 2013, 2017; Natapoff 2015; Rios 2011; Sewell & Jefferson 2016; Stuart et al. 2015). Increased contact with the carceral state has led to decreased political participation and civic engagement, thereby undermining citizenship (Burch 2013, Owens & Walker 2018, Prowse et al. 2020, Soss & Weaver 2017, Weaver & Lerman 2014, White 2019).

Although using the terms mass incarceration and carceral state interchangeably may therefore be appropriate in some contexts, this practice may also cause confusion in discussions of the origins of these developments, as some dynamics that have undoubtedly fueled the growth of the carceral state have not significantly contributed to the growth of prison or jail populations. For example, in New York City, the adoption of broken windows policing clearly empowered the police, subjected

many poor New Yorkers to heightened surveillance and control, flooded the courts with low-level arrests, and led to the innovation and expansion of court-based systems of control. Yet both the misdemeanor conviction rate and jail populations declined notably in this context (Kohler-Hausmann 2018). Thus, although the adoption of broken windows policing in New York City did expand carceral state power, it does not appear to have contributed directly to mass incarceration.

In this article, we focus on mass incarceration specifically. One body of literature shows that mass incarceration is a shortsighted, ineffective, and inhumane approach to public safety. Many countries with far lower incarceration rates experience less crime and have enjoyed declines in crime rates that are akin to those that have taken place in the United States (Doob & Webster 2006, Tonry 2016, Tonry & Farrington 2005, Zimring 2007). Similarly, US states that decreased their imprisonment rates the most in recent years have also experienced the largest drops in crime (PEW Charit. Trust 2014; Lofstrom & Raphael 2016a,b; Sundt et al. 2016). Moreover, research indicates that incarceration is often criminogenic, that short sentences deter as much as long sentences, and that the vast majority of people age out of crime. For these and other reasons, the National Research Council concluded that "statutes mandating lengthy prison sentences cannot be justified on the basis of their effectiveness in preventing crime" (Travis et al. 2014, pp. 155–56).

Another body of literature seeks to identify the proximate causes of mass incarceration, that is, the specific changes that fueled prison growth. These studies indicate that the increased use of prisons stems largely from two main changes in policy and practice rather than from rising crime rates (Blumstein & Beck 1999, Raphael & Stoll 2013, Travis et al. 2014, Western 2006). First, the proportion of felony arrests that resulted in prison admission (rather than a jail or probation sentence) increased notably after the early 1980s (Blumstein & Beck 1999, Raphael & Stoll 2013, Travis et al. 2014, Western 2006; see also Pfaff 2017). Insofar as this shift stemmed at least in part from prosecutors' increased proclivity to file felony charges, these findings are consistent with research that highlights prosecutors' vast—and unregulated—discretionary power (Davis 2008, M. Lynch 2016, Pfaff 2017, Stuntz 2011). In addition, prisoners are spending more time behind bars (Davis 2008, M. Lynch 2016, Pfaff 2017, Stuntz 2011; see also PEW Cent. States 2012).[1] The dramatic increase in drug arrests in the 1980s and 1990s also fueled the growth of prison and jail populations (Alexander 2010, Travis et al. 2014).

In short, it is clear that changes in policy and practice (rather than rising crime rates) are the proximate drivers of the prison boom. Nevertheless, researchers continue to explore—and disagree about—why crime control policy and practice changed in ways that fueled incarceration in all 50 states. In what follows, we review and assess this literature. Our analysis is guided by two main considerations. First, we focus on the capacity of various arguments to explain the emergence of mass incarceration (as opposed to the growth of carceral state power). In addition, we seek to distinguish between its fundamental causes and less-significant contributing factors. Complex institutional and political developments such as mass incarceration can rarely, if ever, be reduced to a single or even a few causes. For this reason, synthetic approaches that identify both macro- and meso-level factors offer an important contribution (see Campbell & Schoenfeld 2013, Savelsberg & Powell 2019). At the same time, analyses aimed at identifying the deeper historical and structural origins of mass incarceration may help to distinguish between its fundamental causes, without which mass incarceration would not have occurred, and other factors that played a contributing role but were less central to—and necessary for—its emergence.

[1]This trend is a function of the enactment of tough sentencing laws, which make "statutory hammers" (M. Lynch 2016) available to zealous prosecutors and judges and profoundly alter the balance of power in the courtroom. Restrictions on prisoners' capacity to earn time off of their sentence, and parole boards' increased reluctance to release prisoners before they have served their maximum term, also contributed to this trend (Ghandnoosh 2017).

One well-known account of the origins of mass incarceration emphasizes the centrality of racial and electoral politics in the contemporary United States and the ways in which the two-party, winner-take-all system structures these forces. This racial politics perspective contends that the social and policy shifts that fueled mass incarceration have their roots in the political dynamics unleashed by the emergence and successes of the civil rights movement in the 1950s and 1960s (Beckett 1997, Cronin et al. 1981, Hagan 2010, Hinton 2016, Jacobs & Jackson 2010, Lowndes 2008, Thompson 2010, Weaver 2007, Western 2006). In recent years, many researchers have usefully complicated and/or extended this framework, while others have offered interpretations that emphasize other, ostensibly more fundamental dynamics. For example, some attribute mass incarceration to the rise of neoliberalism (e.g., Wacquant 2009), whereas others emphasize shifts in cultural values and sensibilities (Garland 2001a, Tonry 2004, Whitman 2003, Zimring & Johnson 2006). Recently, several analysts have argued that the policies and practices that drove mass incarceration have their origins in high and/or rising rates of violent crime (Enns 2016, Lacey & Soskice 2018, Miller 2016). Still others emphasize the role of liberals in the prison buildup (Gottschalk 2006, Hinton 2016, Muhammad 2010, Murakawa 2014).

In what follows, we more fully explicate the racial politics perspective, describe several friendly amendments to it, and explore a range of arguments that challenge it in more fundamental ways. We argue that recent research adds welcome nuance and complexity to the racial politics perspective and usefully identifies the mechanisms by which the political dynamics it highlights influenced policy and practice at the federal and state levels. We also argue that alternative accounts that identify neoliberalism, changing norms and attitudes, trends in violent crime, and/or the role of liberals offer some important insights but generally obscure rather than illuminate the deeper, most fundamental origins of mass incarceration. In the end, we maintain that although mass incarceration is the result of many changes and dynamics, it simply cannot be explained without reference to the centrality of racial politics; the importance of the crime issue to the GOP electoral strategy that emerged in the wake of the civil rights movement; and the nature of the decentralized, two-party electoral system, which increased the weight and importance of socially conservative swing voters and encouraged bipartisan competition for ownership of the crime issue.

THE RACIAL POLITICS PERSPECTIVE

The racial politics perspective foregrounds the unique history of race relations and the political system that sustained and shaped them in the United States. It also emphasizes the impact of the civil rights movement on electoral dynamics and the significance of the conservative southern strategy that emerged in this context (Beckett 1997, Carter 1995, Hagan 2010, Lowndes 2008, Weaver 2007). For many decades after the Civil War, the Democratic Party represented the interests of white southerners, who benefited enormously from the disproportionate power they secured through the Senate and the electoral college. The emergence of the civil rights movement, and the Democratic Party's (eventual and arguably reluctant) embrace of the civil rights cause, radically destabilized partisan loyalties. In this context, conservatives focused on and framed several social issues, especially crime, in ways they hoped would attract socially conservative white swing voters who had been alienated from the Democratic Party (Flamm 2005, Lowndes 2008, Mendelberg 2001).

As early as the 1950s, conservatives began to frame their opposition to civil rights and desegregation in terms of concern about "law-breaking" (a reference to the use of civil disobedience by activists) and "the breakdown of law and order," implicitly equating civil rights activism with criminality (Beckett 1997, Weaver 2007). Use of this rhetoric escalated following President Johnson's signing of the Civil Rights Act in 1964, as Republican strategists identified crime and unrest as key

to attracting disaffected white voters who were no longer loyal to the Democratic Party. This so-called southern strategy entailed the strategic mobilization of coded racial language in an attempt to woo socially conservative white voters (Beckett 1997, Hagan 2010, Mendelberg 2001, Weaver 2007). Special counsel to the Nixon administration John Erlichmann later described Nixon's 1968 electoral strategy precisely in these terms: "We'll go after the racists. That subliminal appeal to the antiblack voter was always present in Nixon's statements and speeches" (quoted in Haney-Lopez 2013). This strategy was, and continues to be, a useful way of tapping into the racial biases that are inextricably linked to attitudes about crime and punishment in the United States (Bennett & Tuchfarber 1975, Brown & Socia 2017, Drakulich 2015, Unnever & Cullen 2010).

From this perspective, the politicization of the crime issue and the promulgation of tough anticrime policies in the aftermath of the 1960s were also part of a conservative effort to enhance the state's social control capacity while weakening its commitment to social welfare (Beckett 1997, Beckett & Western 2001, Kohler-Hausmann 2017, Weaver 2007). The portrayal of poor people, particularly those who relied on welfare, as dangerous and undeserving was key to this effort (Katz 2013). Crime and unrest were particularly useful for this purpose, as they portrayed the poor as not only undeserving but also dangerous (Beckett 1997, Gilens 1999, Katz 2013, Quadagno 1994).

Importantly, this literature does not attribute the success of efforts to stigmatize the poor to the capacity of elites to manipulate public opinion. Instead, this argument draws on research showing that elected officials routinely seek to frame issues in ways that are compatible with their electoral and policy goals, and various issue frames can tap into, and shape, preexisting concerns and the meaning of lived experiences (Bennett 1980, Edelman 1988, Edsall & Edsall 1991, Gamson 1992). In fact, issue frames that tap into long-standing cultural themes are particularly viable and potent. In this case, efforts to frame crime and poverty as the result of individual laziness and immorality resonated with preexisting stereotypes and biases, especially those that associated blackness with criminality (Gilens 1999, Muhammad 2010). They also tapped into a long-standing emphasis on individualism in US culture and provided a way to make sense of the experience of economic insecurity (see Beckett 1997, chapter 6; Gilens 1999; Hogan et al. 2005).

Racialized images and rhetoric highlighting the danger of street crime, the depravity and immorality of welfare recipients, and the need for tough responses to poverty-related problems resonated in particular with electorally important segments of the public, namely, newly available and socially conservative white voters (see Beckett 1997, pp. 85–86; Unnever & Cullen 2010). Over time, the continued use of this strategy by the GOP, and periodic efforts by the Democratic Party to seize ownership of the crime issue, fueled bipartisan competition to enact increasingly punitive anticrime measures at both the state and federal levels (Beckett 1997, Davey 1998, Jacobs & Jackson 2010, Weaver 2007), though the Republican Party typically did so in a more overt, consistent, and unabashed manner. Indeed, the use of racialized rhetoric and imagery aimed at heightening fear and hostility remains central to the GOP's electoral strategy and tactics. The Trump administration and its allies, for example, continue to highlight the alleged threat to security posed by (black and brown) immigrants in an effort to secure the votes of electorally crucial and socially conservative white voters (Davis 2018).

Although the political dynamics described above help to explain how and why crime emerged as a prominent national political issue in the 1960s, incarceration rates did not begin to rise until the 1970s and began their more dramatic ascent even later. This pattern requires explanation. Although the Johnson and Nixon administrations did increase federal crime control funds, the Watergate scandal and eventual resignation of President Nixon in 1974 meant that the GOP became, for a time, more reluctant to focus on issues of criminality (Flamm 2005). It was not until Ronald Reagan was elected in 1980 that the GOP returned to the southern strategy in a full-throated manner and, in so doing, triggered bipartisan competition to be the toughest party

in town (Beckett 1997, Hagan 2010). It was also in the 1980s and 1990s that Congress began to pass legislation that notably enhanced and incentivized local law enforcement and influenced sentencing policy at the state level (Campbell & Schoenfeld 2013). Measures enacted at the federal level in the 1980s and 1990s significantly enhanced funding for state and local law enforcement; incentivized more aggressive practices and policies; and, perhaps most importantly, encouraged the enactment of tough sentencing laws by the states. In this context, incarceration rates rose dramatically across all 50 states between 1980 and 2007.

FRIENDLY AMENDMENTS TO THE RACIAL POLITICS PERSPECTIVE

The racial politics perspective thus highlights the centrality of race in contemporary American politics, the electoral consequences of the civil rights movement, the changing partisan tactics adopted in this historical and political context, and the role of (racialized) rhetoric around crime and punishment. In recent years, researchers have added numerous layers of complexity to this perspective. For example, Forman (2017) shows that tough anticrime policies were not unilaterally imposed on black communities by conniving conservatives. Rather, black influence on American criminal justice policy grew as blacks gained political power in the post–civil rights context,

> and to a significant extent, the new black leaders and their constituents supported tough-on-crime measures. To understand why, we must start with a profound social fact: in the years preceding and during our punishment binge, black communities were devastated by historically unprecedented levels of violence. . . . (Forman 2017, p. 10)

Although Forman thus emphasizes the existence of some (mixed and ambivalent) support for punitive anticrime policies in black communities in the 1960s, 1970s, and 1980s, his argument is best understood as an addition to, rather than a refutation of, the idea that racial politics were key to the emergence of mass incarceration. As he explains,

> In focusing on the actions of black officials, I do not minimize the role of whites or of racism in the development of mass incarceration. To the contrary: racism shaped the political, economic, and legal context in which the black community and its elected representatives made their choices. (Forman 2017, pp. 10–11)

The fact that some black community members and leaders, including members of the Black Congressional Caucus, supported enhanced law enforcement and the 1986 and 1988 Anti-Drug Abuse Acts does not mean that the bipartisan competition that fueled the development of this and other legislation was not driven by the political dynamics highlighted by the racial politics perspective. Rather, these dynamics help explain why black leaders concerned about high rates of violence in their communities had few other options at their disposal in their quest to reduce crime in their communities. Moreover, black leaders called for a wide array of community investments in their quest to improve public safety, yet only calls for tougher sentences received political traction (Hinton et al. 2016). The racial politics perspective helps explain why that was the case.

Another body of research helps explain why the electoral strategy emphasized by the racial politics perspective has been uniquely consequential in the United States. Politicians in many countries have sometimes mobilized racialized tropes and images to engender fear of crime and support for tough punishment and welfare policies. Yet this dynamic resulted in mass incarceration only in the United States. Comparative studies help explain this puzzle and show that racial politics are especially likely to affect penal outcomes in decentralized, federalist, and two-party electoral systems such as the United States (Downes 1988; Lacey 2008, 2010; Savelsberg 1994; Savelsberg & Powell 2019), where elites are incentivized to respond to the (perceived) sentiments and

preferences of voters. By contrast, in more corporatist and centralized systems, decision makers do not need to appear to be responsive to the public and tend to rely more on professional input in the development of criminal justice policy. Empirical studies examining international variation in the use of incarceration show that more centralized, corporatist systems are characterized by lower incarceration rates and thus provide support for this institutional perspective (Jacobs & Kleban 2003; Sutton 2000, 2004; Whitman 2003).

These studies are sometimes interpreted to mean that mass incarceration's roots lie in penal populism, to which politicians are beholden (e.g., Barkow 2019). But framing the problem in terms of penal populism ignores the fact that the preferences of some (i.e., swing) voters matter more than those of others in a winner-take-all, two-party system (Beckett 1997, Lacey 2008). The term populism also obscures the role of political leaders in framing issues related to crime and poverty that served their electoral and political goals. Miller (2016) offers a different critique of the emphasis on penal populism, arguing that excessive punishment in the United States reflects too little rather than too much democratic responsiveness. For Miller (2018, p. 300), the United States is exceptional not "because it is overly accountable to the public's punitive demands about crime and violence but because its highly fragmented political system leaves lawmakers unaccountable for actually reducing crime and a wide range of other social inequities." In our view, there is truth to both claims. In more decentralized, two-party systems, elected officials do seek to appear to be responsive to public opinion—mainly the sentiments of electorally crucial, socially conservative white swing voters. It is also true that the punitive policies these voters tend to prefer are largely ineffective and that the more nuanced preferences of those adversely affected by both crime and mass incarceration have been ignored (see also Forman 2017, Hinton et al. 2016).

Finally, Campbell & Schoenfeld (2013) usefully identify several mechanisms that help to explain how the broad political and racial dynamics precipitated by the civil rights movement encouraged the enactment of the state-level policies and practices that are largely responsible for the increase in incarceration rates in the 1980s, 1990s, and 2000s. Specifically, Campbell & Schoenfeld show that the changing national political discourse surrounding crime profoundly influenced political debate and strategy at the state level; helped alter the balance of political power; and motivated the development of federal policy mandates, funding opportunities, and administrative developments, all of which sparked significant responses at the state level. Over time, as the penal system expanded, the growth of criminal justice interest groups and state-level policy innovation created feedback loops and powerful interest groups that made it difficult to implement less-punitive anticrime policies. Campbell & Schoenfeld's analysis thus helps identify the myriad pathways by which the changing politics of crime at the national level triggered the enactment of state politics, policies, and practices that fueled and helped to institutionalize mass incarceration.

In addition to these friendly amendments to the racial politics perspective, several scholars have offered very different accounts of the origins of mass incarceration. In what follows, we describe these alternative accounts and assess their capacity to explain the specific changes in policy and practice that fueled mass incarceration.

MASS INCARCERATION AS NEOLIBERAL PROJECT

The idea that neoliberalism is a key driver of mass incarceration has received considerable attention by scholars. Neoliberalism is generally defined as a set of policies and ideological tenets that include the privatization of public assets; the deregulation or elimination of state services, macroeconomic stabilization, and the discouragement of Keynesian policies; trade liberalization and financial deregulation; and the use of market language to legitimize new norms and

neutralize opposition (Dawson & Francis 2016, Duggan 2003, Harvey 2007, Panitch & Gindin 2012). Scholars highlight how neoliberalism, through its embrace of the market as a solution for all policy problems, radically reframed governments' relationship to its poorest citizens (Harcourt 2011, Soss et al. 2011, Spence 2015).

The neoliberal thesis does offer a way to understand some penal shifts—especially the privatization of some government functions since at least the 1980s. By emphasizing incarceration as a site for the application of market principles, the neoliberalism thesis illuminates how the drive for profits by the private sector influenced key practices of the penal apparatus, such as the commodification of services inside prisons, prison labor, and the imposition of legal financial obligations (Harris 2016; Harris et al. 2010, 2019).

At the same time, the argument that neoliberalism is a root cause of mass incarceration rests on shaky empirical grounds. First, mass incarceration is unique to the United States, but neoliberalism is not (Lacey 2013). If neoliberalism is the root cause of mass incarceration, we would expect to see it in other countries, such as Great Britain, where neoliberalism has also flourished. Second, mass incarceration violates central tenets of neoliberalism, as it involves massive government spending. In fact, control of incarceration did not transfer to private hands. Instead, lawmakers eagerly allocated public funds to support mass incarceration during the height of neoliberal restructuring. Today, private prisons hold just 8% of the total number of incarcerated individuals in the United States; the vast majority of prisons are still operated by the government (Wagner 2015). In many ways, mass incarceration seems incompatible with even the broad entrepreneurial catchall understandings of neoliberalism: It is too big, too public, and too costly to be an expression of the embrace of the market.

Functionalist accounts of the relationship between hyperincarceration and neoliberalism are also problematic. For example, Wacquant (2001, p. 401) argues that the "penalization of poverty" is "designed to manage the effects of neo-liberal policies at the lower end of the social structure of advanced societies" and is therefore the functional and necessary counterpart to neoliberal social policies. This is because the penal state manages and contains "disorders spawned by the deregulation of the economy, the desocialization of wage labor, and the relative and absolute immiseration of large sections of the urban proletariat" (Wacquant 2003, p. 200). From this perspective, then, the deregulation of the economy is necessarily accompanied by hyperpenality, as elites seek to manage the social consequences of rising inequality caused by neoliberalism. Yet this argument overstates the extent to which hyperpunitive policies and practices reduce social conflict and ameliorate the effects of neoliberalism. Indeed, Wacquant (2003, p. 197) himself emphasizes that the implementation of hyperpenality in Brazil and other Latin American countries "promises to produce a social catastrophe of historic proportions." The adoption of these policies cannot be explained in terms of a function they do not serve.

We are persuaded, however, that the racial politics approach to mass incarceration must take into account capitalist economic structures (Dawson 2014). The desire for more specificity in understanding economic forces has led to an exciting area of scholarship focused on the origins and contemporary operation of the criminal justice system through the lens of racial capitalism. Racial capitalism denotes the system that is produced by the mutually constitutive hierarchical structures of capitalism and race in the United States (Du Bois 1935, Robinson 1983). From this perspective, capitalism shapes how race is understood and produced within the United States, whereas white supremacy shapes the contours of capitalism. Although racial capitalism does not fully explain the onset of mass incarceration, its recognition of the centrality of racial inequality and white supremacy as constitutive historical forces helps illuminate the uniquely racialized role of market logics in the United States. Indeed, pathbreaking work from scholars such as Gilmore (2018), Haley (2016), and Wang (2018) suggests that close attention to the articulations of capitalism and

white supremacy in penal logics will generate a deeper understanding of carceral state power in the past and present.

MASS INCARCERATION AND THE CULTURE OF LATE MODERNITY

Another group of researchers argues that mass incarceration is, at its root, an expression of changing cultural values and sensibilities (Garland 2001a, Zimring & Johnson 2006). Perhaps the best-known example of this approach is Garland's (2001a) *The Culture of Control*, which contends that the conditions of late modernity as manifested in the Global North shape "cultural sensibilities"—structures of feeling and ways of thinking and talking—about crime, order, and security. In both the United Kingdom and the United States, he argues, a distinctive pattern of social, economic, and cultural relations characteristic of late modernity created several risks, insecurities, and control problems in the 1970s, 1980s, and 1990s. These conditions encouraged criminal behavior, thereby making the enforcement of criminal law more difficult, and generated a diffuse yet pervasive preoccupation with order and sense of insecurity. Concern about high crime rates, an (ostensibly) more permissive approach to minor forms of crime, and growing anxiety about disorder, Garland suggests, undermined faith in the state's capacity to provide adequate levels of security and confronted political actors and government agencies with a new set of practical and ideological problems. Both punitive policies and pragmatic public/private partnerships are a response to the anxieties that, he argues, stem from the experience of living in late modernity.

Although Garland's analysis usefully identifies several key similarities in the United States and United Kingdom that might otherwise have escaped notice, his exclusive focus on the similarities between the United Kingdom and United States requires him to largely ignore the massive difference between the two countries' incarceration rates. At roughly 125 per 100,000 residents, Britain's incarceration rate was only slightly higher than those of other Western European countries at the turn of the twenty-first century, whereas the US rate is roughly five times higher. Insofar as both countries (and many other industrialized democracies) experienced the social and cultural changes Garland describes as aspects of late modernity, any shifts in these cultural sensibilities cannot be a fundamental cause of mass incarceration.

CRIME, VIOLENCE, AND MASS INCARCERATION

Recently, several researchers have offered alternative accounts that treat rising and/or comparatively high levels of violence in the United States as the root cause of mass incarceration (Enns 2016; Lacey & Soskice 2018; Miller 2010, 2016). Although none of these authors contend that the incidence of violence alone is sufficient to explain mass incarceration, each argues that rising and/or comparatively high levels of violence in the United States were a root cause of its emergence and interacted with institutional and political dynamics to produce mass incarceration. For example, Miller (2016) contends that rising levels of violence give rise to, and are therefore highly correlated with, public concern and media attention (i.e., public salience), as well as the amount of attention politicians pay to the crime issue. Where rates of violence and the salience of the crime issue are high, and the capacity of "mass publics" to hold elected officials accountable for enacting effective policies is limited, Miller argues, punitive policies that fuel penal expansion are likely to occur.

Enns (2016) also emphasizes the importance of (ostensibly) rising crime rates, which he argues triggered increased news coverage of crime, which in turn fueled punitiveness among the "mass public" to which politicians were compelled to respond. To support this argument, Enns employs quantitative methods to identify the determinants of rising public punitiveness and assess the

impact of shifts in public opinion on national and state incarceration rates. The results indicate that changes in crime rates closely correspond to changes in the volume of news coverage of crime, which in turn corresponds to popular punitiveness. In addition, Enns finds that changes in punitiveness were a significant predictor of shifts in the incarceration rate. In substantive terms, the US incarceration rate would have been 20% lower if not for rising punitiveness.

Finally, Lacey & Soskice (2018) also emphasize the centrality of levels of violence in explaining US exceptionalism with respect to punishment. International survey data were designed to generate similar measures of violence across national contexts (J.P. Lynch 2006). These data indicate that the United States is not characterized by exceptional levels of violence (except for homicide rates, which are high relative to other industrialized Western democracies) (Lacey & Soskice 2018). Rejecting these findings, Lacey & Soskice draw instead on recent efforts to compare information about crimes known to the police across national contexts to make the case that levels of violence are, in fact, higher in the United States than in the United Kingdom, Canada, and New Zealand. They further argue that the decentralized nature of the US political system means that the "median voter in local elections in political systems with such a degree of political autonomy is likely to be a homeowner with strong concerns to maintain property values" (p. 66). From their perspective, high rates of violence motivate these median (and likely) voters to favor policies that protect their interests and property values and to be disinclined to favor policies that entail meaningful investments in public safety and welfare. In short, comparatively high levels of violence shape the voting preferences of the median voter and, they aver, are crucial to understanding American exceptionalism in punishment and disadvantage.[2]

The emphasis on the incidence of violence as a (direct or indirect) driver of US mass incarceration is in tension with the findings of numerous other studies that provide a more direct test of the idea that mass incarceration is shaped to an important degree by levels of violence. In fact, researchers assessing the bivariate correlation between changes in violent crime and incarceration rates in the United States over time find little correlation between the two (Davey 1998, Zimring & Hawkins 1991). Similarly, **Figure 1** shows that the idea that mass incarceration closely tracked changes in the rate of serious violence is without foundation. In fact, from 1980 to 2010, homicide and incarceration rates moved in opposite directions. In short, the evidence for the supposition that rising homicide rates were a fundamental cause of the prison buildup rests on shaky empirical grounds.

Quantitative studies using multivariate regression techniques to analyze incarceration-related outcomes provide an even better test of the argument that violence and incarceration are correlated because they also include a host of social and political measures in their models that may account for any temporal association between violence and incarceration. Although such studies generally find that violent crime rates are positively correlated with incarceration rates at the state and county levels, they also show that a host of other social and political factors—especially the strength of the Republican Party and the size of the black population—are also highly significant predictors of incarceration rates (Beckett & Western 2001, Helms & Jacobs 2002, Jacobs & Carmichael 2001, Jacobs & Helms 2001, Jacobs & Jackson 2010, Jacobs & Kleban 2003, Smith 2004, Weidner & Frase 2003, Western 2006). Moreover, these studies indicate that a host of social

[2] We believe that this argument places undue weight on the role of local voters and politics in the construction of mass incarceration. Although the discretion of local elected officials is consequential, the policies that shape and govern those processes are largely determined at the state level. These state-level politics and policies have a massive impact on the use of incarceration (Campbell & Schoenfeld 2013, Davey 1998, Jacobs & Jackson 2010, Western 2006).

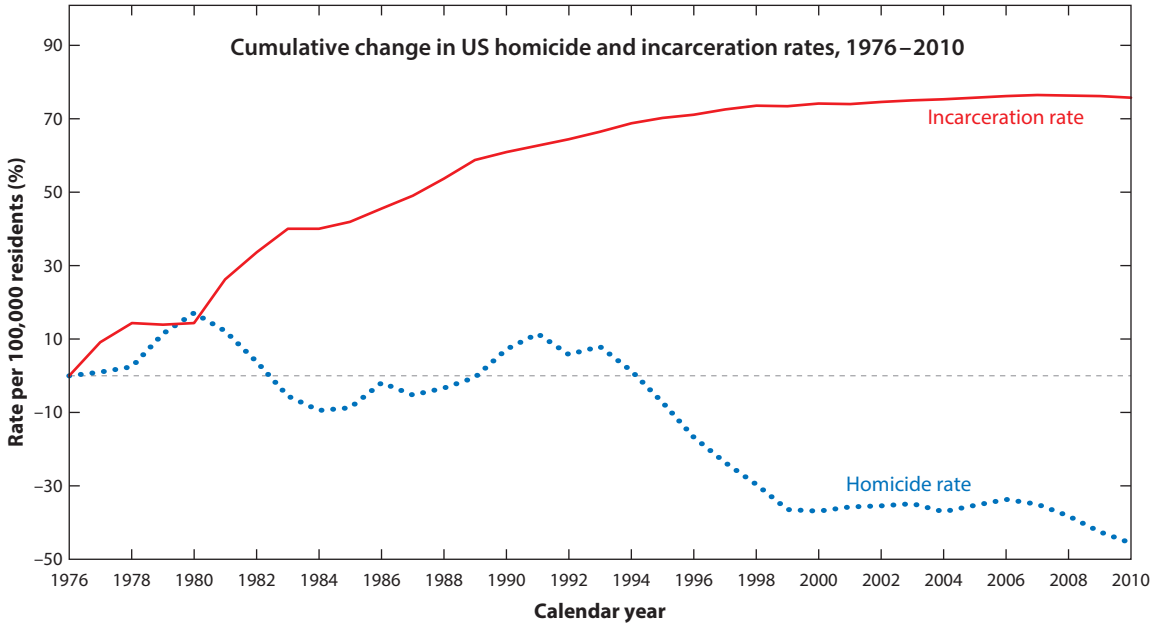

Figure 1

Cumulative change in US homicide and incarceration rates, 1976–2010. Sources: Bureau of Justice Statistics, Supplemental Homicide Data, provided by James Alan Fox, Northeastern University. Incarceration rate data compiled from Maguire (2013, tables 2.28.2012 and 6.14.2012) and Hindelang et al. (1977). Jail incarceration rate figures were interpolated for missing years.

and political factors explain more of the variation in incarceration rates across states and counties, as well as over time, than crime rates do.

The historical record also poses a challenge to the argument that rising rates of violence are a fundamental cause of penal growth in recent decades. Although mass incarceration has emerged only in recent decades, US homicide rates jumped dramatically—from under 2 per 100,000 residents in the early 1900s to 9.7 per 100,000 residents—in 1933, very nearly matching the records set in 1980 and 1990. Although this dramatic increase in lethal violence in the 1930s did trigger concern, incarceration rates rose quite modestly during this period and remained extremely low by contemporary standards.[3] Thus, dramatically increasing homicide rates, rising concern about violence and lawlessness, and the presence of democracy deficits did not produce a notable increase in incarceration in the 1930s in the United States. By contrast, US incarceration rates rose most dramatically in the 1990s through the mid-aughts—as rates of violence plummeted.[4] These examples show that the relationship between violence, political salience, and incarceration in the United States is best understood as historically contingent rather than immutable.

A closer look at the distribution of the risk of violent victimization raises further questions about the plausibility of the argument that rising levels of violent crime—especially homicide—fueled mass incarceration. When disaggregated by race, homicide data show that the white

[3]Imprisonment rates reached their pre–World War II peak in 1939, when 139 of every 100,000 residents lived behind bars (Maguire 2013, table 6.28.2012). In 2007, 760 of every 100,000 US residents lived behind bars.
[4]Both Uniform Crime Report data based on crimes known and the policy and victimization survey data show that the incidence of violent crime has fallen dramatically in the United States since the early 1990s (Zimring 2007).

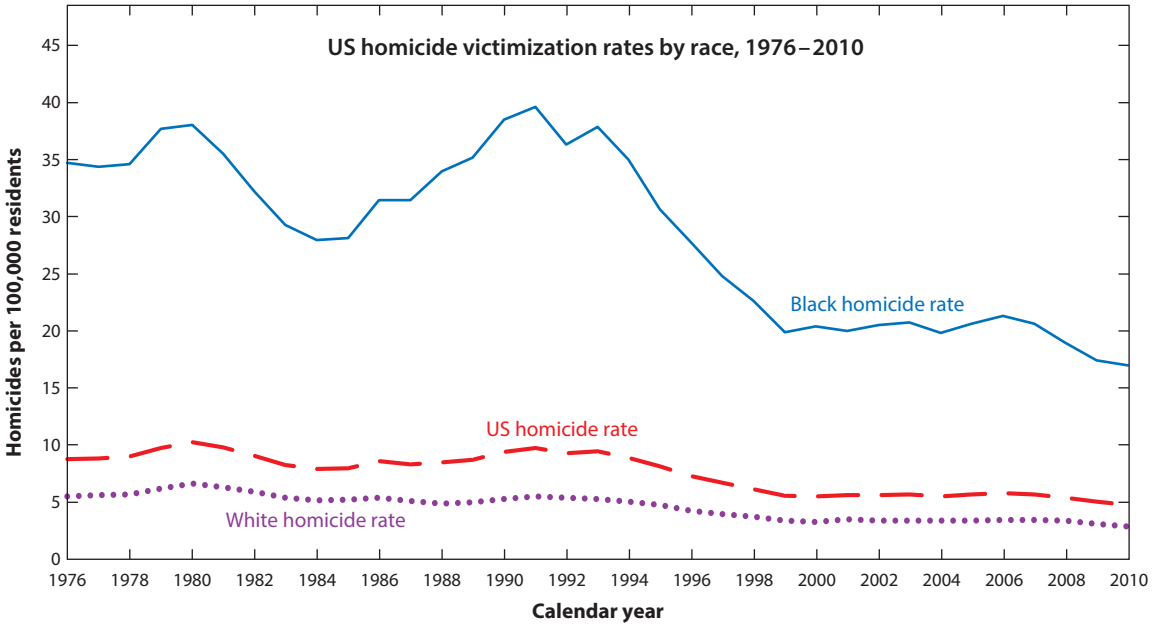

Figure 2

US homicide victimization rates by race, 1976–2010. Source: Bureau of Justice Statistics, Supplemental Homicide Data, provided by James Alan Fox, Northeastern University.

homicide rate increased very modestly in the late 1970s and declined steadily in the 1980s, 1990s, and 2000s. The black homicide rate—which was six to eight times higher than the white homicide rate during this period—rose in the 1970s, fluctuated in the 1980s, peaked in 1990, and declined notably thereafter (as incarceration rates skyrocketed) (see **Figure 2**). In short, the vast majority of the growth in US incarceration took place while the white homicide victimization rate was falling; black victimization rates also fell after 1990.

The argument that trends in serious violent crime (of which homicide rates are seen as the most reliable measure) are a fundamental cause of penal expansion thus implies that any increases in the national political salience of the crime issue and incarceration rates stemmed from the rise in the black victimization rate that took place in the 1980s (because the black homicide rate was falling during other parts of this time period and the white homicide rate declined steadily after 1980). The idea that the dramatic upsurge in concern about crime stemmed solely from concern about high and (only sometimes) rising levels of victimization among black people strains credulity. Although Forman (2017) persuasively argues that high levels of violence in black communities did fuel support for punitive policies among some black residents, it seems quite unlikely that the massive uptick in concern about, and attention to, the crime issue that dominated the national news throughout the 1980s and 1990s stemmed solely from an increase in concern among the general population about (sometimes) rising rates of black victimization. Certainly, the fact that the black homicide rate has been very high, and dramatically higher than the white homicide rate, throughout US history did not generate similar levels of concern in the past.[5] Nor did the massive increase in the black homicide rate that occurred between 1960 and 1970 engender an increase in incarceration rates that is comparable to what occurred in the 1980s, 1990s, and 2000s.

[5]For example, the black homicide rate was more than 11 times higher than the white homicide rate in 1950 (56.2 versus 5 per 100,000 residents) (see Grove & Hetzel 1968).

THE ROLE OF LIBERALS IN THE PRISON BUILDUP

Another body of recent research highlights the responsibility of liberal politicians as a central component of carceral state expansion (Hinton 2016, Murakawa 2014). This work also challenges a central dictate in research in the field of American political development about the periodization of the New Deal liberal state and underscores how, even in an era of progress, it was deeply illiberal. For example, Murakawa (2014, p. 26) argues that "liberals propelled carceral development" by focusing on liberal law and order as a response to "lawless violence" during the administration of President Harry Truman. "By the end of the Truman administration, liberal Democrats had taken a position that would shape the development of federal crime policy over the next 50 years: a strong civil rights carceral state would reduce crime through racially fair machinery" (Murakawa 2014, p. 66).

Murakawa thus argues that the historical origins of mass incarceration lie not in the 1960s but in the 1950s. Although all major institutional developments have deep historical roots, it is not clear to us why the beginning of the path to mass incarceration is located with Truman. One might as plausibly argue that mass incarceration can be traced to the end of the Civil War, when white supremacists and race conservatives in southern states were rewriting criminal statutes and practicing discriminatory policing in the South (Blackmon 2009, Haley 2016, LeFlouria 2015, Lichtenstein 1996, Mancini 1996, Perkinson 2010). Like the law-and-order liberals upon whom Murakawa focuses, these conservative state builders responded to the landmark passage of the Thirteenth, Fourteenth, and Fifteenth Amendments by criminalizing the everyday actions of African Americans. Alternatively, one might emphasize President Woodrow Wilson's historic speech to Congress, in which he condemned lawlessness and racial violence and proposed law and order as a way to solve the violence that occurred outside of the formal machinery of the carceral apparatus (Francis 2014). In short, although liberals arguably played a contributing role in the development of carceral state capacity in the 1960s, taking a longer historical view shows that efforts to use state power to enhance or restrain racial violence predated the 1960s but did not result in mass incarceration.

Hinton (2016, p. 8) lays the mantle of responsibility for carceral state building at the feet of both liberals and conservatives who oversaw the transition from the war on poverty to the war on crime in the 1960s: "As the product of one of the most ambitious liberal welfare programs in American history, the rise of punitive federal policy over the last fifty years is a thoroughly bipartisan story." Hinton's analysis focuses on the enactment of federal crime-fighting policies and programs and their devastating consequences for African American communities. Specifically, Hinton demonstrates how administrative capacity expanded through Johnson-administration antipoverty programs, and how these spaces were then defunded and replaced by a web of law enforcement–related institutions and programs. For Hinton, these were not separate state-building projects; the liberal policies associated with the welfare state made the expansion of carceral state capacity possible.

Hinton convincingly shows that liberal and conservative administrations played a role in carceral state development in the 1960s. At the same time, it is not clear that the carceral capacity she emphasizes was necessary for or even related to the emergence of mass incarceration, which occurred decades later as a result of changes in prosecutorial practice and sentencing policies.[6] In addition, the dynamics Hinton illuminates occurred in a broader institutional arrangement of two-party competition in a winner-take-all electoral system. From the racial politics perspective, it appears that the structure of the two-party system in the United States established the terms

[6]In 1960, the imprisonment rate was 117 per 100,000 residents. This rate fell throughout the 1960s and early 1970s, despite the fact that the crime rate rose notably during this period (Maguire 2013, table 6.28.2012).

of engagement: Once the GOP came to rely on the politics of law and order in the context of partisan realignment, Democrats felt compelled to also move in this direction. Thus, we interpret the role of liberals during this period as evidence of the centrality of racial dynamics in the context of the two-party, winner-take-all system, which encouraged Democrats and Republicans alike to be seen as tough on crime.

CONCLUSION

Arguments about the fundamental origins of mass incarceration must account for the fact that it is unique to the contemporary United States. Accounts that emphasize the cultural changes associated with late modernity or the forces of neoliberalism falter precisely because they cannot explain US penal exceptionalism. Alternatively, perspectives that emphasize high and (ostensibly) rising levels of violence in recent decades ignore the fact that rates of violence were just as high in the 1920s and 1930s as in the 1980s and 1990s, that rates of white victimization were flat or falling after 1980, and that total crime rates fell from after the early 1990s as incarceration rates continued to skyrocket. Although black rates of victimization did increase in the 1960s, they too were dropping throughout much of the penal buildup.[7] Moreover, given that exceptionally high rates of black victimization have been the norm rather than the exception throughout US history, it seems highly unlikely that rising levels of black victimization in the 1960s were the fundamental cause of mass incarceration.

In addition to explaining US penal exceptionalism and the fact that mass incarceration is historically unprecedented, accounts of the origins of mass incarceration should provide a plausible account of the specific changes in policy and practice that account for rising incarceration rates across the states since the 1980s. As noted previously, studies suggest that an increase in the share of arrests that resulted in a prison sentence and changes in sentencing law and policy (which increased time served, especially for violent crimes) in the 1980s, 1990s, and 2000s were the proximate causes of mass incarceration; the increase in drug arrests in the 1980s and 1990s also played a role. Accounts that emphasize the role of liberals, and especially officials in the Kennedy and Johnson administrations of the 1960s, show that the tactics used by liberals during that time may have modestly expanded carceral state capacity, mainly at the federal level. However, in our view, they do not explain the specific changes in practice and policy at the state and local levels that are the proximate causes of mass incarceration.[8]

We have argued that US mass incarceration cannot be explained without reference to the unique role of race in American politics and the ways in which racial dynamics have been shaped by the nature of the American political system. In the context of the profound partisan realignment triggered by the Democratic Party's (belated and conflicted) support for the civil rights cause, and the existence of the winner-take-all, two-party system, the GOP developed a new electoral strategy that involved reliance on tough and highly racialized rhetoric regarding crime and punishment. This strategy was aimed specifically at winning over formerly Democratic, socially conservative white voters. Over the past four decades, the two parties have competed to secure the loyalty of these voters, although it is fair to say that the GOP has relied more heavily on the racialized rhetoric and images that, as research shows, these voters favor (Brown & Socia 2017, Drakulich 2015, Unnever & Cullen 2010). Although the unique historical events associated with Watergate temporarily interrupted the GOP's reliance on crime-related issues, the revival of the

[7] According to the Centers for Disease Control and Prevention, the black homicide rate peaked in 1960 (see Cent. Disease Control Prev. 2017).

[8] Indeed, incarceration rates fell throughout the 1960s and early 1970s (Maguire 2013, table 6.28.2012).

southern strategy by the Reagan administration and thereafter fundamentally transformed the national conversation about crime and punishment, heightened racial tensions and punitive preferences, and triggered bipartisan competition to be toughest on crime. As Campbell & Schoenfeld (2013) show, this national political development also set into motion several political, ideological, institutional, and fiscal dynamics at the state and local levels that found expression in the policies and practices that fueled mass incarceration.

In recent years, the politics surrounding the crime issue have changed in many important ways. First, some conservatives have embraced the criminal justice reform cause, and the Republican Party is split over the issue (Dagan & Teles 2016). Democrats, too, are increasingly critical of mass incarceration, and many are scrambling to obscure their prior support for tough criminal sentencing policies. At the same time, the Trump administration's heavy-handed reliance on racialized calls for punitive approaches to immigration and the alleged threat that it poses to public safety taps into long-standing racial stereotypes and resentment as well as economic anxieties among key constituencies (Davis 2018). Further complicating matters, the electoral landscape has arguably changed in ways that incentivize Democrats, but not Republicans, to seek to appeal to independent and swing voters (Klein 2020). The implications of these complex and ever-changing dynamics for the future of mass incarceration are unclear. What is clear is that efforts to address the political dynamics that sustain punitive policies must be informed by recognition of the political utility of the crime issue in a two-party, winner-take-all system and its centrality to contemporary racial politics.

DISCLOSURE STATEMENT

The authors are not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

LITERATURE CITED

Alexander M. 2010. *The New Jim Crow: Mass Incarceration in the Age of Color Blindness*. New York: New

Barkow R. 2019. *Prisoners of Politics: Breaking the Cycle of Mass Incarceration*. Princeton, NJ: Princeton Univ. Press

Beckett K. 1997. *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford Univ. Press

Beckett K, Herbert S. 2010. *Banished: The New Social Control in Urban America*. New York: Oxford Univ. Press

Beckett K, Western B. 2001. Governing social marginality: welfare, incarceration, and the transformation of state policy. *Punishm. Soc.* 3(1):43–59

Bennett LW. 1980. *Public Opinion in American Politics*. New York: Harcourt Brace & Jovanovich

Bennett S, Tuchfarber A. 1975. The social structural sources of cleavage on law and order policies. *Am. J. Political Sci.* 19:419–38

Blackmon D. 2009. *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*. New York: Random House

Blumstein A, Beck AJ. 1999. Population growth in U.S. prisons, 1980–1996. *Crime Justice* 26:17–61

Brayne S. 2014. Surveillance and system avoidance: criminal justice contact and institutional attachment. *Am. Sociol. Rev.* 79(3):367–91

Brown EK, Socia KM. 2017. Twenty-first century punitiveness: social sources of punitive American views reconsidered. *J. Quant. Criminol.* 33:935–59

Burch T. 2013. *Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation*. Chicago: Univ. Chicago Press

Campbell MC, Schoenfeld H. 2013. The transformation of America's penal order: a historicized political sociology of punishment. *Am. J. Sociol.* 118(5):1375–423

Carter DT. 1995. *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics*. New York: Simon & Schuster

Cent. Disease Control Prev. 2017. *Table 17: age-adjusted death rates for selected causes of death, by sex, race, and Hispanic origin: United States, selected years 1950–2016*. Trend Table, Cent. Disease Control. Prev., Atlanta, GA. **https://www.cdc.gov/nchs/data/hus/2017/017.pdf**

Clear TR. 2007. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Communities Worse*. Oxford, UK: Oxford Univ. Press

Comfort M. 2007. *Doing Time Together: Love and Family in the Shadow of the Prison*. Chicago: Univ. Chicago Press

Cronin TE, Cronin TZ, Milakovich M. 1981. *The U.S. Versus Crime in the Streets*. Bloomington: Indiana Univ. Press

Dagan D, Teles E. 2016. *Prison Break: Why Conservatives Turned Against Mass Incarceration*. Oxford, UK: Oxford Univ. Press

Davey JD. 1998. *The Politics of Prison Expansion: Winning Elections by Waging War on Crime*. Westport, CT: Praeger

Davis AJ. 2008. The American prosecutor: power, discretion and misconduct. *Crim. Just.* 1:24–37

Davis JH. 2018. GOP finds an unexpectedly potent line of attack: immigration. *New York Times*, Oct. 14. **https://www.nytimes.com/2018/10/14/us/politics/immigration-midterm-election.html**

Dawson MC. 2014. The hollow shell: Loïc Wacquant's vision of state, race and economics. *Ethn. Racial Stud.* 37(10):1767–75

Dawson MC, Francis MM. 2016. Black politics and the neoliberal racial order. *Public Cult.* 28(1):23–62

Doob AN, Webster CM. 2006. Countering punitiveness: understanding stability in Canada's imprisonment. *Law Soc. Rev.* 40(2):325–67

Downes D. 1988. *Contrasts in Tolerance*. Oxford, UK: Clarendon

Drakulich KM. 2015. The hidden role of racial bias in support of policies related to inequality and crime. *Punishm. Soc.* 17(5):541–74

Du Bois WEB. 1935. *Black Reconstruction: An Essay toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York: Russel & Russel

Duggan L. 2003. *The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy*. New York: Beacon

Edelman M. 1988. *Constructing the Political Spectacle*. Chicago: Chicago Univ. Press

Edsall MD, Edsall TB. 1991. *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics*. New York: W.W. Norton

Enns PK. 2016. *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World*. New York: Cambridge Univ. Press

Flamm MW. 2005. *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*. New York: Columbia Univ. Press

Forman J Jr. 2017. *Locking Up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus & Giroux

Francis MM. 2014. *Civil Rights and the Making of the Modern American State*. New York: Cambridge Univ. Press

Gamson W. 1992. *Talking Politics*. New York: Cambridge Univ. Press

Garland D. 1990. *Punishment and Modern Society*. Chicago: Univ. Chicago Press

Garland D. 2001a. *The Culture of Control*. Chicago: Univ. Chicago Press

Garland D. 2001b. *Mass Imprisonment: Social Causes and Consequences*. Beverley Hills, CA: Sage Publ.

Ghandnoosh N. 2017. *Delaying a Second Chance: The Declining Prospects for Parole on Life Sentences, Thirty-Two Jurisdiction Profiles*. Washington, DC: Sentencing Proj. **https://www.sentencingproject.org/publications/delaying-second-chance-declining-prospects-parole-life-sentences/**

Gilens M. 1999. *Why Americans Hate Welfare: Race, Media and the Politics of Anti-Poverty Policy*. Chicago: Univ. Chicago Press

Gilmore RW. 2018. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: Univ. Calif. Press. 2nd ed.

Gottschalk M. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge, UK: Cambridge Univ. Press
Grove RD, Hetzel AM. 1968. *Vital statistics rates in the United States, 1940–1960*. Data, Natl. Vital Stat. Syst., US Dep. Health Educ. Welf., Washington, DC
Hagan J. 2010. *Who Are the Criminals? The Politics of Crime Policy from the Age of Roosevelt to the Age of Reagan*. Princeton, NJ: Princeton Univ. Press
Haley S. 2016. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill: Univ. N. C. Press
Haney-Lopez I. 2013. How the GOP became the White man's party. *Salon*, Dec. 22. **https://www.salon.com/control/2013/12/22/how_the_gop_became_the_white_mans_party/**
Harcourt BE. 2011. *The Illusion of Free Markets: Punishment and the Myth of the Natural Order*. Cambridge, MA: Harvard Univ. Press
Harris A. 2016. *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. New York: Russell Sage Found.
Harris A, Evans H, Beckett K. 2010. Drawing blood from stones: monetary sanctions, punishment and inequality in the contemporary United States. *Am. J. Sociol.* 115(6):1753–99
Harris A, Smith T, Obara E. 2019. Justice "cost points": examination of privatization within public systems of justice. *Criminol. Public Policy* 18:343–59
Harvey D. 2007. *A Brief History of Neoliberalism*. New York: Oxford Univ. Press
Helms R, Jacobs D. 2002. The political context of sentencing: an analysis of community and individual determinants. *Soc. Forces* 81(2):577–604
Hindelang MJ, Gottfredson M, Dunn CS, Parisi N. 1977. *Sourcebook of Criminal Justice Statistics, 1976*. Albany: Criminal Justice Res. Cent.
Hinton E. 2016. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. Cambridge, MA: Harvard Univ. Press
Hinton E, Kohler-Hausmann J, Weaver VM. 2016. Did blacks really endorse the 1994 Crime Bill? *New York Times*, Apr. 13. **https://www.nytimes.com/2016/04/13/opinion/did-blacks-really-endorse-the-1994-crime-bill.html**
Hogan MJ, Chiricos T, Gertz M. 2005. Economic insecurity, blame and punitive attitudes. *Justice Q.* 22(3):392–412
Jacobs D, Carmichael JT. 2001. The politics of punishment across time and space: a pooled time series analysis of imprisonment rates. *Soc. Forces* 80:61–89
Jacobs D, Helms R. 2001. Toward a political sociology of punishment: politics and changes in the incarcerated population. *Soc. Sci. Res.* 30:171–94
Jacobs D, Jackson A. 2010. On the politics of imprisonment: a review of systematic findings. *Annu. Rev. Law Soc. Sci.* 6:129–49
Jacobs D, Kleban R. 2003. Political institutions, minorities, and punishment: a pooled cross-national analysis of imprisonment rates. *Soc. Forces* 82(2):725–55
Kaeble D, Glaze L. 2016. *Correctional Populations in the United States, 2015*. Washington, DC: Bur. Justice Stat.
Katz MB. 2013. *The Undeserving Poor: America's Enduring Confrontation with Poverty*. Oxford, UK: Oxford Univ. Press. 2nd ed.
Klein E. 2020. Why Democrats still have to appeal to the center but Republicans don't. *New York Times*, Jan. 24. **https://www.nytimes.com/2020/01/24/opinion/sunday/democrats-republicans-polarization.html**
Kohler-Hausmann I. 2013. Misdemeanor justice: control without conviction. *Am. J. Sociol.* 199(2):351–93
Kohler-Hausmann I. 2018. *Misdemeanorland*. Princeton, NJ: Princeton Univ. Press
Kohler-Hausmann J. 2017. *Getting Tough: Welfare and Imprisonment in 1970s America*. Princeton, NJ: Princeton Univ. Press
Lacey N. 2008. *The Prisoner's Dilemma: Political Economy and Punishment in Contemporary Democracies*. Cambridge, UK: Cambridge Univ. Press
Lacey N. 2010. American imprisonment in comparative perspective. *Daedulus* 139(3):101–14
Lacey N. 2013. Punishment, (neo)liberalism, and social democracy. In *The Sage Handbook of Punishment and Society*, ed. J Simon, R Sparks, pp. 260–80. Los Angeles, CA: Sage

Lacey N, Soskice D. 2018. American exceptionalism in crime, punishment, and disadvantage: race, federalization, and politicization in the perspective of local autonomy. In *American Exceptionalism in Crime and Punishment*, ed. KR Reitz, pp. 53–102. Oxford, UK: Oxford Univ. Press

Lee H, McCormick T, Hicken MT, Wildeman C. 2015. Racial inequalities in connectedness to imprisoned individuals in the United States. *Du Bois Rev*. 12(2):269–82

Lee H, Wildeman C, Wang E, Matusko N, Jackson JS. 2014. A heavy burden? The health consequences of having a family member incarcerated. *Am. J. Public Health* 104(3):421–27

LeFlouria T. 2015. *Chained in Silence: Black Women and Convict Labor in the New South*. Chapel Hill: Univ. N. C. Press

Lichtenstein A. 1996. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. New York: Verso

Lofstrom M, Raphael S. 2016a. Prison downsizing and public safety: evidence from California. *Criminol. Public Policy* 15(2):349–65

Lofstrom M, Raphael S. 2016b. Incarceration and crime: evidence from California's Public Safety Realignment reform. *Ann. Am. Acad. Political Soc. Sci.* 664:196–220

Lowndes JE. 2008. *From the New Deal to the New Right: Race and the Southern Origins of Modern Conservatism*. New Haven, CT: Yale Univ. Press

Lynch JP. 2016. Problems and promise of victimization surveys for cross-national research. *Crime Justice* 34:229–87

Lynch M. 2016. *Hard Bargains: The Coercive Power of Drug Laws in Federal Court*. New York: Russell Sage Found.

Maguire K, ed. 2013. *Sourcebook of Criminal Justice Statistics Online*. Albany: Hindelang Crim. Justice Res. Cent., Univ. Albany. **http://www.albany.edu/sourcebook**

Mancini MJ. 1996. *One Dies, Get Another: Convict Leasing in the American South, 1866–1928*. Columbia: Univ. S. C. Press

Mendelberg T. 2001. *The Race Card: Campaign Strategy, Implicit Messages and the Norm of Equality*. Princeton, NJ: Princeton Univ. Press

Miller LL. 2010. The invisible black victim: how American federalism perpetuates racial inequality in criminal justice. *Law Soc. Rev.* 44(3–4):805–42

Miller LL. 2016. *The Myth of Mob Rule*. Oxford, UK: Oxford Univ. Press

Miller LL. 2018. Making the state pay: violence and the politicization of crime in comparative perspective. In *American Exceptionalism in Crime and Punishment*, ed. KR Reitz, pp. 298–332. Oxford, UK: Oxford Univ. Press

Muhammad KG. 2010. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge, MA: Harvard Univ. Press

Murakawa N. 2014. *The First Civil Right: How Liberals Built Prison America*. New York: Oxford Univ. Press

Natapoff A. 2015. Misdemeanors. *Annu. Rev. Law Soc. Sci.* 11:255–67

Owens ML, Walker HL. 2018. The civic voluntarism of "custodial citizens": involuntary criminal justice contact, associational life, and political participation. *Perspect. Politics* 16(4):990–1013

Panitch L, Gindin S. 2012. *The Making of Global Capitalism: The Political Economy of American Empire*. New York: Verso

Perkinson R. 2010. *Texas Tough: The Rise of America's Prison Empire*. New York: Metrop. Books

Pettit B. 2012. *Invisible Men: Mass Incarceration and the Myth of Racial Progress*. New York: Russell Sage Found.

Pettit B, Western B. 2004. Mass imprisonment and the life course: race and class inequality in U.S. incarceration. *Am. Sociol. Rev.* 69:151–69

PEW Cent. States. 2012. *Time Served: The High Cost, Low Return of Longer Prison Terms*. Washington, DC: PEW Cent. States

PEW Charit. Trust. 2014. *Prisons and Crime: A Complex Link*. Washington, DC: PEW Charit. Trust, Public Saf. Perform. Proj.

Pfaff JF. 2017. *Locked In: The True Causes of Mass Incarceration—and How to Achieve Real Reform*. New York: Basic Books

Prowse G, Weaver V, Meares T. 2020. The state from below: distorted responsiveness in policed communities. *Urban Aff. Rev*. 56:1423–71

Quadagno J. 1994. *The Color of Welfare: How Racism Undermined the War on Poverty*. Oxford, UK: Oxford Univ. Press
Raphael M, Stoll SA. 2013. *Why Are So Many Americans in Prison*? New York: Russell Sage Found.
Rios VM. 2011. *Punished: Police in the Lives of Black and Latino Boys*. New York: N. Y. Univ. Press
Robinson CJ. 1983. *Black Marxism: The Making of the Black Radical Tradition*. Chapel Hill: Univ. N. C. Press
Savelsberg JJ. 1994. Knowledge, domination, and criminal punishment. *Am. J. Sociol.* 99:911–43
Savelsberg JJ, Powell AJ. 2019. Politics, institutions and the carceral state. In *The New Handbook of Political Sociology*, ed. T Janoski, C De Leon, J Misra, I Martin, pp. 513–37. Cambridge, UK: Cambridge Univ. Press
Sewell A, Jefferson K. 2016. Collateral damage: the health effects of invasive police encounters in New York City. *J. Urban Health* 93(1):42–67
Sewell A, Jefferson K, Lee H. 2016. Living under surveillance: gender, psychological distress, and stop-question-and-frisk policing in New York City. *Soc. Sci. Med.* 159:1–13
Smith KB. 2004. The politics of punishment: evaluating political explanations of incarceration rates. *J. Politics* 66(3):925–38
Soss J, Fording RC, Schram SF. 2011. *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race*. Chicago: Univ. Chicago Press
Soss J, Weaver V. 2017. Police are our government: politics, political science, and the policing of race-class subjugated communities. *Annu. Rev. Political Sci.* 20:565–91
Spence L. 2015. *Knocking the Hustle: Against the Neoliberal Turn in Black Politics*. New York: Punctum Books
Stuart F, Armenta A, Osborne M. 2015. Legal control of marginal groups. *Annu. Rev. Law Soc. Sci.* 11:235–54
Stuntz WJ. 2011. *The Collapse of American Criminal Justice*. Cambridge, MA: Harvard Univ. Press
Sundt J, Salisbury EJ, Harmon MG. 2016. Is downsizing prisons dangerous? Effect of California's Realignment Act on public safety. *Criminol. Public Policy* 15:315–41
Sutton JR. 2000. Imprisonment and social classification in five common-law democracies, 1955–1985. *Am. J. Sociol.* 106:350–86
Sutton JR. 2004. The political economy of imprisonment in affluent Western democracies, 1960–1990. *Am. Sociol. Rev.* 69:170–89
Thompson HA. 2010. Why mass incarceration matters: rethinking crisis, decline, and transformation in post-war American history. *J. Am. Hist.* 97(3):703–34
Tonry M. 2004. *Thinking About Crime: Sense and Sensibility in American Penal Culture*. Oxford, UK: Oxford Univ. Press
Tonry M. 2016. *Sentencing Fragments: Penal Reform in America, 1975–2025*. New York: Oxford Univ. Press
Tonry M, Farrington DP. 2005. Punishment and crime across time and space. *Crime Justice* 33:1–39
Travis J, Western B, Redburn S, eds. 2014. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: Natl. Acad. Press
Uggen C. 2016. Records, relationships, and reentries: how specific punishment conditions affect family life. *Ann. Am. Acad. Political Soc. Sci.* 665:142–48
Unnever JD, Cullen FT. 2010. The social sources of American's punitiveness: a test of three competing models. *Criminology* 48:99–129
Wacquant L. 2001. The penalization of poverty and the rise of neo-liberalism. *Eur. J. Crim. Policy Res.* 9:401–12
Wacquant L. 2003. Toward a dictatorship over the poor? Notes on the penalization of poverty in Brazil. *Punishm. Soc.* 5(2):197–205
Wacquant L. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke Univ. Press
Wagner P. 2015. *Are Private Prisons Driving Mass Incarceration?* Washington, DC: Prison Policy Initiat.
Wakefield S, Lee H, Wildeman C. 2016. Tough on crime, tough on families? Criminal justice and family life in America. *Ann. Am. Acad. Political Soc. Sci.* 665:8–21
Wakefield S, Wildeman C. 2013. *Children of the Prison Boom: Mass Incarceration and the Future of American Inequality*. Oxford, UK: Oxford Univ. Press
Wang J. 2018. *Carceral Capitalism*. Boston: MIT Press

Weaver V. 2007. Frontlash: race and the development of punitive crime policy. *Stud. Am. Political Dev.* 21:230–65

Weaver V, Lerman A. 2014. *Arresting Citizenship: The Democratic Consequences of American Crime Control*. Chicago: Univ. Chicago Press

Weidner RR, Frase RS. 2003. Legal and extralegal determinants of intercounty differences in prison use. *Crim. Just. Policy Rev.* 14(3):377–400

Western B. 2006. *Punishment and Inequality*. New York: Russell Sage Found.

Western B. 2012. The impact of incarceration on wage mobility and inequality. *Am. Sociol. Rev.* 67:526–46

Western B, Beckett K. 1999. How unregulated is the U.S. labor market? The penal system as labor market institution, 1980–1995. *Am. J. Sociol.* 104(3):1030–60

White A. 2019. Misdemeanor disenfranchisement? The demobilizing effects of brief jail spells on potential voters. *Am. Political Sci. Rev.* 113(2):311–24

Whitman JQ. 2003. *Harsh Justice*. Oxford, UK: Oxford Univ. Press

Wildeman C, Western B. 2010. Incarceration in fragile families. *Future Child.* 20(2):157–77

Zimring FE. 2007. *The Great American Crime Decline*. Oxford, UK: Oxford Univ. Press

Zimring FE, Hawkins G. 1991. *The Scale of Imprisonment*. Chicago: Univ. Chicago Press

Zimring FE, Johnson JT. 2006. Public opinion and the governance of punishment in democratic political systems. *Ann. Am. Acad. Political Soc. Sci.* 605(1):265–80