

## **A Review of *The Politics of Injustice: Crime and Punishment in America***

**By**

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Book: *The Politics of Injustice: Crime and Punishment in America* (2<sup>nd</sup> ed.)

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Throughout the 1980s and 1990s, politicians enacted policies to “get tough on crime.” The death penalty was resurrected and applied with regularity, and prison sentences became more draconian under “three strikes” laws, mandatory minimums (especially for drug offenses), and the increased eligibility of juveniles for adult courts. The consequences of these policies were dramatic: U.S. prison population increased from under 750,000 in 1985 to over 2 million in 2002, while over the same time period the rate of incarceration increased from 313 per 100,000 to 701 per 100,000 population (Bureau of Justice Statistics, 2002). But over this time there was no underlying increase in crime rates; indeed, throughout the 1990s the rate of most crimes steadily declined. Instead, the “get tough” policies seem to be more about the politicians solving their own problems than about addressing social problems. According to Chancer and Donovan (1994) these policies are in large part a result of the political right being able to define the terms of debate and the relevant “facts”.

A similar argument is made in *The politics of injustice*. Now in its second edition, this ambitious textbook is well suited for undergraduate courses in criminal justice, law and politics, and the law and popular culture. Indeed, a core argument of the text is that a popular culture that (over)dramatizes crime contributes to a climate of public opinion that accepts criminal justice policies that are widely viewed as ineffective, if not counterproductive. The far ranging argument is solidly grounded in sociological and communication research; this review will draw on some of that literature and also include some political science literature in reconstructing and evaluating their argument.

It is well known among criminologists that the policies producing the record rates of incarceration over the past 20 years were not necessarily a response to an increase in crime. In the second chapter, Beckett and Sasson demonstrate that crime victimization was relatively constant in the 1980s and declined in the 1990s; additionally crime victimization in the U.S., while relatively high for assault, is about the same as, or lower than, comparison countries. However, the United States has an unusually high rate of murder, and in the third chapter the authors argue this fact is due to “four interrelated factors: the ubiquity of guns, comparatively high levels of social and racial inequality, and the concentrated urban poverty with which they are associated, the drug (and especially crack) trade, and a code of the streets that prizes respect and deference above all else” (pp. 42-43). Not surprisingly, this four-point diagnosis lays the groundwork for the authors’ own recommendations, in chapter nine.

If increased incarceration is not due to a changing crime rate, and if the United States' rate of incarceration is far and away higher than comparison countries, what explains U.S. criminal justice policies? The middle three chapters supply the centerpiece to the argument in the book's title, about "the politics of injustice." In chapter four, Beckett and Sasson trace the modern "get tough on crime" movement to conservative politicians' backlash against the expanded social welfare state and the due process revolution of the 1960s. Drawing on Barry Goldwater's speech accepting the 1964 Republican nomination for president, and Richard Nixon's 1966 op-ed, "If Mob Rule Takes hold in the US," the authors trace the rhetoric of "The Origins of the Law and Order Discourse" (pp. 50-52), as well as how the War on Poverty was turned into a War on Crime. Nixon's "law and order" campaign of 1968 continued Republican efforts to make crime a national, rather than a state, issue. To match the rhetoric, congress expanded law enforcement assistance to the states through the Omnibus Crime Control and Safe Streets Act of 1968. By the 1970s, the war on crime was merging with the war on drugs, and steadily the Republicans gained loyalties of those disaffected with the Democrats.

The linkage between politicians' arguments and public acceptance of -- or even demand for -- more punitive policies is the subject of chapters five and six. In the fifth chapter, "Crime in the Media," Beckett and Sasson analyze the popular culture portrayal of crime in the news, on TV, and in film, and then begin to connect this portrayal to public opinion, a linkage that carries over into chapter six, "Crime and Public Opinion." These two chapters dovetail nicely, as studies on crime in the news demonstrate a "tendency to focus on the rarest types of crime, such as murder and robbery" (p. 75); this "misleading and misinforming" media function is related to the tendency of Americans "to overestimate the national crime rate, especially levels of violent victimization, as well as rates of recidivism" (p. 117). That the framing of crime news stories emphasizes crime as violent, as episodic, and as a breakdown of the criminal justice system contributes to the public perception of crime as a matter of individual choice. This social construction of the cause of crime is consistent with more punitive criminal justice policies, either to deter some bad choices, or to punish those who continue to make those choices. Thus, while the public rarely has indicated to pollsters that crime is among their top concerns, we are fed a steady diet of television and film that, at a minimum, make us receptive to politicians' calls to get tough on crime. In the minds of Americans, crime is racial, and crime fighters are Republicans.

It is this research that brings us back around to the politics of injustice. There are other winners besides the Republican party. In chapter seven the authors review the community groups that benefit from the "get tough" policies, noting that groups with an agenda compatible with the tough on crime movement, such as victims' rights groups and community policing supporters, were more likely to receive state and federal funding than groups with a social problems approach to crime. In this way, supporters of the policies are able to help perpetuate the policies that they support; opponents have to look elsewhere for the funding to maintain the group and to oppose the policies. Thus, "the political climate and funding arrangements have contributed to the tendency of many victims' organizations to identify punishment as their primary 'right'" (p. 145), while victims of corporate "environmental racism" have not been successful in being included in the victims' movement.

In chapter eight, Beckett and Sasson forcefully argue that the crime policies of the last generation have been dysfunctional, costing taxpayers money and wreaking havoc in many neighborhoods. Notably, beginning in the 1980s, the war on drugs has been waged in ineffectual, punitive fashion as an extension of the 1970s war on crime instead of a more ameliorative and rehabilitative approach that might have flowed from the 1960s war on poverty. Beyond the social and human costs of incarceration, this approach has forever made many people second class – once they are released, there are problems with employment, and in many states, a permanent denial of suffrage. Not surprisingly, in the final chapter the authors argue for policies they suggest will be more effective: social investment, in order to reduce inequality; drug policies aimed at harm reduction, as opposed to zero tolerance, including legalization of marijuana; alternative sentencing, including restorative justice; programs that serve to rehabilitate and reintegrate offenders into society; and community policing that works with communities (the authors are critical of “broken windows” policing, the increased militarization of police, and proactive “problem solving policing”).

That is the story: over the past four decades, for partisan electoral gain politicians made crime into a major social problem, contriving increasingly counterproductive policy responses. A small segment of the public has been involved actively in these policy fights, with legitimacy and financial support (institutional and government grants) given to those whose goals are consistent with the increasingly punitive policies. A profit-seeking media, built around sensationalistic news and graphic entertainment, made the general public accepting of these reforms.

The authors have nicely laid out why a high crime rate is the “wrong” story in understanding our war on crime, and now they seek a better explanation. It is the connection between culture and policy that is crucial to making Beckett and Sasson’s story persuasive. First generation efforts to link culture and policy were criticized for causality problems. In the 1980s and 1990s, “cultivation analysis” researchers using correlational studies established that “heavy” media consumers are more fearful of crime and correspondingly overestimate the incidence of crime. Whether the television viewing is a *cause* or an *effect* of this fear has been disputed (see e.g., literature discussed in Eschholz, Mallard & Flynn, 2004). However, more recent experimental studies find that indeed exposure to violent media can prime a research subject to support punitive policies. For instance, in chapter five Beckett and Sasson discuss the recent work of Iyengar (1995; Gillam & Iyengar, 2000) demonstrating exposure to crime stories depicting a black perpetrator increases punitive responses of white experimental subjects. Thus, news stories of the more unusual violent crime, framed episodically rather than thematically, has created a climate of public opinion well suited to exploitation by politicians trying to define themselves on the side of right.

Interpretive work in the social science often fails to convince empiricists who demand evidence that goes beyond a story that “fits.” Part of the problem in weaving such an argument in 200 pages is the risk it will be dismissed by readers as just that, *a* story, rather than *the* story of crime policies of the recent past. Beckett and Sasson’s argument is a challenging read precisely because it is a far-ranging argument, built upon electoral behavior, media behavior, experimental studies in framing, and urban sociology. For this reviewer, the problem was different: I am a believer in the thesis, but I wonder about the selection of some of the evidence. What counts as

evidence when we are weaving such a story, and what does the story teller choose to emphasize, or to overlook? Was Michael Dukakis's Achilles' heel on crime in 1988 the endless advertisements about Willie Horton, a story featured in chapter four, or the story not featured, about the Governor's debate debacle, when he gave a wooden and uninspiring response to his feelings about the death penalty, were he to imagine his own wife raped and murdered?

Whether Michael Dukakis was done in by nasty advertising, or by his own ineptness in answering a question, is not central to the argument of causality in the text. And perhaps the authors would argue that my example strengthens their case, as the Horton television commercials set the context for Bernard Goldberg to ask a question not merely tasteless, but also overwhelmingly irrelevant the office of the presidency.

A more troublesome omission is consideration of the role of academics and "policy analysts" in justifying a transition from a war on poverty to the war on crime. Politicians were aided and abetted in developing winning campaign arguments. In 1974, Robert Martinson published "What works?: Questions and answers about prison reform" in *The Public Interest*, and a year later James Q. Wilson's *Thinking about crime* further shifted the debate away from rehabilitation and the root causes of crime to concern with more effective deterrence and incapacitation. Such studies provided entrepreneurial politicians with evidence that the failed liberal policies are, well, failed liberal policies. So, does public policy making boil down to who can control our perceptions and interpretations of what a problem is, and how we should think about that problem?

It would seem so. But doesn't that mean the ninth chapter of this book is irrelevant? We have not adopted failed policies because politicians thought they were solving a crime problem. The get-tough policies are demonstrably more successful as electoral gambits than as policy prescriptions: We have adopted failed policies because for politicians, they are winning policies. We are asking a lot of politicians to give up a winning game plan. In order for there to be meaningful reform of the criminal justice system so that it addresses issues of violence and crime, perhaps there has to be reform of the political system and the incentives that it structures. For instance, Savelsberg (1994) hypothesizes that differential responses to crime in the United States and the Federal Republic of Germany are explained by the difference between our politically-based policy making and their greater reliance on bureaucratic knowledge for policy matters. The political landscape in the United States is marked by public misperception of crime, as well as by political elite perceptions of that public knowledge. The crimes that dominate public consciousness and policy debates are not the common crimes, but the unusual (see Barak, 1994; Gilliam & Iyengar, 2000). Such misperceptions have policy consequences: While the public is broadly supportive of the death penalty, survey research demonstrates that this support is predicated, in part, on the underestimation of actual time convicted people serve. When surveys offer the alternative of life without parole, death penalty declines. However, public officials routinely overestimate citizen demand for the death penalty (Bowers, Vandiver, & Dugan, 1994).

This is not to say, however, that education will lead to changes either of citizen attitudes or the demand for policy. Instead, Chancer and Donovan (1994, pp. 51-52) claim, "rationalization approaches will be largely futile ... when it's the crime issues' *emotional* appeal

that best explains the problem's centrality." Also concluding that the public desires retribution are Tyler and Boeckmann (1997, p. 237), whose study on support for "three strikes" legislation found the correlates of punitiveness "primarily in [people's] evaluation of social conditions, including the decline of morality and discipline within the family and increases in the diversity of society." Thus, rather than being about behavior modification or control, crime policy preferences link to the moral judgments about "social breakdown" (Beckett & Sasson, 2004, pp. 122-23).

Alternatively, the last chapter – indeed the entire book – presents us with fodder to fight back against misguided criminal justice policies. While rationality may not have been central to the "politics of vengeance" over the past 30 years, we are seeing some limits to voters' acceptance of such policies. In the discussion of "adversarial activism: in chapter eight, Beckett and Sasson discuss the organization of groups who fight back against draconian drug laws and the animated use of the death penalty (pp. 149-60). The high costs of the drug war have apparently been realized by many: "since 1996, the drug reform movement has won 17 of 19 of its statewide ballot initiatives" (p. 160). Recently the Supreme Court has invalidated some state and federal sentencing practices that led to harsher sentences (*Blakely v. Washington*, 2004 and *U.S. v. Booker*, 2005), and in the 2004-05 term, the Supreme Court and is deciding a case involving the use of medicinal marijuana (*Ashcroft v. Raich*). But lest we conclude that rationality is catching up with passion in this debate about crime policy, we would do well to imagine how the politics of the post-September 11 world will affect the politics of crime. I would expect a third edition of this valuable text to develop links between terrorism, security, and the political and cultural needs for more punitive criminal justice policies.

## REFERENCES

- Barak, G. (1994). Between the waves: Mass-mediated themes of crime and justice. *Social Justice*, 21, 133-147.
- Beckett, K., & Sasson, T. (2004). *The politics of injustice: Crime and punishment in America* (2<sup>nd</sup> ed.). Thousand Oaks, CA: Sage.
- Bowers, W. J., Vandiver, M., & Dugan, P. H. (1994). A new look at public opinion on capital punishment: What citizens and legislators prefer. *American Journal of Criminal Law*, 22, 77-150.
- Bureau of Justice Statistics. (2002). *Sourcebook of Criminal Justice Statistics*. <http://www.albany.edu/sourcebook/about.html>.
- Chancer, L., & Donovan, P. (1994). A mass psychology of punishment: Crime and the futility of rationally based approaches. *Social Justice*, 21, 50-72.
- Eschholz, S., Mallard, M., & Flynn, S. (2004). Image of prime time justice: A content analysis of "NYPD Blue" and "Law and Order." *Journal of Criminal Justice and Popular Culture* 10, 161-180.

Gilliam, F. Jr., & Iyengar, S. (2000). Prime suspects: The influence of local television news on the viewing public. *American Journal of Political Science*, 44, 560-573.

Iyengar, S. (1995). Effects of framing on attributions of responsibility for crime and terrorism. In R.V. Ericson (Ed.), *Crime and the media*. Aldershot, UK: Dartmouth.

Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest*, 35, 22-54.

Savelsberg, J. J. (1994). Knowledge, domination, and criminal punishment. *American Journal of Sociology*, 99, 911-943.

Tyler, T. R., & Boeckmann, R. J. (1997). Three strikes and you are out, but why? The psychology of public support and punishing rule breakers. *Law and Society Review*, 31, 237-265.

Wilson, J. Q. (1975). *Thinking about crime*. New York: Vintage Books.

#### **Cases cited:**

Ashcroft v. Raich, (03-1454, argued 11.29.04)

Blakely v. Washington, 124 S.Ct. 2531 (2004).

United States v. Booker (04-104, decided 1.12.05).