

# PHANTOM RACISM AND THE MYTH OF CRIME AND PUNISHMENT

Naomi Murakawa

## ABSTRACT

*This chapter evaluates the allure and the danger of attributing race-laden crime politics to displaced anxiety. Stuart Scheingold's "myth of crime and punishment" was a path-setting theory of redirected fear, arguing that socioeconomic "fear of falling" is displaced onto street crime, where the simple morality tale of lawbreaker-versus-state offers the illusion of control. The danger of this theory, I argue, is that it purports to analyze post-1960s' structural inequality, but it replicates the post-civil rights logic and language of racism as nonstructural – an irrationality, a misplaced emotion, a mere epiphenomenon of class. As a theory that hinges on the malfunction of redirecting structural anxieties onto symbols and scapegoats, the vocabulary of displaced anxieties links punitive (white) subjects to punished (black and Latino) objects through a diagnosis that is, by definition, beyond rationality. The vocabulary of displaced anxiety categorizes the racial politics of law and order as an emotional misfire, thereby occluding the ways in which racial interests are at stake in crime policy and carceral state development.*

---

Special Issue: The Legacy of Stuart Scheingold  
Studies in Law, Politics, and Society, Volume 59, 99–122  
Copyright © 2012 by Emerald Group Publishing Limited  
All rights of reproduction in any form reserved  
ISSN: 1059-4337/doi:10.1108/S1059-4337(2012)0000059009

It is not easy to live with a more-or-less constant fear of falling. ... Does it not stand to reason that bottling up anxieties will eventually engender a good deal of free-floating anger and occasion a search for scapegoats against whom to discharge this anger and through whom to maintain the hollow illusion of control? ... [S]treet criminals, conceived of as predatory strangers, are among those scapegoats – along with others who threaten to subvert the social order: communists, welfare cheaters, and drug addicts.

(Stuart Scheingold, *The Politics of Street Crime*, 1991)

You go into some of these small towns in Pennsylvania, and like a lot of small towns in the Midwest, the jobs have been gone now for 25 years and nothing's replaced them. And they fell through the Clinton administration, and the Bush administration, and each successive administration has said that somehow these communities are gonna regenerate and they have not. So it's not surprising then that they get bitter, they cling to guns or religion, or antipathy to people who aren't like them, or anti-immigrant sentiment, or anti-trade sentiment, as a way to explain their frustrations.

(Presidential Candidate Barack Obama, 2008)

This chapter considers what it means to see American crime policy as a manifestation of anxiety displaced onto scapegoats. Permit me to begin, however, with a seemingly unrelated story from the 2008 presidential campaign. As a presidential candidate, Barack Obama attempted to explain to a group of Democratic donors why he struggled to win over “white working-class” voters. He began by flatly rejecting the ascription that they just “don’t want to vote for the black guy.” That day’s *New York Times* had implied that “it’s sort of a race thing.” But Obama insisted, “That’s not what it is.” Instead, Obama offered a theory of how economic hardship and neglect in the “small towns” of Pennsylvania and the Midwest lead to an understandable anger and resentment. And then he delivered the line that made headlines: “So it’s not surprising then that they cling to guns or religion, or antipathy to people who aren’t like them, or anti-immigrant sentiment, or anti-trade sentiment, as a way to explain their frustrations” (Obama, 2008).

At base, Obama diagnosed white working-class voters with a case of displaced anxiety. Diagnosis began from economic injury, presumably valid to Obama supporters, displaced onto a list of presumably invalid preferences. The ensuing flurry of political commentary juxtaposed the diagnosis of displaced bitterness with declarations of emotional sincerity. Hillary Clinton supporters made “I’m not bitter” stickers and launched web ads with testimonials that “faith is very uplifting,” not refuge for the frustrated. Credible psychological assessment seemed to hinge on the credibility of the taken-for-granted cultural status of the diagnostician and the diagnosed. Stories on the bitterness speech reintroduced Obama with the tag

“Harvard-educated Democratic frontrunner,” and he was easily chided as “elitist,” as were his supporters at the closed-door luncheon in – and this is critical – San Francisco. While diagnostician Obama and his supporters became Ivy League, bicoastal, urban, and gayborhood-loving elitists, the group diagnosed with displaced bitterness was also referenced through a moving string of presumably interchangeable cultural tags, including “small-town Americans,” “rural Americans,” “working-class voters,” “middle-class voters,” and even “gun-owners, bowlers, and church-goers.”

From Obama’s bitterness speech, allow me to introduce how the displaced anxiety thesis operates in a completely different arena: scholarship explaining the rise of harsh law and order politics in the United States. Without question, Stuart Scheingold’s theory of the “myth of crime and punishment” was a foundational account for how insecurities about seemingly intractable structural problems are condensed onto street crime, where harsh punishment to the individual lawbreaker provides a much-needed illusion of control. Derived from a mix of Emile Durkheim’s notion of expressive punishment, Harold Lasswell’s Freudian-inspired ideas of violent catharsis, and, most forcefully, Murray Edelman’s symbolic and instrumental separation of “words that succeed and policies that fail,” Scheingold’s theory of crime politics reposed on a vocabulary of emotions, coping mechanisms, symbols, and the unconscious. In the politicization of crime, opportunistic politicians redirect anxiety, insecurity, and fear to crime and punishment as “the symbols that our unconscious seeks.” Therefore, Scheingold concluded, the “politics of law and order must be seen at least partially as the projection of personal insecurities into the policy arena” (1984, pp. 68, 71).

Since Scheingold’s prescient introduction of the myth of crime and punishment in 1984, scholars of the ever-growing American carceral state have expanded and modified the political criminology of displaced anxieties. Giving due credit to Scheingold, scholars have analyzed how rechanneled insecurities of late modernity produced the “culture of control” in the United States and the United Kingdom (Garland, 2001), how neoliberal economic crisis is redirected to the “populism of fear” in Latin America (Chevigny, 2003), and how the dramatic morality play of the myth of crime and punishment establishes a “metaphysics of order” in South Africa (Comaroff & Comaroff, 2004).

Permit me to ask what it means that some version of the displaced anxiety thesis is used in American political life. What is the appeal of explaining policy preferences for harsh prison sentences or looser gun regulations or severe immigration control in terms of emotional injury? Further still, what

is the appeal of designating some anxieties displaced, with all the implicit underpinnings of myopia, irrationality, and lack of self-awareness?

This chapter seeks to answer these questions by using lessons from political spectacles to inform a critical evaluation of the political criminology of displaced anxiety, particularly Stuart Scheingold's myth of crime and punishment. Scholars may critique politicians for selling the myth, but there are rare moments when politicians try to expose the myth, proffering their own critiques of the populism of fear. Stripped of references to Durkheim, Lasswell, and Edelman, politicians like Bill Clinton, Howard Dean, and Barack Obama, as well as pundits like Thomas Frank, have recited some version of the displaced anxiety thesis. Symbols of projected insecurities vary, including crime, abortion, affirmative action, gay marriage, and gun ownership, but the psychological diagnosis remains the same.

My argument is that the anxiety diagnosis wins popularity by addressing racism, sexism, and heterosexism as questions of psychological pain and irrationality; it translates accountability into pity. Political speeches like Obama's bitterness speech illuminate the power and pitfalls of explaining policy preferences through a psychological diagnosis of misdirected feelings. In particular, Obama's speech and its fallout give certain clues about how the displaced anxiety thesis works. Centrally, it was introduced with the explicit disavowal that race mattered; moreover, it explained presumably distasteful, parenthetically racist policy preferences as mere psychological scar tissue from deep economic injury. If the sound bite version of displaced anxiety ultimately occludes racial power, then it is worth reexamining the scholarly work for subtle manifestations of the same problems. Is the politicians' version a wholesale departure from scholarship, or does it illuminate, through caricatures and the bright spotlight of media frenzy, something nascent in the scholarship?

The chapter begins by highlighting the psychological underpinnings of the myth of crime and punishment. I focus on Stuart Scheingold because his early work influenced and foreshadowed subsequent theoretical development, because his explicit commitment to structural solutions and critical criminology makes him the hard test case for a thesis of de-politicizing and de-racializing language, and because I admire him. I also believe that my questions about Scheingold's myth of crime and punishment are, at heart, Scheingoldian: just as he attributed punitive fixation to cultural propensities catalyzed by structural shifts, I ask in turn how the very deployment of the displaced anxiety thesis might also resonate with cultural and structural shifts.

The chapter then reevaluates Scheingold's claims in light of popular articulations of the displaced anxiety diagnosis. Popular deployments of displaced anxiety use a vocabulary of feelings, cultural fragmentation, and psychological damage to de-politicize and de-racialize policy battles that pertain constitutively to intensified racial and class stratification. The myth of crime and punishment manifests subtler threads of the same problem. The central danger of the displaced anxiety thesis is that it purports to challenge post-1960s structural inequality, but it replicates the post-civil rights characterization of racism as nonstructural psychological problem – a misplaced emotion, an atavistic irrationality, a mere epiphenomenon of class. In this sense, the very vocabulary of the myth of crime and punishment is rigged against seeing the racial politics that permeate the politics of law and order. With this vocabulary, articulation of “our” cultural proclivity for fear, anxiety, and insecurity impedes identification of specific groups with interests, and naming “scapegoats” as hollow cathartic receptacles guts the striking racial, class, and sexual specificity of black mass incarceration and Latino and Asian anti-immigrant policing.

## **THE MYTH OF CRIME AND PUNISHMENT AS A PSYCHOLOGICAL DIAGNOSIS**

American crime policy and carceral state development since the 1960s are vast problems in search of an explanatory vocabulary. As is now well known, the U.S. incarceration rate has increased roughly sixfold since the 1970s to become the highest in the world (Western, 2006). More than 1 in every 100 adult residents of the United States now live behind bars (PEW Center on the States, 2008). Moreover, blacks and Latinos each comprise less than 15 percent of the U.S. population, but were 40 percent and 20 percent (respectively) of the jail and prison population in 2008. The 2008 imprisonment rate for Hispanic men (1,200 per 100,000) was more than double that of white men (487 per 100,000); the black male imprisonment rate was more than six times higher than that of white men (Sabol, West, & Cooper, 2009, Table 2). Similarly, African American women have imprisonment rates that are three times those of white women (Sabol et al., 2009, Table 2, see also Legette, 1999). Given this racial specificity, some scholars have called on a vocabulary that centralizes white supremacy, likening the drug war to “the new Jim Crow,” the death penalty to a “modern form of

lynching,” and prisons as requiring “abolition” much like the abolition of slavery itself (Alexander, 2009; Bonilla-Silva, 2001, p. 106; Davis, 2006, pp. 360–369).

As the carceral state was still taking its alarming form, Stuart Scheingold introduced a vocabulary of anxiety displacement to explain the disturbing irrationalities of crime policy. Scheingold neatly encapsulated the logic of anxiety displacement in what he called the myth of crime and punishment:

Crime and punishment, in short, become symbols for a variety of insecurities associated with unsettling changes in American life. To think of race, economic productivity, moral conflict, and poverty as street crime makes them seem much more familiar and much more manageable. This response is due to a powerful belief system, the myth of crime and punishment. If the problem is street crime, we can readily identify the culprits and distance ourselves from them. They are unknown predators who seek out opportunities to prey upon us and disrupt our lives. This frightening image of street crime is compelling because in the myth of crime and punishment it is paired with the reassurance that punishment is an effective and virtuous response to crime. In effect, the myth of crime and punishment is a simple morality play, a contest between good and evil, with the odds strongly in favor of good. Punishment provides a reliable mechanism of crime control and comes with a bracing and unequivocal moral imprimatur. (1991, p. 21)

Focus on crime, and street crime in particular, was therefore a kind of macro-social psychological coping mechanism: from diffuse and intractable structural problems like “race, economic productivity, moral conflict, and poverty,” fixation on the comparatively manageable problem of street crime offered “reassurance” with harsh punishment to the individual. The psychological process of the myth of crime and punishment began with pain, and Scheingold argued that it is during “times of stress,” “times of perceived social crisis,” and “rapid and unsettling social change,” that we are most tempted to “seek refuge in the simple world of crime and punishment” (Scheingold, 1984, p. 86, 65). While cultural obsession with crime is longstanding, Scheingold noted, the myth of crime and punishment tends to “wax and wane according to social conditions” (1984, p. 65).

From generalized stress and “fear of falling,” the turn to street crime was an irrational condensation of fears, even if crime rates were high, because violent attack was far more likely to occur between acquaintances than strangers (Scheingold, 1984, pp. 60–65). Crime itself was not sufficient to trigger fixation on crime; the underlying generator of fear was always larger. From stress, there was emotional satisfaction in focusing on crime. Fear of crime, like all “salable commodities,” offered gratification to its consumers – reassurance that danger was discrete, located in bad people, bad neighborhoods, and tough times (Scheingold, 1984, pp. 28, 60–75). As

portrayed by the myth of crime and punishment, crime is a straightforward problem of individual bad behavior, and therefore the solution tapped into universally understood moral truths.

Explained differently, the myth of crime and punishment is the psychological and cultural preference for volitional rather than structural explanations. Volitional explanations, according to Scheingold, attribute crime to “individual pathologies – be they moral, emotional, or genetic.” In contrast, structural explanations attribute crime to “social disorganization with its roots in hierarchy, deprivation, coercion, and alienation.” From these different blame attributions spring different solutions. Taking the individual as the unit of analysis, volitional explanations aim at the offender, generally suggesting punishment of the defective person. Taking society as the unit of analysis, structural explanations aim at the prevailing economic order. Economic crisis is the “premise of structural criminology”; more than other kinds of marginalization, “material inequality” is the root of anomie, and therefore structural crime control is “a matter of formulating redistributive economic policies and generating consent for them” (Scheingold, 1991, p. 23).

It is important to underscore the particular vocabulary of the myth of crime and punishment, because there is a disconnect between vocabulary and the core of Scheingold’s argument. The central object of analysis was the politicization of street crime, but the central vocabulary of the myth of crime and punishment did not begin with political parties and interest groups. Indeed, Scheingold stated explicitly that the politics of law and order may have less to do with political elites and partisan cleavages than “with our insecurities” (Scheingold, 1984, p. 71).

This was a language of psychological coping mechanisms. Scheingold called on an interesting mix of sources for this vocabulary. He called on Emile Durkheim’s basic insight that affronts to social bonds generate “anxiety and anger” that call for “definite reassurance” through punishment (Scheingold, 1984, p. 72). He also relied on Harold Lasswell, who used a Freudian framework to identify how personal insecurity, especially economic insecurity, creates a proclivity for orthodoxy, violence, and rigid centralization. Scheingold quoted lines from Lasswell that have apparent similarity to the hollow assurance of the myth of crime and punishment. From Lasswell, we learn that “accumulating tensions” create “a situation favorable to orgiastic release” through organized and seemingly legitimate violence. Just as Scheingold emphasized that volitional punishment was emotionally satisfying but only likely to generate more long-term insecurity, Lasswell suggested that “the flight into action is preferable to the torments

of insecurity; the flight into danger becomes an insecurity to end insecurity” (quoted in Scheingold, 1984, p. 68). Moreover, Scheingold drew on Murray Edelman and Lance Bennett to see political campaigns as the seduction of symbols and myths that politicians use to offer reassurance to the public in exchange for their support (1984, pp. 76–77). Therefore, in contradistinction to Foucault’s historical progression from theatrically brutal punishment to more subtle capillary normalization, the myth of crime and punishment characterized the preserving power of the overtly dramatic, emotionally satisfying morality play between lawbreaker and the state (Comaroff & Comaroff, 2004).

The same intellectual scaffolding of displaced anxiety is found in other major scholarship on the politics of law and order. David Garland’s grand explication of the *Culture of Control* (Garland, 2001), for example, calls on a similar vision of diffuse anxiety, condensed onto crime, and reassured through harsh punishment. The source of anxiety is not crime alone, but “a new collective experience of crime and insecurity, an experience that is itself structured by the distinctive social, economic and cultural arrangements of late modernity” (2001, p. 39). “Late modernity,” roughly the second half of the twentieth century, brought new risks through transformations in the dynamics of capitalist production, dualized labor markets, regressive tax structures, declining welfare benefits, rising divorce rates and declining average family size, car-ownership and suburban sprawl, the television revolution, and the democratization of culture. In line with the Durkheimian and Scheingoldian vision, Garland suggests that insecurity from these deeply structural problems is refocused onto retaliatory crime policy. Laws such as Three Strikes and Megan’s Law “represent a kind of retaliatory law-making, acting out the punitive urges and controlling anxieties of expressive justice.” Punishment is therefore designed to “assuage popular outrage, reassure the public, and restore the credibility of the system” (Garland, 2001, p. 173). Different terminologies of the “myth of crime and punishment,” the “culture of control,” and the “populism of fear” reflect different perspectives of a similar underlying framework of displaced anxiety (Chevigny, 2003; Comaroff & Comaroff, 2004; Steen & Bandy, 2007).

Another way of seeing the power of the displaced anxiety thesis is to note all the unasked questions. We could ask standard social science questions of the claim that punitive sentiments stem from the political manipulation of anxiety and their cognates of “stress,” “social crisis,” “social malaise,” and “unsettling social change” in the 1960s and 1970s. Is there a threshold of “stress” or “change” required to trigger the appeal of harsh punishment? How would we measure it, especially given that individual-level opinion

data alone cannot capture the “social malaise” that seems to diagnose social moments rather than individuals? Why might the 1960s and 1970s be unique, when “social crisis” was arguably comparable during the violent labor strikes, rising populism and depression of 1890s; or the mass unemployment and migration of the 1930s; or the World War, rise in white women’s employment, and desegregation of the armed forces in the 1940s? Questions of causal threshold, measurement, and case selection matter, and it is telling that the absence of clear answers does not seem to impugn the commonsensical power of the theory.

For all the centrality of emotions and psychological language in the myth of crime and punishment, it is critical to note that this framework bookended the detailed political analysis at the center of Scheingold’s research. Scheingold explicitly criticized the tendency in Durkheimian and Marxist criminology to see “the state” as simply a black box, a single unit that responded to anomie or ruling class interests. For Scheingold, Durkheimian anomie was not a universal response to objective stress; anomie was socially constructed and politically variable (Scheingold, 1991, p. 18). Similarly, Marxist criminology, which was particularly prominent when Scheingold began researching punishment in the 1970s, neglected how politicians and criminal justice bureaucracies are too internally complex to simply express singular class interests (Scheingold, 1978, p. 869).

In the spirit of recognizing the centrality of political structure in Scheingold’s research, I want to highlight three powerful insights, all of which have had lasting impact on the study of crime policy. First, the appeal of volitional criminology varies by federalism. National politicians are more likely to indulge in harsh volitional criminology, to “speak loudly and carry a small stick,” because of the “largely symbolic” content of national crime policy, whereas local politicians are inclined to policy moderation due to their proximity to the reality of crime and to the many groups it affects (Scheingold, 1991, pp. 22–28, 182–187, see also Jacob, 1984; Jacob et al., 1982). Lisa Miller’s (2008) study of interest-group representation across local, state, and national legislatures has confirmed and elaborated Scheingold’s federalist maxim.

Second, criminal justice agencies lean toward volitional criminology, but they operate by complex internal politics that complicate any straightforward implementation of political reforms. In police departments of the 1970s, for example, political calls for “progressive” team or community policing met organizational resistance, and the strong influence of rank-and-file officers overwhelmed any moderating effect of police managers and ultimately reinforced the discretionary and punitive tenets of traditional

policing (Scheingold, 1984, pp. 137–142; see also Brown, 1981). Sentencing reform faced similar resistance, as prosecutors, district attorneys, and some district judges are elected and therefore susceptible to pressures of the myth of crime and punishment (Scheingold, 1984; see also Huber & Gordon, 2005; Tonry, 1998). Even as criminal justice agencies operated within a decidedly volitional perspective, the complications of entrenched organizational norms and electoral interests made criminal justice bureaucracies “sluggish, unpredictable, and not necessarily punitive.”

Third, crime politics are structured by the larger deceptions of American individualism and liberalism, especially legal liberalism. At its core, the myth of crime and punishment is a story of state failure. Harsh punishment is the state reacting “in desperation,” according to Scheingold, to its inability to answer “more inequality and fragmentation” (Scheingold, 1998, p. 864; see also Brodeur, 1996). Scheingold’s critical criminology also challenged the notion that rule of law could and should filter, control for, or otherwise ignore, social identity. Writing of vast economic inequality and “social differences,” Scheingold challenged the practicality and the desirability of adhering to the rule of law ideal of neutrality (1978, p. 865). He asked, “What is the point of the blindfold that is so prominent a feature of our symbolic representation of justice?” (Scheingold, 1978, pp. 909–910). The entire liberal legal tradition, Scheingold answered, is dedicated to producing formal equality regardless of substantive equality. In this sense, religious obedience to rule of law symbolism is not only false worship; it enshrines the very principles of reinforcing abstraction over practical improvement of life (Scheingold, 1978, p. 910).<sup>1</sup> In sum, Scheingold’s politically specific findings of federalist variation, bureaucratic complexity, and the failures of American individualism were surrounded by a vocabulary of emotions, symbols, and psychological displacement in the myth of crime and punishment. This vocabulary can serve to eclipse the very structural powers that Scheingold illuminated, as I argue in the next section.

## **DANGERS IN THE DIAGNOSIS**

The preceding section reads with the grain of displaced anxiety, illustrating how Scheingold used psychological vocabulary in an analysis that was structural, political, and critical of the limitations of American individualism and formal equality. This section reads against displaced anxiety, reevaluating Scheingold’s claims in light of politically prominent and popular articulations of displaced anxiety. Versions of the displaced anxiety

thesis have played out in candidate Barack Obama's 2008 "they cling to guns and religions" statement, in candidate Bill Clinton's 1991 diagnosis of why poor whites are easily scared, and in Thomas Frank's best-selling *What's the Matter with Kansas*. Such popular flashpoints illuminate how the displaced anxiety thesis performs political functions – what it blames, whom it exonerates, and how it defines solutions. Put bluntly, I argue that politicians and pundits use the displaced anxiety thesis to recast white preferences for race-laden policies as mere psychological malfunction. The vocabulary of fear, anxiety, and insecurity replaces interests, and, more dangerous still, any hint of white racism is pronounced misdirected, the mere byproduct of a deeper, underlying, and legitimate fear. Elision of racial interests is glaring when politicians and pundits explain displaced anxiety, and I identify how scholarship manifests more subtle threads of the same problems.

Toggling between punditry and scholarship, I break apart elegant articulations of displaced anxiety into a clunky and transparent subject–verb–object sentence. Grossly, unsophisticated whites displace anxiety onto scapegoats. Each of the three parts is problematic. First, the subject with anxiety is some version of a nonelite, explicitly or implicitly white subgroup, referenced alternately and sometimes interchangeably through the cultural shorthand of "poor whites," "small-town" Americans, "rural Americans," or even "middle Americans." In function, naming the subject as an "unsophisticated" white subgroup particularizes white racism, locating it in "folksy" whites with readily valorized "real" economic struggle and readily dismissed racial notions. Second, the verb is the compound act of "feeling" and "displacing" some combination of fear, bitterness, or anxiety. In function, emphasizing how white subgroups feel "scared to death" engenders sympathy from the start, and emphasizing misdirection necessarily categorizes policy preferences as an irrational acting-out of stress. Third, the object receiving misplaced fear is a long list of scapegoats, including street criminals, drug addicts, communists, immigrants, or even the bitter fixation on guns and religion. In function, the object of anxious fixation is generic, without racial specificity and historically untethered, because, in the end, the object itself is only the hollow receptacle of irrational emotional redirection.

My grammar tree reduction puts in stark relief what I see as the danger of the displaced anxiety thesis: it purports to analyze post-1960s structural inequality, but it replicates the post-civil rights logic and language of racism as nonstructural – a misplaced emotion, an atavistic irrationality, a mere epiphenomenon of class. The vocabulary is rigged against politics: no

whiteness as property, just folksy white subgroups; no interests, just “fear”; no black or Latino targets, just “scapegoats.” In the following subsection, I inspect subject–verb–object in turn, in each section beginning with politicians and pundits’ troubling use of displaced anxiety and then reading for similar problems in scholarship.

### *Unsophisticated Subjects*

Continual repackaging of virtuously unsophisticated white subgroups is common to political punditry, where references to soccer moms, NASCAR dads, and silent majorities are at once celebratory, condescending, and invisibly white (Reed, 2005). The white subgroups as the alleged subjects of anxiety displacement are similarly introduced with a mix of respectful sympathy (for gritty perseverance and real economic hardship) and embarrassed explanations (for bad social or racial policy preferences). The diagnosis of displaced anxiety is applied to many white subgroups – poor, working class, small-town, rural, Midwestern, southern – but as subgroup, apart from whiteness as a whole. Any manifestation of white racism, if found at all, is easily attributed to some feature of unsophisticated subgroup status, either ignorance or regional specificity. As a full regional exoneration from racism, consider Thomas Frank’s (2004) best-seller *What’s the Matter with Kansas*, which diagnoses Kansans as suffering economic insecurity and finding shallow reassurance through Republican-spearheaded morality tales about abortion, gay marriage, and, to a lesser extent, crime. The subjects engaging in this anxiety displacement, Frank assures us, are typical Midwesterners who “don’t do racism” (Frank, 2004, p. 179; Olson, 2008).

Who is the subject of Scheingold’s myth of crime of punishment? That the immediate answer is “we” – all of us who produce and absorb the “powerful symbols of American culture that determine how we understand the world around us” (Scheingold, 1984, p. 79) – illustrates the alluring grandeur of studies of political culture, inviting us to examine, as Scheingold did so impressively, everything from “cowboys and Indians” stories, to detective novels, to mass media. But the all-encompassing power of political culture is also its weakness.

If the culture of volitional criminology is equally “ours,” then what explains group-based variation in support for punitive policies? Determinants of punitiveness are complex, with no apparent relationship between victimization, fear, and support for punitive policies. From this understanding, Scheingold challenged what he called the “democracy-at-work

thesis,” the popular claim that higher crime drove the public to demand punitive policies (1984, pp. 49–57). The commonsensical causal chain, Scheingold argued, was all missing links: victimization does not trigger more fear, and more fear does not trigger more punitiveness. Indeed, the most victimized by street crime (young men) are *less* fearful than the relatively safe (the elderly and women), and the most fearful (women and blacks as groups, and black women in particular) are the *least* punitive. The challenge to the “democracy-at-work thesis” was elaborated in Katherine Beckett’s important *Making Crime Pay* (1997), in which she used additional data to show disconnects between crime rates, media coverage, and political initiatives (see also Cullen, Clark, & Wozniak, 1985). For all the claims that crime is a doorstep issue, most experience it indirectly and abstractly. In lieu of the direct causal chain of more crime–more victimization–more fear–more punishment, Scheingold (1984) posited a culturally mediated interpretation of the politicization of crime, in which vicarious victimization and more diffuse anxieties interact with punishment.

From this complex account of culturally mediated attitudes, Scheingold found that two groups set the extremes of the punitive spectrum: “rural white males” are the most punitive, and (unqualified) “blacks” the least. “Rural hunting culture” holds the strongest “punitive fantasies,” even though rural whites are the most distant from urban crime, the least victimized, and the least fearful (Scheingold, 1991, pp. 20, 51, 179, 188; see also Stinchcombe et al., 1980). As the “converse” of rural white males, Scheingold explained, blacks are more victimized yet less punitive because “they better understand and therefore identify with those who commit crimes” (1991, p. 179). In a crisp maxim, Scheingold explained that “the more concrete knowledge we have about street crime and street criminals, the less likely it is that we will be beguiled by the media,” and conversely, “the less we know, the easier it will be to project our fantasies into the policy area” (Scheingold, 1991, p. 179).

Punitive rural white men, in this explanation, are punitive through feckless innocence – innocently free of social contact, interests, and identity. Lack of direct contact with street crime means that rural white men are easily “beguiled” and likely to project “fantasies.” The logic of understanding-via-contact here resonates with a common de-politicizing post-civil rights refrain: social distance engenders misunderstanding, social contact engenders sympathy, and therefore interracial mingling (or contact with street crime) is a palliative cure. A staple notion of post-World War II racial liberalism is that racism is irrationality, a misconception sustained by segregation and corrected by interpersonal contact (Guinier, 2004). This

strange tenet of racial liberalism is stranger still when analogized to rural white attitudes toward (racially unspecified) criminals: interpersonal contact (rural white noncriminal with street criminal) will somehow eliminate punitive predispositions, including racial iconography of black and Latino criminality. Rural white men are also unsullied by interests and identity. If racial groups were more than pluralistic cultural segments, then “rural white males” might be stakeholders in the property of whiteness and maleness, confronting their perceived declining status with policy preferences that effectively preserve relative white privilege (Harris, 1993). Scheingold’s pinpointing of “rural white males” was based on survey data, but emphasis on knowledge through contact depoliticized whiteness and maleness, and, in light of the broader political spectacles, the association of “ruralness” with social insulation comes close to thinking of ruralness as metonym for traditionalism or “backwardness.”

In line with political punditry, scholarship on crime and punishment more generally has some tendencies to particularize white racism, locating it in white subgroups that are somehow separate from whiteness in America. Other than “rural white males,” southern whites are frequently identified as central to race-laden crime politics. Alienated by northern Democrats and susceptible to the Republican “southern strategy,” disgruntled southern whites are presented as pivotal to the racial “backlash” that retrenched black progress through race-coded appeals to welfare, school choice, and crime (Beckett, 1997; Edsall & Edsall, 1992; Perkinson, 2010). Focus on the “southern strategy” in crime policy has tended to eclipse the power of white punitiveness in the urban north, and western states have outpaced southern states in prison population growth rate since 1960 (Muhammad, 2010; Thompson, 2009). Southern exceptionalism more generally reinforces a selective historical consciousness of racial progress and retrenchment as a fight between the cross-racial, liberal coalition at heart of the nation and the retrograde, backward south as racially atavistic oddity (Lassiter & Crespin, 2009).

### *Irrational Acts*

Diagnoses of psychological malfunction hold understandable appeal in shameful moments of political life, as medicalizing can induce sympathy and forestall harder questions. Infamous expressions of racism or sexism, from Mel Gibson’s anti-Semitic rant to Anthony Weiner’s Twittered penis-shot, were followed by pledges of going to therapy to scan the psychic

interior for injury or illness. On a grander scale, Paul Frymer's (2008) trenchant analysis of post-civil rights discourse argues that seeing racism as a virus, a disease, or an individual pathology ultimately serves to de-politicize racism and avoid confronting institutionally embedded racial interests. De-politicizing racism is a core function of the displaced anxiety thesis in political punditry. When presidential candidate Bill Clinton explained why white southerners opposed the Civil Rights Act of 1991, his emphasis was not racial history, rational self-interest, or sincere ideological stance, but rechanneled fear of "the most economically insecure white people" who are forgivably "scared to death" (Clinton, 1996).

As psychological diagnosis, Scheingold's myth of crime and punishment observes the embarrassing symptom (punitive fixation on crime), lists the risk factors (perceived social crisis from poverty, inflation, crime, race), and explains the dysfunctional coping mechanism (redirected anxieties). To understand the diagnosis, I want to begin by disentangling the risk factors for redirecting anxiety. In Scheingold's work, the sources of stress from the 1960s and 1970s are so axiomatic that they are easily captured in a list. In earlier work, Scheingold identified attacks on traditional norms in "race relations, education, and family life" as animating national fixation on street crime in the 1960s (1984, p. 86). In later work, Scheingold emphasized that problems of "race, economic productivity, moral conflict, and poverty" heightened the appeal of turning to street crime (1991, p. 21). More specifically, cities like Seattle succumbed to politicizing street crime in the mid-1970s when confronted with "the moral dilemmas of busing, the technical complexities of inflation, and the pervasiveness of urban disorder" (Scheingold, 1991, pp. 68–69). During the 1960s and 1970s, therefore, there were obvious temptations "to *redirect anxieties* stemming from more elusive and intractable problems to the ostensibly simple and manageable problem of crime" (Scheingold, 1991, pp. 68).

That "anxiety" is unproblematically a problem that reflects the very imperiousness of psychological diagnosis. Anxiety, stress, and malaise are psychological conditions – or, even worse, feelings – and therefore their legitimacy is difficult to question. Perhaps this is what enables the stringing together of such different forces: they all generate "stress," and "stressors" are evaluated by intensity of subjective experience, not by political interest or normative investment. (Cue the conventional wisdom from the Holmes and Rahe stress scale that death of a spouse, divorce, and moving are top three stressors. Ignore that marriage and divorce entail heteronormative privilege, and disregard differences between moving into Section Eight housing or a second home.)

Push further on the reason that “race” is a risk factor, and I believe there are two separate logics at work, both woven together as “anxiety.” One logic casts “race” as a problem of changing values, cultural fragmentation, and moral individualism. In the lineage of Joseph Gusfield (1986), Scheingold suggested that whites may feel threatened by changes in “prevailing values,” but note that this value shift is never characterized as a threat to white supremacy, and Scheingold’s earlier work explicitly designated race as form of horizontal segmentation and cultural cleavage (Scheingold, 1978, 1991, p. 21). In a related vein of displaced anxiety scholarship, Garland interpreted the civil rights successes of “blacks, women, gays, prisoners, and mental patients” as contributing to an insecurity-inducing “moral individualism.” The problem of “moral individualism” also has intellectual roots in Durkheimian-based ideas of the problem of declining mechanical solidarity (Giddens, 1971; Messner, 1982). Civil rights successes and the post-World War II “democratization of social life and culture” relaxed “the grip of tradition, community, church and family upon the individual” and placed “new emphasis upon the freedom and importance of the individual” (Garland, 2001, pp. 87–89).

The other thread of how “race” is a problem is in the tradition of structural inequality. In this view, Scheingold warned that “we contribute to social crisis and thus to our own insecurity so long as we ignore the message of structural criminology and turn our backs on the conditions that are producing anxiety and economic insecurity throughout the society and, more particularly, a hostile and hopeless underclass of the truly disadvantaged – that is, a portion of the society without a real stake in or a commitment to civility and mutuality” (1991, p. 191). This articulation of race in structural criminology is not without critique, in my view. It is ultimately an asymmetrical portrait of how structure generates crime, keeping suspicious eyes on “the truly disadvantaged” as primary sources of “crime,” rather than scanning the whole structure for violence and criminality, including environmental racism, dangerous workplace conditions, medical malfeasance, and the globally destructive corporate manipulation of deregulated or under-regulated financial instruments (Reiman, 1990). Additionally, this way of referencing the racially unspecified “truly disadvantaged” elides how racism might function as more than a byproduct of economic disadvantage, and for some readers the reference to “a hostile and hopeless underclass” might evoke anthropological fictions of inherited dysfunction through a “culture of poverty” (Reed, 1991; Steinberg, 2011).

In this psychological diagnosis, race is a risk factor as a problem of cultural fragmentation (race as different values) and disadvantaged cultures

(race as threat of “underclass” criminality). True to the political flatness of psychological “stressors,” what is absent is an understanding of white supremacy (race as interest), as well as interests more generally. Without an understanding of interests, I would argue, it is impossible to see if punitiveness is irrationally misdirected or rationally directed. After disaggregating the list of risk factors from the 1960s and 1970s, I agree that concerns about inflation, casualized labor markets, declining union strength, and one’s own job security likely have weak, distant, causally complex connection to supporting harsh crime policy. Stress from changing “race relations” and the “moral dilemmas of busing,” however, may have rational connection to supporting the known racial targeting of harsh crime policy.

If we suspend the psychology of displaced anxiety and engage a politics of racial interests, we might imagine that perceived assaults on white status generate a rational interest in regulating racialized “surplus” labor through mass incarceration (Wacquant, 2002), in maintaining white neo-colonial control over black neighborhoods (Staples, 1975), in supporting the drug war as the functional equivalent of Jim Crow (Alexander, 2009). Analysis of racial interests might acknowledge a psychological dimension, such as W.E.B. Du Bois’s account of the “public and psychological wage” of white privilege paid to undercompensated white workers. Without attention to white interests, the anxiety induced by “race” does not reach the core of structural power so explicitly valued by displaced anxiety scholarship. Displaced anxiety acknowledges race as cultural membership while eliding white interests, and this, I suspect, is its core appeal in mainstream politics: displaced anxiety attributes support for policies that target and injure people of color to anything *but* white racist interests.

“Anxiety,” especially anxiety over “cultural fragmentation,” changing “values,” and the “underclass,” is the signature vocabulary of post-civil rights racial de-politicization: it is the reduction of racial interests to feelings and culture. From what Howard Winant (2001) called the postwar “racial break” from official white supremacy to official racial liberalism, race reform was centered in abstract equality, market individualism, inclusive civic nationalism. “Racism” was restricted to overt, deliberate, self-proclaimed white supremacy, recast as the archaic reference point proving just how much had changed (Melamed, 2006; Skrentny, 2002; Winant, 2001, pp. 133–136). Much has been written of these limited transformations, and critical race theorists and historians of the civil rights movement have demonstrated how legalized formal remediation truncated vast and complex activist critiques of racial capitalism and anti-colonialism at home and

abroad (Anderson, 2003; Crenshaw, 1988; Dudziak, 1988; Goluboff, 2007; Reddy, 2008).

The politics of this truncation are complex, but what interests me here is how and to what ends anti-discrimination law and the post-civil rights conventional wisdom centralize psychological profiles and cultural subgroups. What is thought of as the preeminent civil rights legal victory, *Brown v. Board of Education* (1954), pivoted on evidence of psychological damage, with Kenneth B. Clark's famous doll study of black children choosing white dolls as nicer, prettier, and smarter. Aside from economic and political disadvantage, the core disadvantage of school segregation was psychological damage – asymmetrical in the form of low self-esteem to black children – and therefore the palliative cure was interracial contract in de jure desegregated schools (Guinier, 2004). As anti-discrimination law came to emphasize “intent” to discriminate, focusing on the interior of accused individuals, in isolation of context, became the psychology of redress (Freeman, 1978; Selmi, 1997). As legal remediation narrowed to individual psychology, post-civil rights ideology morphed biological racism into cultural racism, and the nexus of colorblind pretensions, presumed cultural deficiency, and quasi-scientific legitimacy generated the cultural subgroups of the “underclass,” the “culture of poverty,” and carceral-specific subgroups of “crack babies” and “at-risk youth” (Bonilla-Silva, 2006, pp. 28–29). From this mid-century racial break, the same historical shift that generated black mass incarceration, anti-Latino and anti-Asian immigration policing, Arab registration, and white racial threat are the same forces that stripped our vocabulary to colorblind psychological states and cultural groupings.

### *Irrelevant Objects*

If culturally all of us, and perhaps especially rural whites, white southern malcontents, and poor whites, are the subjects performing anxiety displacement, then the object is simply a kind of “condensation symbol.” Political articulations of displaced anxiety string together scapegoated targets in a list that is supposed to sound random. Note Obama's dismissive list of disconnected preferences about guns, religion, and “antipathy to people who aren't like them,” as if the words “racism” or “xenophobia” wrongly attribute history and interests to what is the truly random displacement of bitterness. Similar lists of irrelevant target are heard in President Obama's and Vice President Joseph Biden's video testimonies for

the “It Gets Better” campaign, in which both politicians focus on insecure, injured, troubled “bullies” who rechannel their frustrations on people with big ears, people who stutter, and, just as random, gay kids.

The scapegoat is almost as incidental in the myth of crime and punishment. “[B]ottling up anxieties” engender “*free-floating anger* and occasion a *search* for scapegoats against whom to discharge this anger and through whom to maintain the hollow illusion of controls.” The logical scapegoats include street criminals and “others who threaten to subvert the social order: communists, welfare cheaters, and drug addicts. Here are people we are entitled to hate – *but only so long as we think of them as victimizers rather than victims*” (Scheingold, 1991, p. 174).

The description of “free-floating anger” searching for a “scapegoat” implies that the objects of cathartic hatred are untethered to history, connected only to the contemporary threat of subverting the social order. Even within Scheingold’s list of scapegoats – communists, welfare cheaters, and drug addicts – it is the historical structure of race, class, gender, and sexuality that draws the line between victimizer and victim. Hatred for “communists” was funneled to black, Jewish, and gay and gender non-normative communist suspects (D’Emilio, 1998, pp. 40–53; Chauncey, 1993; Johnson, 2004). Hatred for “welfare cheaters” does not apply to social security but was politically constructed around the black female “welfare queen” using Aid to Families with Dependent Children (Ernst, 2010; Gilens, 2000; Hancock, 2004; Strolovitch, 2007). Hatred for “drug addicts” would be impossibly vast without ascriptive identity. White female users of opium were cast as innocent victims of Chinese American male users of opium in the 1910s; “reefer madness” anti-marijuana campaigns of the 1930s were catalyzed by association with Mexican immigrants, who were also primary targets of policing; until recently, the predominantly black users of “crack” cocaine incurred federal penalties far harsher than predominantly white users of powder cocaine. Indeed, many scholars suggest that racial demographics and racial threat determine which drug users are “victimizers rather than victims” (Alexander, 2009; Bobo & Thompson, 2006; Mauer, 1999; Morone, 1997; Musto, 1987; Provine, 2007; Reinerman & Levine, 1997; Tonry, 1995). More grandly still, the association of black people with criminality holds a historical power that transcends the seeming randomness of “scapegoating.” Formation of the American nation-state relied on oppositional dualities between white images and black images: law-abiding versus criminal, responsible versus shiftless, industrious versus lazy, moral versus immoral (Crenshaw, 1988). The present-day carceral state continues to naturalize and replicate this racial hierarchy.

## CONCLUSION

In conclusion, two points stand out, and it is the connection between these two points that is critical. First, I have argued that seeing law and order politics as a matter of displaced anxiety risks obscuring racial power. What Stuart Scheingold called the myth of crime and punishment offered a foundational explanation of how structural injuries are condensed onto street crime, where the simple morality tale of lawbreaker-versus-state offers reassurance through the illusion of control. As a “myth” that emphasizes the emotional malfunction of “redirecting” structural “anxieties” onto symbols and scapegoats, the vocabulary of displaced anxieties links punitive (white) subjects to punished (black and Latino) objects through a diagnosis that is, by definition, beyond rationality. Psychological diagnosis precludes evaluation of racial interests by defining white punitive preferences as an unhealthy coping mechanism, a projection of insecurities, an assuaging of stressful injury.

Second, I have sought to interrogate what is at stake in the desire to see race-laden policy preferences as displaced anxiety. Moments of political spectacle demonstrate the desire behind the diagnosis. From Bill Clinton’s assertion that white southerners oppose affirmative action as byproduct of their economic insecurity, to Obama’s assessment that the small-town jobless are understandably bitter, the central hope of the diagnosis is to minimize white racism by particularizing it in unsophisticated white subgroups and by pathologizing it as emotional error. In scholarship on the myth of crime and punishment, race and racism are incidental to the punitive and the punished. In political punditry, we see that this incidentalness is not incidental. Occlusion of racism is pivotal to the political strategy of forging broad partisan coalitions, bridging the alleged cultural divides between the presumably nonracist, educated, white upper classes, and their emotionally, racially simple lower class counterparts. In both scholarship and punditry, the displaced anxiety thesis purports to critique the logic of race-laden punitive preferences, but the power of this critique is circumscribed by using post-civil rights vocabularies that convert structural racism into emotional misfire.

## NOTE

1. Scheingold’s early critiques of formal equality in criminal law are complex, and they could be read in two very different ways with regard to racial power. On one

hand, Scheingold's critique resonates in some ways with scholarship from critical race theorists. Scheingold recommended that criminal justice systems should "acknowledge and embrace the reality of social segmentation" rather than pay partial, uneven, and "empty tribute to rule of law standards" (Scheingold, 1978, p. 878). His proposals were fuzzy around the edges, but they roughly advocated giving criminal justice decision-makers the authority to use their discretion "to adapt the rules and procedures of criminal process to segmental variation" (Scheingold, 1978, p. 896). The goal of criminal process was therefore not uniform application of general rules, but self-conscious and responsible use of discretion for the purpose of fairness across groups. In some ways, this reminds me of Paul Butler's call for jury nullification in cases involving nonviolent drug charges against a black defendant. In Butler's words, this power to nullify was a reminder to black jurors of "their privilege to serve a higher calling than law: justice" (1995, p. 723).

On the other hand, Scheingold conceived of race and ethnicity as horizontal cleavages, unlike the vertical hierarchy of class, and he referenced race and ethnicity as "social differences," "social cleavage," "cultural barriers," "cultural discontinuities," and "cultural variation" (1978, pp. 865–866). This framework and language reduce domination to difference, replacing politically enforced white supremacy with "cultural variation." Moreover, in the context of his criminal justice proposals for cultural accommodation, this reified vision of culture sounds like the kind of "culturally sensitive justice" at the heart of disturbing cases invoking "the cultural defense." In the cultural defense, male defendants, usually recent immigrants to the United States, were excused from full criminal culpability for murdering a wife or girlfriend because they acted in line with their own "culture." This accommodation of "other cultures" can be mere projection, a white fantasy that violence against women is somehow more acceptable in Asian cultures (Crenshaw, 1992; Volpp, 1994).

## ACKNOWLEDGMENTS

The author thanks Gillian Harkins, George Lovell, Michael McCann, and Lee Scheingold for thoughtful feedback on a draft of this chapter. She is grateful to Stuart Scheingold for giving her, among other things, his "law and order" library, comprised of several hundred books and representing his dedication to demystifying the myths of crime and punishment.

## REFERENCES

- Alexander, M. (2009). *The new Jim Crow*. New York, NY: The New Press.
- Anderson, C. (2003). *Eyes off the prize: The United Nations and the African American struggle for human rights, 1944–1955*. New York, NY: Cambridge University Press.
- Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. New York, NY: Oxford University Press.

- Bobo, L. D., & Thompson, V. (2006). Unfair by design: The war on drugs, race, and the legitimacy of the criminal justice system. *Social Research*, 73, 445–472.
- Bonilla-Silva, E. (2001). *White supremacy & racism in the post-civil rights era*. Boulder, CO: Lynne Rienner Publishers.
- Bonilla-Silva, E. (2006). *Racism without racists: Color-blind racism and the persistence of racial equality in the United States* (2nd ed.). Lanham, MD: Rowman & Littlefield.
- Brodeur, J.-P. (1996). Penal saturation. In T. O'Reilly-Fleming (Ed.), *Post-critical criminology* (pp. 315–328). Scarborough: Prentice Hall.
- Brown, M. K. (1981). *Working the street: Police discretion and the dilemmas of reform*. New York, NY: Russell Sage Foundation.
- Butler, P. (1995). Racially based jury nullification: Black power in the criminal justice system. *Yale Law Journal*, 105, 677–725.
- Chauncey, G. (1993). The postwar sex crime panic. In W. Graebner (Ed.), *True stories from the American past* (pp. 160–178). New York, NY: McGraw-Hill.
- Chevigny, P. (2003). Populism of fear: Politics of crime in the Americas. *Punishment & Society*, 5, 77–96.
- Clinton, W. J. (1996). A new covenant: Responsibility and rebuilding the American community. In S. A. Smith (Ed), *Preface to the presidency: Selected speeches of Bill Clinton, 1974–1992* (pp. 87–97). Fayetteville, AR: University of Arkansas Press.
- Comaroff, J., & Comaroff, J. (2004). Criminal obsessions, after foucault: Postcoloniality, policing, and the metaphysics of disorder. *Critical Inquiry*, 30, 800–824.
- Crenshaw, K. W. (1988). Race, reform, and retrenchment: Transformation and legitimation. *Harvard Law Review*, 101, 1331–1387.
- Crenshaw, K. W. (1992). Whose story is it, anyway? Feminist and antiracist appropriations of Anita Hill. In T. Morrison (Ed.), *Race-ing justice, En-gendering power: Essays on Anita Hill, Clarence Thomas, and the construction of social reality* (pp. 402–440). New York, NY: Pantheon Books.
- Cullen, F. T., Clark, G. A., & Wozniak, J. F. (1985). Explaining the get tough movement: Can the public be blamed? *Federal Probation*, 45, 16–24.
- Davis, A. Y. (2006). Racialized punishment and prison abolition. In T. L. Lott & J. P. Pittman (Eds.), *A companion to African-American philosophy* (pp. 360–369). Malden, MA: Blackwell Publishing.
- D'Emilio, J. (1998). *Sexual politics, sexual communities* (2nd ed.). Chicago, IL: University of Chicago Press.
- Dudziak, M. L. (1988). Desegregation as a cold war imperative. *Stanford Law Review*, 41, 61–120.
- Edsall, T. B., & Edsall, M. D. (1992). *Chain reaction: The impact of race, rights, and taxes on American politics*. New York, NY: Norton.
- Ernst, R. (2010). *The price of progressive politics: The welfare rights movement in an era of colorblind racism*. New York, NY: New York University Press.
- Frank, T. (2004). *What's the matter with Kansas? How conservatives won the heart of America*. New York, NY: Metropolitan Books.
- Freeman, A. D. (1978). Legitimizing racial discrimination through antidiscrimination law: A critical review of Supreme Court doctrine. *Minnesota Law Review*, 62, 1049–1119.
- Frymer, P. (2008). *Black and blue: African Americans, the labor movement, and the decline of the Democratic party*. Princeton, NJ: Princeton University Press.
- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Chicago, IL: University of Chicago Press.
- Giddens, A. (1971). Durkheim's political sociology. *Sociological Review*, 19, 477–519.

- Gilens, M. (2000). *Why Americans hate welfare: Race, media, and the politics of antipoverty policy*. Chicago, IL: University of Chicago Press.
- Goluboff, R. (2007). *The lost promise of civil rights*. Cambridge, MA: Harvard University Press.
- Guinier, L. (2004). From racial liberalism to racial literacy: *Brown v. board of education* and the interest-divergence dilemma. *Journal of American History*, 91, 92–118.
- Gusfield, J. (1986). *Symbolic crusade: Status politics and the American temperance movement*. Champaign, IL: University of Illinois Press.
- Hancock, A. (2004). *The politics of disgust: The public identity of the welfare queen*. New York, NY: New York University Press.
- Harris, C. I. (1993). Whiteness as property. *Harvard Law Review*, 106, 1707–1791.
- Huber, G. A., & Gordon, S. C. (2004). Accountability and coercion: Is justice blind when it runs for office? *American Journal of Political Science*, 48, 247–263.
- Jacob, H. (1984). *The frustrations of policy: Responses to crime by American cities*. Boston, MA: Little, Brown.
- Jacob, H., Lineberry, R. L., Beecher, J. A., Moran, A., Heinz, A. M., & Swank, D. H. (1982). *Governmental responses to crime: Crime on urban agendas*. Washington, DC: National Institute of Justice.
- Johnson, D. K. (2004). *The lavender scare: The cold war persecution of gays and lesbians in the federal government*. Chicago, IL: University of Chicago Press.
- Lassiter, M., & Crespino, J. (2009). Introduction: The end of southern history. In M. D. Lassiter & J. Crespino (Eds.), *The myth of southern exceptionalism* (pp. 3–22). New York, NY: Oxford University Press.
- Legette, W. (1999). The crisis of the black male: A new ideology in black politics. In A. Reed, Jr. (Ed.), *Without justice for all: The new liberalism and our retreat from racial equality* (pp. 291–324). Boulder, CO: Westview Press.
- Mauer, M. (1999). *Race to incarcerate*. New York, NY: The New Press.
- Melamed, J. (2006). The spirit of neoliberalism: From racial liberalism to neoliberal multiculturalism. *Social Text*, 89, 1–24.
- Messner, S. F. (1982). Societal development, social equality, and homicide: A cross-national test of a durkheimian model. *Social Forces*, 61, 225–240.
- Miller, L. L. (2008). *The perils of federalism: Race, poverty and the politics of crime control*. New York, NY: Oxford University Press.
- Morone, J. (1997). Enemies of the people: The moral dimensions to public health. *Journal of Health Politics*, 22, 993–1020.
- Muhammad, K. G. (2010). *The condemnation of blackness: Race, crime, and the making of modern urban America*. Cambridge, MA: Harvard University Press.
- Musto, D. (1987). *The American disease: Origins of narcotics control*. New York, NY: Oxford University Press.
- Obama, B. H. (2008). *Speech at San Francisco Fundraiser, April 6*. Retrieved from [http://www.huffingtonpost.com/mayhill-fowler/obama-exclusive-audio-on\\_b\\_96333.html](http://www.huffingtonpost.com/mayhill-fowler/obama-exclusive-audio-on_b_96333.html)
- Olson, J. (2008). Whiteness and the polarization of American politics. *Political Research Quarterly*, 61, 704–718.
- Perkinson, R. (2010). *Texas tough: The rise of America's prison empire*. New York, NY: Metropolitan Books.
- PEW Center on the States. (2008). *One in 100: Behind bars in America 2008*. Retrieved from <http://www.pewcenteronthestates.org/uploadedFiles/One%20in%20100.pdf>
- Provine, D. M. (2007). *Unequal under the law: Race in the war on drugs*. Chicago, IL: University of Chicago Press.

- Reddy, C. (2008). Time for rights? *Loving, gay marriage, and the limits of legal justice*. *Fordham Law Review*, 76, 2849–2873.
- Reed, A. (2005). The 2004 election in perspective: The myth of “culture divide” and the triumph of neoliberal ideology. *American Quarterly*, 57, 1–15.
- Reed, A. (1991). The underclass as myth and symbol: The poverty of discourse about poverty. *Radical America*, 24, 21–40.
- Reiman, J. (1990). *The rich get richer and the poor get prison: Ideology, class and criminal justice* (3rd ed.). New York, NY: Macmillan.
- Reinarman, C., & Levine, H. G. (1997). Crack in context: America’s latest demon drug. In C. Reinarman & H. G. Levine (Eds.), *Crack in America: Demon drugs and social justice* (pp. 1–17). Berkeley, CA: University of California Press.
- Sabol, W. J., West, H. C., & Cooper, M. (2009). *Prisoners in 2008*. Washington, DC: Bureau of Justice Statistics.
- Scheingold, S. A. (1978). Cultural cleavage and criminal justice. *Journal of Politics*, 40, 865–897.
- Scheingold, S. A. (1984). *The politics of law and order: Street crime and public policy*. New York, NY: Longman Inc.
- Scheingold, S. A. (1991). *The politics of street crime*. Philadelphia, PA: Temple University Press.
- Scheingold, S. A. (1998). Constructing the new political criminology: Power, authority, and the post-liberal state. *Law and Social Inquiry*, 28, 857–895.
- Selmi, M. (1997). Proving intentional discrimination: The reality of Supreme Court rhetoric. *Georgetown Law Journal*, 86, 279–350.
- Skrentny, J. D. (2002). *The minority rights revolution*. Cambridge, MA: Belknap Press of Harvard University Press.
- Staples, R. (1975). White racism, black crime, and American justice: An application of the colonial model. *Phylon*, 36, 14–22.
- Steen, S., & Bandy, R. (2007). When the policy becomes the problem: Criminal justice in the new millennium. *Punishment & Society*, 9, 5–26.
- Steinberg, S. (2011). Poor reason: Culture still doesn’t explain poverty. *Boston Review*. Available at <http://bostonreview.net/BR36.1/steinberg.php>
- Stinchcombe, A. L., Adams, R., Heimer, C. A., Scheppele, K. L., Smith, T. W., & Taylor, D. G. (1980). *Crime and punishment – changing attitudes in America*. San Francisco, CA: Jossey-Bass.
- Strolovitch, D. Z. (2007). *Affirmative advocacy: Race, class, and gender in interest group politics*. Chicago, IL: University of Chicago Press.
- Thompson, H. A. (2009). Blinded by the Barbaric South: The ironic history of penal reform in modern America. In M. Lassiter & J. Crespino (Eds.), *The myth of southern exceptionalism* (pp. 74–98). New York, NY: Oxford University Press.
- Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York, NY: Oxford University Press.
- Tonry, M. (1998). *Sentencing matters*. New York, NY: Oxford University Press.
- Volpp, L. (1994). (Mis)identifying culture: Asian women and the “cultural defense”. *Harvard Women’s Law Journal*, 17, 57–104.
- Wacquant, L. (2002). Deadly symbiosis. *Boston Review*, 27, 23–31.
- Western, B. (2006). *Punishment and inequality in America*. New York, NY: Russell Sage Foundation.
- Winant, H. (2001). *The world is a ghetto: Race and democracy since World War II*. New York, NY: Basic Books.