

**Sarah Walker**  
**Week 13**

## **RACE, CONFLICT, AND PUNISHMENT**

**Wacquant, Loic. 2002. "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto." *Theoretical Criminology* 4:377-89.**

Loic Wacquant applies Orlando Patterson's seminal socio-historical work on slavery to compare historical conditions of African American enslavement to present conditions of imprisoned African Americans. Patterson argued that a condition of enslavement must meet the following criteria: natal alienation, violent subordination and general dishonorment. Wacquant breaks down the experience of African Americans into four periods: 1.) Chattel Slavery, 2.) Post-Reconstruction/Jim Crow, 3.) Northern Industrialization, the development of the "Black Belt" and the creation of urban ghetto, 4.) "Dark Ghetto" and the Carceral Institution marked by "structural symbiosis and functional surrogacy.

Racial divisions are a direct result of slavery. However, the racial divisions created by slavery have become "detached from its original function and [has] acquired social potency of its own, the latest manifestation reproducing in Americans ghettos and institutions of social control. Wacquant views the enslavement of African Americans in the United States as a continuum of capitalist oppression defined by the need to control labor and surplus labor. Wacquant argues that under current capitalist economic conditions that African Americans have come to represent the latent surplus labor resulting from the inherent contradictions of a market economy driven by two means of production. As the economy has transformed from agrarian to industrial to service the place of African Americans has and continues to be defined by the material and spatial need of their labor. the ghetto serves as a social prison and the carceral institution as a judicial prison. The ghetto and the prison are now mutually re-enforcing "institutions of forced confinement" developing cultural forms and symbols that increasing evidence similarities.

Wacquant argues that social scientist have failed to analytically problematized the concept of ghetto and that a prevailing myth of an accumulation of urban pathologies and antisocial behaviors has wrongly driven academic and policy considerations. Rather, Wacquant believes that the structural decline of the ghetto has lead to the rapid expansion of the prison.

Closely mimicking Patterson, Wacquant comments on that the patterns of racial distinction maintained during Jim Crow, "It consisted on an ensemble of social and legal codes that prescribed the complete separation of the 'races' and sharply circumscribed the life chances of African Americans while binding them to whites in a relation of *suffusive submission* backed by *legal coercion* and *terroristic violence*. The ghetto served as that next means of racial containment and became a "city-within-a-city." These dark islands ensured structural economic marginality, confined and secluded superfluous populations

to a dependent microcosm, maintained internal divisions of labor consistent with external forces and acted as “racial condom” protecting white American from social contact with African Americans. When African Americans succeed in winning the vote and temporarily disrupting political and economic power structures whites responded by extending enthusiastic support for law-and-order policy. This latest strategy of social control, the “carceral continuum,” warehouses the poor, captures redundant populations and entrenches the symbiotic relationship of the ghetto and the prison in a self-perpetuating cycle through relationships of “functional equivalency, structural homology, and cultural syncretism.

**Angela Behrens, Christopher Uggen, and Jeff Manza. 2003. “Ballot Manipulation and the ‘Menace of Negro Domination’: Racial Threat and Felon Disenfranchisement in the United States, 1850-2002.” *American Journal of Sociology* 109:559-605.**

Building upon theories of group threat Uggen, Behrens and Manza argue that laws disenfranchising felons from voting, dilute the voting strength of minority populations, demonstrate a clear link between race and enactment of criminal justice policy and are historically linked to political and economic contestations of group power. Their work links the adoption to of felony disenfranchisement laws to socio-political and historical moments of “punctuated equilibriums.” These moments equilibrium correspond to extensions of suffrage. This is important because it is precisely at these junctures, when the right to vote is being universalized, that disenfranchising laws are enacted. The result has been a historical and political incongruity in the evaluation of the racial motivations underlying the enactment of felony disenfranchisement laws and because of the use of racially neutral language make them difficult to challenge based on civil rights violations under the Voting Rights Act. Ultimately, race neutral language is now embedded in the historically discriminatory practice of felony disenfranchisement following the overall trajectory shift from biologically based “Jim Crow” racism to the cultural assumptions of laissez-faire racism. They note that since the Civil War there has been a clear relationship between criminal punishment and race and a corresponding link to socio-political racial violence. They accurately point to a deficiency of systematic studies in the social sciences addressing the political significance of felony disenfranchisement in a democracy. Following the extension of suffrage to African Americans in 1870, disenfranchising laws along with other forms of legal and extra-legal forms of intimidation were increasingly adopted in southern states where larger proportions of African Americans threatened dominant political and economic power relationships. The authors note that in 1850 one-third of states disenfranchised felons and by the 1920 three-fourths of states disenfranchised felons. African Americans fought for equal rights during the “second reconstruction” and achieved victory with the passage of the Voting Rights Act. Following this successful period of struggle for suffrage in the 1960s and 1970s, many states rescinded felony-voting restrictions. Uggen and Manza argue that racial threat theories of economic competition, relative group size and political power may have an impact of felon disenfranchisement laws. When the dominant group perceives threats to economic power structures over competition for finite material

resources, threats to existing political power relationship, or when the racial minority is of a critical influential mass the dominant group will mobilizing countervailing forces to maintain existing structures. The primary finding is that states with larger non-white prison populations are more likely to enact ex-felon voting bands whereas, economic competition and demographic composition played has little influence on the enactment of disenfranchising laws.

**Beckett, Katherine. *Race and Drug Law Enforcement in Seattle* [unpublished manuscript]**

Katherine Beckett's unpublished manuscript assess the geographic and demographic characteristic of Seattle's drug market and argues that racial disparities in drug delivery arrests are not the result of race-neutral policies of the Seattle's Police Department. Beckett challenges the most common explanations for racial disparity in arrest through an ambitious methodological estimation of the racial composition of "drug delivery" using taken from the census, the National Substance Abuses and Mental Health Service Administration, the DASA Household Survey, Mortality Data, the Emergency Department (DAWN) data, and the Seattle needle exchange survey. She analyzes racial use patterns for cocaine, heroin, crack, methamphetamine and ecstasy (when applicable). Despite the fact that white users make up the majority of all drug users in Seattle, arrests for delivery are indicative of a significant over-representation of African Americans. Beckett notes that the white drug delivery rate is 120 per 100,000 while the black drug delivery rate is 3,750 per 100,000 (45). The black arrest rate is thus 31 time that of white delivery arrests (45). Relying on widely accepted theories that drug consumers are highly likely to purchase or be involved in drug transactions with individuals of the same race Beckett concludes that arrests for drug delivery should be higher for whites than African Americans. She disputes popular beliefs that disparities result from large numbers of community complaints that drive policing to implement policies that place primacy on areas of high black drug market activity and that disparities are the result of policing strategies that focus on areas of disproportionately high crime. The community complaint theory has no explanatory power. The overwhelming majority of community complaints come from residential areas rather than public spaces where black drug markets are more active. Policing in areas of high crime may explain some level of disparity but falls short of accounting for the wide gap in arrest rates. Beckett argues that the overrepresentation of African Americans arrested for drug delivery results from policy oriented policing strategies that disadvantage African Americans participating in illicit drug activity. The disparities result from a policing strategy that focuses on "buy-bust operations," concentrates its resources in primarily Black or racially and ethnically mixed areas (specifically the racially mixed downtown area, and focusing on outdoor drug markets. Beckett suggests that some of the disparity might be reduced if the Seattle police department focused its resources on indoor markets, policed areas such as the Capitol Hill area where more white individuals are likely to be participating in drug transactions, utilized reverse buy-bust operations and placed greater effort on controlling indoor drug markets.

**Colvin, Mark and John Pauly. 1983. "A Critique of Criminology: Toward an Integrated Structural-Marxist Theory of Delinquency Production." *American Journal of Sociology* 8:513-52.**

Mark Colvin and John Pauly take a structural-Marxist approach to analyze dominant theories of delinquency proffered in criminology. They view the objective structure of social relations as grounded in material production and thereby class antagonism. Their primary concern is with the structures of control that solicit and compel behaviors and shape ideological orientations and essentially begin with consideration of the modes of production. Relying on structural-Marxist theory, they argue that delinquency production is a latent outcome of the reproduction of capitalist relations of production and the class structure (515).

Drawing on the work of Etzioni, they argue that individuals are continually interacting with and are shaped by "compliance structures." Compliance structures include but are by no means limited to family, education, and workplace structures. An individual's first encounters with compliance structures are class based family structures. The parent-child relationship is profoundly effected the "workplace compliance" structures adopted within the family unit. The parent's relationship to material production shapes their consciousness and behaviors that then influence the child's ideological positioning towards authority.

Relationships to compliance structures are essential to their understanding of group formation. The more coercive an individuals interactions are with social control the more negative and alienated the individual's ideological bond to compliance. They argue that groups are neither arbitrarily created nor arbitrarily joined. Groups are formed and joined based on experiences that orient individuals to one group rather than another. For example, individuals who participate in delinquent peer groups have a different orientation towards authority than individuals who join peer groups who are more compliant normative authority structures.

Colvin and Pauly argue that current theories are inadequate because they neglect the macro-level structures that create the boundaries that serve to define micro-level relationships towards conformity and authority. Arguing for a theory that takes into account meta-level analysis, they find limitations in learning theory, strain theory, control theory, labeling theory, conflict theory and radical criminology: (1.) learning theory ignores larger social structures, (2.) Strain theory fails to adequately address variability of opportunity, (3.) Control theories neglects to explain why some bonds fail to develop or are severed, (4.) Labeling theory does not address why groups are systematically treated differently within one system, (5.) Conflict theory and radical criminology both assume "untenable volunteerism and fail to address causes of primary deviance. However, they credit labeling theory for recognizing that no act is intrinsically deviant, reviving a rejection of the presumed pathology, incorporating the need to consider agencies of social control and utilizing "symbolic interaction."

Colvin and Pauly identify three “class fractions.” The class fractions are caught between the inherent contradictions of capitalism that develop between the two modes of production: capitalist and petty commodity. During rapid industrialization, following World War II, petty commodity essentially disappeared resulting in a population of latent surplus labor. Caught between the two modes of production this population occupies what Wright has labeled “contradictory class locations.” Faction I is subjected to a “coercive compliance structure.” Faction II, consisting primarily of organized workers, operate with a more complex structure of compliance and faction III is made of the capitalists who are free to operate based upon individual initiative.