

Introduction

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The last three decades have witnessed a Pyrrhic war on crime, with sobering numbers at once chilling and cautionary. Since the 1970s, our imprisoned population has increased five-fold, with a commensurate spike in fiscal costs that many now see as unsupportable into the future. As American society confronts a multitude of new challenges ranging from terrorism to the disappearance of middle-class jobs to global warming, the war on crime may be up for reconsideration for the first time in a generation or more. It is not that the public is no longer concerned about crime; as we shall see, crime remains central to how we have learned to think and act collectively. But, as relatively low crime rates confront scary problems from other sides of the social experience, the mood may be swinging toward declaring victory and moving on.

However, the society-altering impact of this war reaches far beyond the flat numbers; simply moving on is impossible. Over the last thirty-plus years, the government response to social disorder encompassed under the rubric of the war on crime has fundamentally transformed us. The war's impact has been most devastating on those individuals swept up by increased rates and longer terms of incarceration, their families, and the communities bound by strained ties to these prisoners—but it is not confined to them. This impact has instead extended to how society views governance, reshaping not only a wide range of social institutions but also the way we conceive of ourselves. The very concept of policing has changed, as has the place of crime in electoral politics; increasingly, too, schooling, public health, and social welfare overlap with the criminal justice system. Meanwhile, how we view our most basic tasks as individuals—how to raise children, where to live, how to be a good parent, employee, and

citizen—also now reflect the spreading logic of crime control. Increasingly, so do our very conceptions of community and even race.

As the war on crime perhaps draws toward a possible diminution in its influence on American democracy and society, it is time to consider the tasks reconstruction must tackle. To do so requires first a critical assessment of how this war has remade our society and then creative thinking about how government, foundations, communities, and activists should respond. This anthology, *After the War on Crime: Race, Democracy, and a New Reconstruction*, aims to accelerate this reassessment by pulling together original essays by a disparate, interdisciplinary group of scholars as well as policy professionals and community activists, many with years of experience working on these issues and some new to the problem. The essayists take a holistic approach, focusing not on the specifics of particular doctrines or studies but on the overarching social consequences of the war on crime and on potential strategies for reconstruction. The volume's immediate goal is to spark a fresh conversation about the war on crime and its consequences; its long-term aspiration is to develop a clear understanding of how we got here and of where we should go.

The War Is Over

It emerged as a slogan more than thirty-five years ago, but, from the first, the “war on crime” was much more than rhetoric. As in the case of the “cold war” and, more recently, the “war on terror,” the war on crime produced significant and enduring effects on the entire American population in social, political, economic, constitutional, and, far from least, racial terms. The war on crime targeted hundreds of thousands of persons (mostly young and minority, once mostly boys and men but now including many girls and women), placing them in jails and prisons for extraordinary periods and under ever-more punitive conditions, in turn releasing them to the close scrutiny of supervisory regimes geared toward returning persons to prison rather than promoting reintegration. This campaign mobilized tens of thousands in law enforcement agencies and prison systems and tens of thousands more in the related war industries stimulated by our society's commitment of billions of dollars to this effort. In a nod toward total war, every member of the population has contributed, through federal and state taxes, general revenues, and bond issues, to the most rapid, most thoroughgoing, most extensive buildup in the

carceral and police systems this country has ever undertaken. More than merely paying taxes to support the war, though, millions of Americans have adopted war thinking in how they perceive and respond to crime risk as citizens, parents, and economic actors. The war on crime remade our society: it reshaped our cities; transformed our social imagination about the nature of ourselves, our neighbors, and strangers; shifted the distribution of population between urban and rural areas; and ultimately changed the way motor vehicles, housing developments, shopping and office complexes look and operate. Perhaps most important, the war on crime transformed the social meaning of race in ways that make it more difficult than ever to resolve America's constitutive flaw, its legacy of slavery and racial domination and the structural deformation of democracy that these legacies produced.

This war—although currently at or near its peak in terms of imprisonment rates and law enforcement power—is in some important sense over. It is over because while we may continue to fight it, we no longer fight about whether to embark on it. The question of whether it is a good idea to attack America's social problems with a war on crime is in many respects simply behind us. We did that. And now the issues that increasingly come to the fore are those emerging from the consequences of the war on crime itself; its effects are suddenly visible across almost every institution of importance to civic life, including family, schools, the labor market, the political field, and race relations.

The familiar debates of the war-on-crime era—the expanding uses of the death penalty, mandatory prison sentences, absurdly high rates of incarceration, ballooning costs—continue to bedevil our highest courts as well as public debates. But they are now joined by questions that arise primarily from the existence of the war on crime and the strategies of mass incarceration that have been used to fight it. What is happening to the communities in the grip of aggressive policing and from which so many young persons have been extracted? How can we reintegrate into society the more than 600,000 persons a year expected to complete sentences in American prisons under current conditions, many of them after years of being warehoused in violent and racially divided institutions? When will we call a halt to the toll on democracy wreaked by felon disenfranchisement laws that disproportionately diminish the voting strength of identifiable communities such as African Americans, long the traditional victims of state policies aimed at disenfranchisement?

Criminologists in the late 1990s began to focus on a number of issues

that have helped to alter the terms of the crime debate. One of the most important is the idea of “mass imprisonment” (Garland 2001). There has long been intense debate about the effects of imprisonment on individuals (see Kruttschnitt and Gartner 2005 for a recent summary). Does prison rehabilitate or does it further embed tendencies toward deviance and antisocial behavior? What became clearer in the 1990s was that the size of the incarcerated population in the United States had reached an unprecedented level and that the scale of this population was itself potentially having effects on American society that went beyond the impact on imprisoned individuals (Zimring and Hawkins 1991; Simon 1993; Clear and Rose 1999).

With close to 3 percent of the adult resident population in correctional custody (prison and jail plus parole and probation) by the mid-1990s, the war on crime had begun to transform the relationship of whole communities to government and to erode the capacity of those communities to sustain economic activity, social reproduction, and informal social control. In the short term, mass imprisonment actually may have boosted the American economy, at least on paper, by reducing the number of unemployed and thus creating the illusion that the United States was outperforming its rivals in Europe and Asia (Western and Beckett 1999). In the long term, however, the collateral consequence of incarceration for future employment opportunity was laying the foundation for an intractable unemployment problem of persons quite literally barred from employment by formal laws and informal economic norms combined with easier access to the criminal record of employment candidates (Pager 2003).

These economic effects are heavily concentrated in inner-city areas already hard pressed to attract employers and sustain middle-class, tax-paying residential communities. The same concentration effects were also undermining forms of social reproduction in these communities. For example, marriage, rates of which plummeted for African Americans in the 1980s and 1990s, was clearly undermined by the removal of large portions of the young adult male population. Worse yet, these economic and social losses did not simply counterbalance gains in security and protection from crime that would presumably redound to the very communities hurt by the concentration effects of incarceration. Instead, criminologists began to document that as young adult males were removed from communities, the capacity of those communities to sustain informal social control over the remaining adolescents further declined, pointing to a downward spiral of insecurity (Clear and Rose 1999).

In the most recent period, the feedback effect of large populations of American prisoners timing out on their substantial prison sentences and returning to American jurisdictions with little effort having been made at rehabilitation or at planning for their reintegration into society has itself become a major source of crime and of further growth in incarceration (Travis, Solomon, and Wahl 2001; Petersilia 2003). This “reentry problem” offers a fundamental reframing of the debate about crime in America. For decades the issue was whether harsher prison sentences could protect Americans from the violent crimes they most fear. Little attention was paid to what happened to the people consigned to years of incarceration. With reentry, the debate has changed to how prisons create crime risks for Americans and what can be done in and after prison to diminish that risk.

With surprising speed, this new discourse has begun to alter the field of political ideas. In his 2004 State of the Union address, President Bush addressed the large numbers of prisoners released and pledged federal money for renewed efforts to give prisoners a real second chance after prison. California Governor Arnold Schwarzenegger, after flexing his crime warrior muscles in beating back a once-popular ballot initiative to amend the state’s harsh three-strikes law in the 2004 election, launched a major new effort to reinvent a culture of rehabilitation in California prisons and youth authority facilities, including entering settlements in major lawsuits against the state’s prisons and juvenile facilities and commissioning the largest wave of research on corrections the state has seen in thirty years.

After three decades and more, the national mood may be swinging against the war on crime. For the first time in a generation, the consequences of this war, rather than its justifications, are open for public debate. It is time to take up in earnest how America can demobilize and move forward from a costly war that has raged longer than Vietnam, with perhaps greater consequences for American society and institutions.

War Without End

Yet there is no clear sense of where to go from here, or even a clear understanding of where “here” is exactly—the war on crime, after all, not only remade the criminal justice system but also remade much more, altering basic elements of social relations. While there is great opportunity in the reentry and disenfranchisement debates as well as other suggestions

that the war on crime has run its course as a political imperative, we cannot move forward without taking stock of what the war has wrought. Perhaps most worrisome is the chance that, far from being over, the war has become perpetual. The material interests of whole economic sectors now depend on a continued expansion of mass policing and incarceration, even as a social zeitgeist of fear and insecurity demand ever-more extreme measures in pursuit of the zephyr of safety. It is crime control as the new face of racial subordination, though, that most threatens to render the war on crime a war without a foreseeable end.

The war on crime began in earnest amid a great national cresting of the legal struggle over civil rights with the adoption of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These legislative victories culminated more than half a century of efforts by African Americans and their allies on the left of American politics to revive the promise of racial justice made in the Thirteenth, Fourteenth, and Fifteenth amendments of the U.S. Constitution. Yet, rather than representing a resting point, these legislative civil rights victories were mostly opportunities to push forward substantively on the goal of erasing the effects of slavery and its successor regimes of racial domination. Real progress toward that goal would require taking full advantage of new opportunities in a number of directions including moving excluded minorities into parts of the labor market that had been crucial to making white working-class citizens more middle class in their security (like unionized factory jobs and the building trades); forging effective political coalitions (like those among African Americans, Jews, and liberal Catholics that brought pro-civil rights mayors to office in Detroit and Los Angeles); and breaking the hold of the de facto residential segregation that had taken firm hold in the East, in the Midwest, and on the West Coast. It was a moment of great risk as well. Lyndon Johnson's own gamble to give up solid support for the national Democratic Party from conservative white Southerners in exchange for a new majority coalition of African Americans, other minorities, and liberal white Northerners, placed the political machinery that had produced the legislative victories of 1964 and 1965 directly in jeopardy. Within a few short years, advisors to Republican presidential hopeful Richard Nixon would be formulating a "Southern Strategy" based on making those same conservative white Southerners a new base for the Republican Party (Beckett 1997).

The Southern Strategy boiled down to the crafting of a new way to mobilize whites around race, one that could pander to status insecurity

and fear without seeming to contradict the newly emergent national consensus that racism was morally wrong. More than outrage against “forced busing” and “reverse discrimination,” “crime” became the central discursive cry that whipped whites into a political realignment of historic proportions. Exploited by Nixon but perfected by Ronald Reagan and George H. W. Bush, reference to recidivist violent criminals such as Willie Horton became the most potent weapon in the campaign arsenal of American politicians. The war on crime—with its constituent imagery that melded the burning cities of the 1960s urban riots with the face of Horton as (every) black man, murderer, and rapist of a white woman—remade party affiliations and then remade the parties themselves, as the war came to be embraced and stridently promoted by Republicans and Democrats alike. If only it had remained mere rhetoric. Instead, the war on crime transmogrified from campaign tactic to one of the most far-reaching social experiments in this country. Politicians of both parties tripped over each other in the effort to be the most aggressive in “fighting crime,” leading pell-mell to the tectonic shift in policing and incarceration that now distorts American society.

The entry of crime into political discourse and the “war on crime” that was eventually proclaimed by both political parties at precisely the height of the civil rights movement profoundly altered the process of recasting race relations. The language of crime opened an important line of retreat for political defenders of segregation and states’ rights. This discursive sanctuary saved the careers of innumerable politicians who were never forced to renounce disgraced political values but could instead restate them as responses to crime. The war on crime allowed the nation to again turn hostile to racial minorities without having to explicitly break support for civil rights.

Meanwhile, the focus on crime led to dramatic increases in levels of reported violence in this period and in turn generated a heightened inter-subjective culture of fear about crime that would have profound consequences for all sides of the political realignment. This may have been particularly devastating for social groups that had been politically key to producing the ideological coherence and support for the liberal pro-civil rights coalition of the 1960s. Urban professional elites were more liberal than their working-class and small business counterparts and had disproportionate influence on government and social welfare institutions in particular (including criminal justice) during the 1960s and 1970s. They proved, however, even more prone to fear of crime (and its consequences

for property values and schools), with many retreating toward more segregated suburbs, abandoning their social reform values, and embracing a culture of control that is at best hostile to progress on racial justice.¹

Today, huge economic and social interests are now tied up with the massive punishment sector, exerting their own gravitational pull on the political process. With nearly two million mostly able-bodied Americans confined to locked penal institutions by the late 1990s, the American economy generates a powerful set of industries and public employees with a financial stake in the expansion of the penal sector. The idea that we now confront a “prison industrial complex,” comparable to President Eisenhower’s “military-industrial complex,” has moved from an idea of the radical left (Parenti 1998) to a widely accepted truth of mass imprisonment. Prison guards form the most powerful union and lobbying organization in California; the prison-building industry generates billions of dollars a year, as does the increasingly privatized dystopia of prison management; rural areas gain political representation, state and federal resources, and high-paying jobs with the location of prisons in their midst and the census allocation of prisoners to their local population numbers. None of these interests care much about improving social welfare through criminal and other policies; they care fervently, though, about perpetuating mass incarceration.

But perhaps the most consequential effect of all has been how the war on crime has directly reconstituted race in the United States. It is not just that the war on crime has its roots in racial politics, fostering a political alignment among many whites predicated on the continued marginalization and subordination of racial minorities. Nor is it simply the tremendously destructive impact this war has had on minorities, especially African Americans. With nearly 10 percent of African American men in prison or jail on any given day, and more than half of them bound to experience a period of incarceration during their lives, the criminal justice system has become a dominant governmental influence on inner-city communities. Rather, it is that the criminal justice system is now integral to keeping ideas of race alive. The war on crime makes race real in America.

Race is not real, of course, or at least not in any biological sense. Race is instead a set of ideas and social practices built lightly on the edifice of physical differences but rooted ultimately in relations of domination and exploitation among socially defined groups. The inertia of past practices is important to the perpetuation of race but not alone sufficient (Fields

1990). For race to continue into the present as a meaningful category of difference, social practices must work to give race continued vitality. The war on crime is one of today's most powerful race-making social institutions.

The war on crime reconstitutes race on both material and symbolic levels. On the material level, the intensive policing of minorities forms part of a new dynamic of social, economic, and political disenfranchisement. Subject to the omnipresent power of the police and prison, many minorities, especially the young, find their lives punctuated and ultimately truncated by legalized violence. A web of neglect has been woven around minority communities, entrapping them amid poor schools, failing infrastructure, deteriorating housing, and the hulking shells of employers long gone. Ensuring that none but the most fortunate can transcend this intense concentration of despair, the war on crime has funded crime control as the preeminent solution to the social ills blighting minority communities. Especially with its commitment to punishment rather than rehabilitation, the war on crime only deepens the misery. Every aspect of the war on crime—the stop and frisk, the arrests, the criminalization of public health issues such as drug use and drunkenness, the violence engendered by overcrowded prisons with no real rehabilitative capacity—combines to virtually guarantee that the marginalization of minority communities will only deepen. In real respects, the war on crime has reversed the gains of the civil rights era and created a new form of racialized domination more intractable in many ways than the mid-twentieth-century versions of Northern ghettos and Southern Jim Crow (Wacquant 2000).

The desperate world of deeply impoverished minorities under the thumb of the law is not, however, something with which the rest of us are completely unfamiliar. Instead, we have images of that world constantly thrust on us by the media, whether as “news” or “entertainment.” The mug shots in the morning paper or on the evening local news, as well as every cop show out there, from the fantasy land of *C.S.I.: Crime Scene Investigators* to the verisimilitude of *The Wire*, tell us over and over again about the undeniable concreteness of African American criminality. Most Americans *know* that is what they (African Americans) are really like—know it on some deep level we try to deny in our conscious desire to reject stereotypes if we are racially liberal or otherwise just know as a fact of life. It is in this way that the war on crime constructs race symbolically. The war's wreckage serves as evidence not of misguided social policies but of the fundamentally different nature of “them,” the arrested,

the incarcerated, the felons, the criminals. Just as the immiseration of minorities has always proved not their long subordination but their inferior natures, so now the disproportionate presence of minorities in the maw of the criminal justice system proves that blacks (and, increasingly, browns and reds) really are different from whites. In this respect, the war on crime not only constructs minorities but also whites. To be white, after all, is to expect and receive courteous treatment from the police, to be innocent until proven guilty, to benefit from the discretion of prosecutors, judges, and juries—and vice versa.

There is no “race” out there, except in our social practices. And among our society’s disparate ways of fomenting racial ideas, the war on crime predominates. Its origins and ongoing attraction lie in mobilizing white fears, it perpetuates the material degradation central to racial hierarchy, and it proves at an ideological level the inferiority of blacks and the concomitant superiority of whites. So, it is not just that there are powerful economic interests supporting the war on crime or that a subjective fear of crime now pervades our society. Much more fundamental, the war on crime arose and continues because it is deeply rooted in American racial politics. The war on crime reflects our country’s longstanding embrace of racism—but it also perpetuates it, extending racial hierarchy into the future and making it that much harder to ameliorate. Can we end the war on crime without a new racial justice movement?

Imagining a Post-War on Crime America

Despite such pessimism, there are clear signs the war on crime is being reconsidered. The spiraling costs of the war are increasingly being rejected as prohibitive, rehabilitation is back on the table, reentry and felony disenfranchisement are emerging as important debates. These elements alone may not herald the end of the war; indeed, they may do no more than curtail some of its excesses without changing its fundamental direction. Yet, it is also the case that there is some rhetorical value in simply declaring the war over. Maybe saying so will not, by itself, make it so. But saying so, loudly and often and in the context of an extended conversation regarding where we should go from here, can only help.

This book aims to help focus attention on the abundant signs that the political confluence of crime, urban restructuring, and political realignment that produced the war on crime has in important ways run its

course. The resultant vast changes in American society and governmental institutions (including criminal justice) will not go away by themselves any time soon without a national conversation about how to redress some of the deformations they have created. Something like that is beginning in a narrower way with the issues of the disenfranchisement and reentry of felons, but the conversation has to be expanded to include the many ways that social ills are reinforced through the war on crime and how relatively privileged populations are poorly served by their own over-valuation of crime security.

Since the 1970s, academics, policy wonks, and political activists have engaged in (often) heated battles over whether harsh prison sentences were the right way to take on America's urban problems. If, after the war on crime, we are to engage in a new conversation about the consequences of the war, we need both to relax the hold of these long-entrenched positions and appreciate how much they misshaped the landscape of our policy imagination. The new discourse should take advantage of the present opportunities in some specific ways.

First, the new discourse should address the ways that the fear of crime and the politics this fear created take shape at the local level of actual cities and neighborhoods. The war on crime represented a nationalizing project that promoted a highly artificial image of a crime problem that was more or less the same everywhere. Not only was this image highly misleading about the actual incidence and prevalence of different kinds of crime problems in different communities, but also it almost certainly created more fear and more readiness to respond harshly (see generally Scheingold 1991).

There is evidence of an emerging shift to the local effects of crime facilitated by new criminological scholarship (e.g., see Western 2007; Clear 2007) and motivated by the rise of new public problems like the reentry of prisoners back into communities from warehouselike prisons that provide little incentive or help to reintegrate, the broad but highly variable "crime decline" of the 1990s (Zimring 2006), and the emergence of terrorism as a prime concern (Tonry 2004). Many of the essays in this volume offer an analysis of the current conjuncture that is grounded in local experiences, often at the city or even neighborhood level.

Second, this new discourse should recognize the emergence of new racialized political identities in America, including Latinos and Asians, that were less central to the early debates on the war on crime but whose political subjectivities have been shaped by it (Haney López 2003). The

war on crime simultaneously made race less visible as a set of public problems while having an enormous impact on the construction of race in the United States. Many of the essays in this volume bring race as a constructed and contested dimension back to the center of the debate and seek to imagine racial justice as a central axis to reimagining criminal justice.

Third, this new discourse should reconsider the central goals of a criminal justice system from a perspective that looks beyond criminal justice to broader questions of governance and democracy, both in the United States and in societies confronting criminal justice problems as part of a transition from dictatorship to democracy (Godoy 2003). Many of the essays in this volume focus on specific institutions (from schools and churches to police departments and prosecutors' offices) that govern and that must operate democratically if a society is to be a democracy.

This volume's immediate goal is to spark a fresh conversation about the war on crime and its consequences; the long-term aspiration is to develop a clear understanding of how we got here and of where we should go.

Part I: Crime, War, and Governance

In the years since September 11, 2001, the problems of how governance changes during war and how war differs from the pursuit of criminal justice against lawbreakers often have been on the minds of lawyers, political theorists, and ordinary citizens. These authors have little to say to clarify those conundrums. Instead, they remind us that these problems are rooted in the decades before that terrible day, decades during which Americans were busily reconstructing the meaning of race, the order of communities, democracy, and the institutional practices and mentalities of government around the problems of crime. If we are now haunted by the sense of violence hidden among us and by a sense that the limits of executive power have become alarmingly vague when faced with such violence, this was not the product of terrorism, but it does now shape our response to it.

In Chapter 1, "The Place of the Prison in the New Government of Poverty," Loïc Wacquant outlines a theory of hyper-imprisonment as the latest configuration of the long project of governing race domination. Wacquant argues that the war on crime amounts to a fourth moment in the racial construction and subordination of African Americans: it is the next

incarnation of slavery, Jim Crow, and the ghetto as a race-making institution. Wacquant suggests that this analysis identifies accounts for the major appeal of contemporary mass imprisonment, i.e., its promise to physically segregate a population. Furthermore, according to Wacquant, students of contemporary penalty who emphasize “mass imprisonment” miss the distinctive concentration of incarceration on African Americans and other non-white minorities seen as similar. Wacquant’s account compels us to consider the race effects of criminal justice not as collateral damage but as the core social purposes (and perhaps motivations) of crime policy. The road to racial justice now leads through a direct confrontation with the agencies and operations of the war on crime.

In Chapter 2, “America Doesn’t Stop at the Rio Grande: Democracy and the War on Crime,” Angelina Snodgrass Godoy locates American punitiveness in a global shift toward expressing conflicts over democracy through the mechanism and metaphors of crime control. Latin American societies share with the wealthier United States a tendency to articulate the new insecurities of the global economy and growing frustrations with democracy in terms of crime insecurity and demands for harsh penal measures. Godoy argues that, while reckoning with the damage that wars on crime have done to democracy both in the United States and Latin America, we must not treat crime as exogenous to the strategies of neo-liberal democracy. Moving alarmed publics in both places away from punitive solutions will take real democratic renewal, not just elite condemnation of punitive policies in terms of human rights.

The centrality of crime to contemporary governance is situated in American history by Chapter 3, “From the New Deal to the Crime Deal.” Here Jonathan Simon argues that crime now anchors a whole way of imagining government’s role in addressing the needs of post-industrial populations. In the American context, it is the successor to the New Deal, which reshaped American institutions around the promise of large economic structures to distribute risk and promoted a version of freedom tied to participation in just such large structures (unions, partially cartelized industries, etc.). Even if the war on crime is over, the “crime deal” is likely to distort our imagination of how to solve large social problems until we can replace it with a new way of imagining government.

While security has been the main justification for the war on crime, emerging evidence suggests that it has left many communities less capable of producing security. In Chapter 4, “The Great Penal Experiment: Lessons for Social Justice,” Todd R. Clear points to four important consequences

of “the great penal experiment.” They are: (1) prison growth has had only a limited relationship to the amount of crime; (2) prison growth has been the product of intentional penal policy, not natural forces; (3) prison growth has decreased social justice; and (4) prison growth has damaged the well being of poor communities. Today we have a prison population that has outgrown its role in preventing crime and become instead an aggravating factor interfering with social justice and community safety. How can we accept that the very tools of justice might be the wedge that exacerbates injustice?

Part II: A War-Torn Country: Race, Community, and Politics

We are used to thinking of the 1950s and 1960s as decades of both social change and conflict, with vigorous social movements seeking change in courts and in Congress and violent responses of resistance and frustration, including murders, deadly riots, and police use of deadly force. But once the war on crime is taken into account, it is clear that while the decades since the 1970s have been ones of retrenchment in major institutions and diminished social movements, they have also been ones of intense conflict. The high murder rate of the 1960s continued (at least until the steep declines of the 1990s) and violent repression in the form of imprisonment, capital punishment, and police use of deadly force has increased to unprecedented levels.

Like the more optimistic social conflict of the 1950s and 1960s, the conduct of the war on crime has left profound “wounds” in the psyches and social networks of Americans. Nowhere is this more apparent than in race and its formations both in terms of communities and politics. The authors in this section document and deliberate on the ways in which the war on crime has defined racial meanings both in and out of the prison. Their nuanced portraits suggest that the war on crime did not so much reverse the gains of the civil rights movement as it did burden the exercise of the new liberties and subjectivities created by that successful struggle and undermine the capacity of institutions to undertake the hard work of desegregating American communities.

In Chapter 5, “The Code of the Streets,” ethnographer Elijah Anderson demonstrates the necessity of breaking the vicious cycle of violence that has formed in our poorest and most disadvantaged communities. Endemic joblessness and persistent racism have alienated young African

American males from the mainstream and encouraged them to develop a “code of the streets,” a set of informal rules governing interpersonal behavior that includes violence. A cultural adaptation to a profound lack of faith in the police and the judicial system, this code emphasizes taking care of oneself. Deprived of any other means of obtaining respect, young African American men use this code to assert control and dominance. Although the vast majority of families living in such neighborhoods rejects this code and are decent and law-abiding citizens, the minority dominates the public spaces because of their violent behavior and the ready availability of guns and drugs.

In Chapter 6, “The Contemporary Penal Subject(s),” Mona Lynch reviews the recent history of the prisoner as a subject of state power. A generation ago, prison officials and staff were encouraged to think of themselves as a helping profession engaged in the transformation of deviant subjects, suffering from psychological weaknesses and social disadvantages that could be addressed through prison therapies and parole supervision. Today, the penal subject has been recast as a motivated, rationally acting predator with few restraints on self-fulfillment other than those that can be imposed by coercion. It is this kind of penal subject that has promoted the most dangerous kind of racialization.

In Chapter 7, “The Punitive City Revisited: The Transformation of Urban Social Control,” Katherine Beckett and Steve Herbert trace the racializing effects of urban policing strategies during the war on crime through a close look at evolving community police strategies in Seattle, Washington. Over the past two decades, urban governments across the United States have adopted and implemented a range of novel social control techniques. These techniques rely on and reproduce expanded definitions of crime and deviance; have led to a dramatic expansion of the state social control net; and penetrate into the fabric of the urban landscape, blurring the boundaries between guilty and innocent, private and public, inside and out. These new tools are justified in terms of (and are essential to the implementation of) “broken windows policing,” an increasingly popular approach to policing that promises to improve community well being and enhance urban residents’ “quality of life.” This chapter describes these techniques and considers their consequences for democracy and for the governance of urban public spaces in Seattle.

But the disempowering aspects of the war on crime have not only concentrated on communities defined by the negative side of racialized fear and exclusion. In Chapter 8, “Frightening Citizens and a Pedagogy

of Violence,” William Lyons explores how both urban, minority-majority schools and suburban, white-majority schools have been deformed by the emergence of a zero-tolerance culture that advocates a fear-based approach to any conflict or difference and favors punishment as the primary tool for teachers and administrators. Lyons examines how this culture of fear and control governs schools in both inner-city neighborhoods and wealthy suburban enclaves and describes how 9/11 and right-wing political messaging have exacerbated the problem. By framing school conflicts as just another battleground in the war on crime, the war on drugs, or the war on terror, society is encouraged to view public school children as either uncontrollable or unsuccessfully controlled. This in turn encourages the public to support the steady reduction of investment in public education while spending increasing percentages of taxpayer dollars for prisons.

Part III: A New Reconstruction

A convergence of a number of events at the beginning of this decade, including a dramatic decline in crime throughout most of the 1990s, the emergence of new threats to national security (ranging from terrorism to climate change), and the aging of the baby-boom generation away from crime-prone youth and high-anxiety parenting years, have opened possibilities for renewal and redirection. Nothing is guaranteed. If the essays in part 3 document anything, it is that the war on crime has left enduring structures in the way Americans think about, contest, and act on the conduct of conduct. In this final section, a group of authors, many of them actively engaged in social justice work, reflect on opportunities and risks of the present moment.

In Chapter 9, “Smart on Crime,” Kamala D. Harris looks for change in what many would consider the central vortex of the war on crime, i.e., the power of prosecutors to exercise their discretion. Encouraging prosecutors to look beyond the shortest-term strategies of imprisoning the actively destructive, Harris, district attorney of San Francisco, calls for strategies that reach beyond criminal law alone to consider public health and environmental justice as key aspects of community security. Discussing specific tactics that she has embraced as top prosecutor for the County of San Francisco, Harris documents how local prosecutors can regain control of the crime issue from national politicians and policy entrepreneurs.

In Chapter 10, “Rebelling Against the War on Low-Income, of Color, and Immigrant Communities,” Gerald P. López advocates for a “rebellious” approach to repairing the harm caused by the war on crime. As founder and director of the Center for Community Problem Solving at New York University Law School, López teams up with low-income, of color, and immigrant communities in New York to improve society’s capacity to solve problems on a whole range of issues. This partnership has started a Re-Entry Project, a Re-Entry Orientation Program, the Keeping Our Kids Out of the Criminal Justice System Campaign, and the Campaign to Hire People with Criminal Records. These programs have been instituted in response to the needs identified by those communities themselves rather than by traditional criminal justice experts.

In Chapter 11, “Of Taints and Time: The Racial Origins and Effects of Florida’s Felony Disenfranchisement Law,” Jessie Allen, a national leader in litigation and legislative efforts to challenge felon disenfranchisement laws, analyzes the racially discriminatory effect of Florida’s law and discusses the litigation that sought to dismantle that statutory scheme as unconstitutional. Although most states bar prisoners from voting, Florida was, until 2007, one of only five states that disenfranchise everyone convicted of a felony for a lifetime. Sixteen percent of voting-age African Americans and one in four black males are disenfranchised by this law. Communities with large African American populations have thus witnessed the decline of democracy in their neighborhoods. Despite close historical links between felony disenfranchisement in Florida and efforts after Reconstruction to reduce black suffrage, the litigation challenging the law was ultimately rejected by the federal courts. Despite this, but perhaps facilitated by the attention that the litigation helped draw to this issue, Florida’s political branches ultimately acted to redress many of the law’s most destructive features.

In Chapter 12, “The Politics of the War Against the Young,” Barry Krisberg reviews the specific ways in which the war on crime adversely impacted young people. It considers the forces that make youth especially vulnerable to irresponsible politicians and misguided crime policies. In addition to the sociological analysis of the “war against the young,” the chapter describes three case studies in California in which ambitious and cynical politicians used public fear about young people to advance their personal agendas. Last, it reviews recent developments in which community and youth activists have won significant victories on behalf of young people and the lessons learned from these campaigns.

In Chapter 13, “Transformative Justice and the Dismantling of Slavery’s Legacy in Post-Modern America,” Mary Louise Frampton discusses the philosophy of restorative justice and the new paradigm that this values-driven model offers for our criminal justice system. By focusing on a healing and restoration approach that includes offender accountability and atonement, victim participation, and restitution as well as community involvement and responsibility, this model presents a new lens through which to view criminal justice. It points to the hundreds of local restorative-justice programs around the country that already have been successful in reducing criminal activity as well as the need for incarceration and enhancing victim satisfaction. In doing so, it also discusses a unique experiment that has evolved from the “After the War on Crime” symposium. A criminal justice working group, composed of law professors, social scientists, lawyers, policymakers, community organizations, journalists, and advocates for those most directly affected by the war on crime has been convened by the Boalt Hall Center for Social Justice to research and develop innovative strategies for repairing the harm caused by that war. This chapter discusses the formation and agenda of the group, locating this as one aspect of the emerging movement for restorative justice.

Afterword

If the war on crime has produced its own powerful alliances of interests, change will also require imagining new linkages between groups and interests now separated by that war. In a sharp and provocative afterword, community organizer and racial justice advocate Van Jones proposes a vibrant new resistance to the “shotgun wedding” of the prison-industrial complex and the military-industrial complex that has created a seamless web of repression from West Oakland to Baghdad. In the musical chairs of racial policing, the war on drugs and blacks of the 1990s has become the war on terror, Arabs, and Muslims after 9/11. In response to this unified front, Jones calls on progressives to move beyond the welfare-state approaches that have outlived their usefulness. Instead, he argues, progressives must become the custodians of a community-safety strategy that does not hesitate to expose the incarcerators as profiteers of a bloated monopoly rather than protectors of public safety.

Readers should not expect to find here a seamless or fully worked out vision of a way beyond the war on crime. We offer instead a set of highly

original perspectives on the present that share a common desire to get to a better future. They are sharp and at times contending visions that come from highly specific contexts, both in and outside of criminal justice. This is in itself a refusal of the homogenizing and reductionist narratives of crime that have been produced by the war on crime itself (and at times in response to it). They will yield, if we are successful, not simply citations but a broader conversation on how to reinvigorate American cities and democracy.

NOTES

1. David Garland suggests that the demoralization of just this kind of the urban professional elite helps explain the rapid collapse of support for rehabilitation in penal policy during this same time (Garland 2001).

REFERENCES

- Beckett, Katherine. 1997. *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford University Press.
- Clear, Todd R., and Dina R. Rose. 1999. "When Neighbors Go to Jail: Impact on Attitudes about Formal and Informal Social Control." National Institute of Justice: Research Preview. Washington, D.C.: National Institute of Justice.
- Clear, Todd R. 2007. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. New York: Oxford University Press.
- Fields, Barbara Jeanne. 1990. "Slavery, Race and Ideology in the United States of America." *New Left Review* 181: 95–118.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in a Contemporary Society*. Chicago: University of Chicago Press.
- Garland, David, ed. 2001. *Mass Imprisonment: Social Causes and Consequences*. New York: Sage.
- Godoy, Angelina. 2003. "When 'Justice' Is Criminal: Crime, Communities, and Lynchings in Contemporary Latin America." Paper prepared for delivery at the 2003 meeting of the Latin American Studies Association, Dallas, Texas, March. 27–29.
- Haney López, Ian. 2003. *Racism on Trial: The Chicano Fight for Justice*. Cambridge, Mass.: Harvard University Press.
- Kruttschnitt, Candace, and Rosemary Gartner. 2005. *Marking Time in the Golden State: Women's Imprisonment in California*. Cambridge, U.K.: Cambridge University Press.

- Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108(5): 937–75.
- Parenti, Christian. 1998. *Lockdown America: Police and Prisons in the Age of Crisis*. New York: Henry Holt.
- Petersilia, Joan. 2003. *When Prisoners Come Home*. New York: Oxford University Press.
- Scheingold, Stuart. 1991. *The Politics of Street Crime*. Philadelphia: Temple University Press.
- Simon, Jonathan. 1993. *Poor Discipline: Parole and the Social Control of the Underclass, 1890–1990*. Chicago: University of Chicago Press.
- . 2007. *Governing through Crime: The War on Crime and the Transformation of America*. New York: Oxford University Press.
- Tonry, Michael. 2004. *Thinking about Crime: Sense and Sensibility in American Penal Culture*. New York: Oxford University Press.
- Travis, Jeremy, Amy L. Solomon, and Michelle Wahl. 2001. *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*. Washington, D.C.: Urban Institute.
- Wacquant, Loïc. 2000. "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto." *Theoretical Criminology* 4(3): 377–89.
- Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.
- Western, Bruce, and Katherine Beckett. 1999. "How Unregulated Is the U.S. Labor Market? The Penal System as a Labor Market Institution." *American Journal of Sociology* 104(4): 1030–1062.
- Zimring, Franklin E. 2006. *The Great American Crime Decline*. New York: Oxford University Press.
- Zimring, Franklin, and Gordon Hawkins. 1991. *The Scale of Imprisonment*. Chicago: University of Chicago Press.