OVERVIEW

WHAT ACCOUNTS FOR THE SUCCESS OF THE TOUGH ON CRIME MOVEMENT?

The following texts offer a variety of opinions on why the criminal justice system continues to expand.

Crime and Political Ideology
By Jean Hardisty, Ph.D.

INTRODUCTION

“An eye for an eye” captures the conservative model of punishment in contemporary western societies. That is, when a wrong is done to an innocent person, the wrongdoer must be severely punished in order to “even the books” and stand as an example to deter other wrongdoers. Its advocates often call this punishment model the “law-and-order” model.

In contrast, the liberal punishment model emphasizes the rights of the accused, humane (not “cruel and unusual”) punishment, and rehabilitation of those convicted of a crime. Conservatives and rightists belittle this model as “soft on crime.” In the United States, the two opposing models compete in the realms of culture and public policy. For most of U.S. history, the harsher punishment model has been so dominant that it is part of our international image. We are the country where we “hang ’em high.” Only in an exceptional period does the principle and practice of redemption gain the upper hand.

What explains the U.S. inclination to favor the law-and-order punishment model? Certainly in times of social tension and economic unpredictability, the punishment paradigm is especially appealing. When people feel vulnerable and insecure, rationally or not, they often look for someone, some thing, or some group to blame. Because racism pervades U.S. society as a whole, people of color, especially African Americans, who cluster at the lower end of the economic ladder, are close at hand to serve for White people as “the other,” as a source of criminal threat for the dominant population. (See Box on White Fear). And it is often true even for people whom White people have labeled as “the other,” but don’t see themselves as attached to, or identified with, those labeled criminals.

A convergence of several of the conditions that create social tension—for instance, hard economic times, rapid social change and/or a high crime rate—create a hospitable climate for an upsurge of the
law-and-order paradigm. If rightists hold political power and rightist cultural values are dominant at the time these conditions prevail, they are likely to work to strengthen public support for this paradigm, usually by emphasizing an “us/them” dichotomy that demonizes criminals and expands the definition of criminal behavior.

Only a powerful political force can push against the historical U.S. preference for a harsh punishment model. A strong progressive movement can mount a countervailing political analysis that promotes an understanding of the root causes of crime, critiques the law enforcement and criminal justice systems, and emphasizes rehabilitation and rights for criminal defendants and prisoners. Such an analysis is associated with liberal politicians, activists and advocates. A progressive analysis that questions the very right of the State to incarcerate its citizens rarely garners widespread public support.

However, even when liberal arguments gain political strength and acceptance, the policies that follow merely moderate the punishment model. A period of such moderation occurred in the 1960s and 1970s, when liberalism became strong enough to challenge the existing criminal justice system. Liberal publications, speakers at demonstrations, and political leaders talked about “equality” and “the dead-end life of the ghetto” as a place of no opportunity, and promoted a model of rehabilitation for criminals. This model focused on acknowledging that criminals were often the product of poverty and economic segregation, and that society should respond to behavior deemed criminal with education and opportunities as a form of crime prevention, and training while the criminal paid his/her debt to society.

But in those same decades, a conservative backlash began to gain popularity. By the end of the 1970s, the New Right, a growing social and political movement whose central program was to attack liberal ideas and practices, had labeled the liberal model the “coddling” of criminals. The New Right directed its message—that the country appeared to be spinning out of control—to White men, conservative Christians, and White Southerners. “Middle Americans,” feeling they were losing status and financial security in a time of social change, were encouraged by rightists to fear “chaos” in the streets and in private life. Subtle messages appealed to racial stereotypes by implying that the reforms of the 1960s and 1970s had strengthened the position of “undeserving” welfare recipients (usually stereotyped as people of color) and criminals at the expense of “good” White people. Soon moderate Democrats and even some liberals began to collaborate in the promotion of the backlash slogan, “tough on crime.”

It wasn’t simply economic and social tensions that underlay the New Right’s success in promoting its message on crime. “Law and order” resonated with a powerful ideological strain within the U.S. populace—the conservative worldview. You might think of this worldview as the ideological default to which many White Americans return when they are anxious, confused, or resentful.

The Prominence of the Conservative Ideological Worldview
As with so many of its policies, the Right’s conservative view of human nature and a preeminent desire for an orderly society drives its law-and-order agenda. While the liberal, humanistic vision of human nature is that people are basically good, but are made bad by oppressive poverty, abuse, addiction, racism, and/or lack of opportunity, the Right’s view is that people are bad by nature. Rightists see urges to sinful, aggressive, and selfish behavior as human nature. Therefore, conservative rightists often accuse liberals and leftists of being “idealis,” who fail to understand that people are fundamentally flawed and prone to anti-social acts.
For many rightists—especially those in the Christian Right—the only fruitful path of redemption lies in conversion to conservative Christianity. This path, promoted most notably by Charles “Chuck” Colson, whose conversion occurred while he served time in prison for crimes committed as part of the Watergate scandal in the 1980s, has become a small redemption industry.1

The conservative view of humankind as sinful and in need of self-discipline, harsh punishment, and religious redemption to keep people on the correct path stems from a philosophical belief that society in its “natural” state is chaotic. Therefore society’s first obligation is to establish a formidable authority. Authority naturally resides in the State, the Church, and the family/community. In the words of Thomas Hobbes, the 17th century English philosopher who is the father of the conservative worldview, “Before the names of just and unjust can have place, there must be some coercive power.”

Rightists, despite their occasional adherence to values of love and charity, believe that humankind is divided into good (worthy) people and bad (unworthy) people. Bad or unworthy people are irresponsible and/or anti-social because of weakness, self-indulgence, and lack of the will to overcome their baser instincts. The definition of “good” and “bad” has many dimensions, including moral, cultural, economic, and political. The designation “unworthy” can be stark and unforgiving. Lack of discipline should earn a “bad reputation” and a watchful eye from law enforcement officials.

The character trait of a strong and law-abiding person, on the other hand, is “social responsibility.” For such a person, the first hurdle is to resist temptation and, by doing so, live a good life. The story of Hester Prynne, the Puritan woman in Nathaniel Hawthorne’s The Scarlet Letter, captures the conservative worldview. Prynne, who became the town minister’s lover, was forced to wear a large, cloth scarlet A for “adulterer” on her chest for the rest of her life, making a clear statement that she was an undisciplined person.

The public policy implications of this worldview are enormous. For instance, if, as in the liberal model, all people are potentially good, preventive measures to keep them from coming under influences that will turn them “bad” are not simply justified, but a practical response to a rising crime rate. But if, as in the rightist worldview, all people are born with a strong urge to be “bad” and some are unable to control those urges through discipline and social responsibility, punishment and isolation are the appropriate responses to their behavior.

The theme of law and order, as it stems from the conservative worldview, sets up a stark us/them dichotomy that makes it possible for “deserving” people to place “them” outside the boundaries of an orderly and godly society. From this perspective, once outside the boundaries of legitimate society, “the other” is no longer the responsibility of those who are good and worthy.
In order to advance the message that attention to “them” is misplaced by liberals, the Right launched its campaign to promote “victim’s rights” in the 1980s. Building on the conservative worldview, a “victims’ rights” campaign allowed rightists to introduce conservative tough-on-crime policies without appearing to be racist or opposed to individual rights and liberties.

How Does Law and Order Play Out In Racial Terms?

In the United States, existing institutional, systemic, and individual racism magnify and reinforce this us/them dichotomy. Because the criminal justice system of every country serves as a means of control over some members of that society (and others who get caught up in it), it always reflects the need of the State for control, the political desire of leaders to stay in power, and the norms and mores of behavior favored by those leaders and usually supported by at least a portion of the society’s members. In a country with the racial history of the United States, we cannot be surprised that Whites have always controlled the criminal justice system and used it to control people of color, especially African Americans and increasingly all dark-skinned people, including those from the Middle East and South Asia.

In the ideological and political campaign to promote “law and order,” conservative strategists have been careful to avoid any mention of its agenda’s racial implications. After arguing for criminalizing certain behaviors, especially drug consumption and distribution, they never men-

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**WHITE FEAR**

It is a tragic irony that the European settlers greeted by native peoples when they arrived in what the immigrants called the “New World” evolved a xenophobic worldview called “Nativism.” The term is used to describe the notion put forward by many immigrant settlers and their offspring that the ideal citizen is a White, northern European, native (U.S.) born, Protestant.

Xenophobia is a fear of (or a distaste for, or a hatred directed at) people, ideas, or customs thought to be strange or foreign. In the United States, this often involves White racial nationalism. When the new nation was founded in the late 1700s, there was an example of Xenophobia prompting government policies in the passage of the Alien and Sedition Acts. Periodically throughout U.S. history xenophobic Nativist movements have gained a mass following; spreading their ideas and pushing for federal action and legislation to limit immigration by people of color. Roberto Lovato calls the current manifestation of this phenomenon “White Fear.” “In white fear’s eyes, any shade of brown is suspect,” writes Lovato. And just like previous periods of anti-immigrant bigotry, this fear justifies a “war against those perceived as 21st century barbarians.” Lovato explains that “White fear mobilizes Republican and Democratic voters to defend their perceived racial interests under the guise of patriotism.”

According to Lovato, “Even though ideas about race, ethnicity, culture and civilization are fluid and murky, white fear is cohesive and entrenched.” He notes that “White fear is profitable. Bond issues for prison construction managed by major investment banks are more profitable than school construction bonds for improving the decrepit, crowded public schools.” He adds that “prison construction bonds also depend heavily on a steady flow of young, brown bodies of former students of de-funded schools, as do the crowded barracks in Iraq’s deserts.”

Part of contemporary White fear is driven by demographic trends that suggest White people will become a “minority” group sometime during the 21st century. Lovato warns this is creating a “new wave of minority politics: white minority politics. Though rooted in California, this new politics of fear is creeping up across the country as its promoters redefine who is racial victim and who is racial oppressor, neatly inverting—and co-opting—the arguments and terms of the civil rights movement.”

tioned how this would disproportionately affect communities of color (where the State’s arrests for such behavior are higher than in White and suburban communities). Some of the academics who promote law-and-order arguments have even maintained an identity as liberals, and claim to be writing in the interests of “the community.” Through this sleight of hand, rightist policymakers have constructed law-and-order policies as a series of supposedly race-neutral policies, although the outcome of these policies has been to criminalize, to a vastly disproportionate extent, the behaviors of certain targeted groups, especially racial minorities. Whether or not these law-and-order policies were intentionally racist may be open to debate, but many people, especially people of color, connect the dots and see their outcome as both intentional and systemic.

You might imagine that an increased emphasis on law and order would result in increased attention to all forms of law-breaking. But addressing police brutality and other forms of State violence clearly is not the focus of law-and-order policies. Nor is it the focus of the ideological camp that promotes these policies. Such neglect of a whole class of “victims”—those victimized by police or military power—supports the assertion that illegitimate race-based practices are the single most salient feature of the contemporary criminal justice system. Rightists often blatantly deny statistical evidence of unequal rates of incarceration, arrest, and punishment by race or class for identical crimes, as well as evidence of police and criminal justice officials’ presumption of guilt according to the race of the accused. Rightist Professor John J. Dilulio, Jr., a prominent law-and-order proponent who inaccurately predicted a growing wave of “super-predator” children, stated that data on the administration of capital punishment “disclose no trace of racism....” But it is nearly impossible to study the discrepancies between incarceration rates for people of color and those of Whites for similar behaviors and not conclude that these policies, and those who defend them, are racially motivated.
Ideological Contradictions In Law-and-Order Policies

Each sector of the Right does not necessarily support the same policy solutions to the issues of crime and punishment. Various anti-crime policies create splits and disagreements within the Right. For example, rightist libertarians—who favor the most limited role possible for government—object to a punishment model that requires a huge investment of government funds, even when incarceration is privatized, and prisons eliminate training and treatment. The cost of building new prisons to house and police a swelling prison population increases government spending in both the long- and short-term. Between 1985 and 1995, states and the federal government opened one new prison a week to cope with the flood of inmates into the prison system. Much of this increase resulted from the increasing criminalization of non-violent offenders, through three-strikes laws, mandatory sentences, and drug laws. Referring to the many economic interests that now have a vested interest in maintaining high rates of incarceration, some critics, notably Angela Davis, have called this the emergence of a “prison-industrial complex.” Police departments, private prison corporations, unions of prison guards, rural communities eager for prison jobs, and businesses that provide prisons with food, security, and maintenance serve as pressure groups to assure the continuation of ever-increasing funding for prisons and to support tough on crime policies and drug laws that continually escalate rates of imprisonment.

Widespread imposition of the death penalty also creates dissonance for some rightists. Between 1995 and 2003, prisoners in the United States were executed at an average rate of one per week. Although execution is a more expensive form of punishment than life-long imprisonment (due to the cost to the State of legal appeals), until recently its use has been steadily increasing, driven, in large part, by the Secular Right. Some conservatives are disconcerted by the revelation, as a result of DNA testing, that innocent prisoners have been executed. Others more critical of the criminal justice system, have not been surprised by these cases.

Finally, some rightists are uneasy with the growth of federal domination over state criminal justice systems. Despite the traditional conservative commitment to “states’ rights,” criminal prosecutions usually conducted at the state level have increasingly been taken over by the federal government, as the law-and-order crime model has grown in influence. For decades, crimes that involve crossing state lines have been classified as federal crimes and are prosecuted in federal courts. Organized crime cases and many drug and firearms crimes have swelled the number of federal cases. But journalist Ted Gest describes a “creeping federalization of criminal prosecutions” of crimes that occur at the local level. Liberals have supported some of this growth in the role of federal courts. Because they hope, for instance, that hate crimes, abortion clinic bombings, and stalkings will often be prosecuted more vigorously at the federal level than at the state level. But, as both political parties compete to appear tough on crime, much of the federalization
of the criminal justice system is directed at drug offenders and non-violent criminals. It thereby
diminishes the role of the states in fighting even local crime. So much for states’ rights, a key
principle of the Right’s ideology.

Why would rightists persist in favoring these “big government” aspects of tough-on-crime poli-
cies? The prevention and rehabilitation model, which has largely been defunded, ultimately costs
less in tax dollars because it addresses the causes of crime and the rehabilitation of prisoners.
The answer lies in the ideological compatibility of apparently contradictory ideas when they are
held within an overarching worldview that explains the contradictions. Two especially strongly
held conservative beliefs are not subject to debate—criminals must be punished, and government
should remain small. But “smallness” does not mean that the government should be weak.
Thomas Hobbes’ admonition that States must establish a strong power that can exert control
undergirds the idea that a massive program of incarceration is ideologically acceptable for con-
servatives who don’t believe in “big government.” In this case, many conservatives who believe
that criminals are bad and must be punished in order to protect good, responsible (read White)
people accept a strong role for government as appropriate and consistent with a conservative
ideology. All sectors of the Right oppose the one policy solution that is most likely to solve the
problem of crime in the long term—the creation of jobs, housing, economic opportunity, and
universal health care that includes treatment for addictions.

Why Is the Law-and-Order Model So Widely Accepted?
People who are ideologically progressive or who are disproportionately subjected to the excesses
of “tough on crime” policies and practices, find it hard to understand the widespread vicious,
mean-spirited attitude toward people labeled as criminals. For instance, what would make a crowd gather outside a death penalty execution to cheer it on? What beliefs could make the public indifferent to the horrific conditions and physical abuse so common in contemporary U.S. prisons? Why has “tough on crime” become a bottom line necessity for any successful politician, even when people know that a substantial number of innocent people have been imprisoned, or even executed, through overzealous or malicious prosecution, lack of adequate legal defense, and/or racism?

As I mentioned above, several factors that might inspire such attitudes are: racism; fear and anxiety for physical safety and security; economic anxiety that leads people to seek a scapegoat who becomes the “other;” and a sense of growing chaos and declining order. These conditions clearly lead to a more punitive-minded general public, especially when political leaders and the media reinforce their inclinations.

Perhaps another important part of the answer lies in the widespread acceptance of the conservative ideological worldview, especially its view of human nature, by many average Americans. I suggest that many in the United States see themselves in much the same way that philosopher Thomas Hobbes saw humans—prone to sinfulness in the form of sloth, moral depravity, envy, covetousness, lust, and aggression. And they see their lives as a process of self-discipline to overcome these urges.

The struggle to live a life of virtue and dutifulness rather than sinfulness is an abiding source of pride in mainstream U.S. culture. To be a “good man” or a “good woman” is no small accomplishment. Average people know how much effort it takes to accomplish this identity. Accompanying the pride felt by those who work to maintain their virtue is a deep resentment of those they feel do not work and sacrifice to overcome their sinful urges. This resentment can turn especially bitter when “good people” perceive that “bad people” are reaping benefits that should rightfully be theirs. The resulting hatred is a major factor driving the country’s support for tough-on-crime policies and the law-and-order model. The common sentiment—“The bad people ruin it for all the rest of us”—captures much of the rightist worldview. To coddle the “bad” people is to devalue the hard work of the “good.”

To keep this system in place, two things are necessary: 1) there must be widely shared agreement on what is “good,” and 2) there must be a strict separation between the “good” and the “bad.” But in modern society, the definition of what is “good” becomes more confused every day, causing status and identity anxiety. Changing definitions of “good” and “bad” can make traditional rightists resentful and angry, leading them to charge progressives, secularists, and others who disagree with them as being “moral relativists.” When social mores change—for instance, when obtaining an abortion or living together as an unmarried heterosexual couple becomes socially normalized behavior—the former definition of “good” and “bad” becomes contested.
territory. Most progressives hail such expansions of individual rights as progress for human rights. For conservatives, they represent a blurring of the lines, and a further erosion of the status of “good” people who resist “decadent” urges and model “virtuous” human behavior.

As free-market capitalism becomes more dominant and unregulated in U.S. society, subjecting workers to increasing job instability and pay fluctuations, many workers respond with economic apprehension and status anxiety. Further, private enterprise responds almost exclusively to its predominant goal—maximizing profit. To sell products, family values can be mobilized, but if individualistic, “anti-family” attitudes can more successfully sell goods, the market will promote those values. This “amoral” profit-driven ethic often conflicts with established notions of good and bad or right and wrong, adding to the sense of dislocation on the part of many people, who then seek a target for their resentment over all that has changed “for the worse.” Such an environment offers the “criminal”—whose very existence defines those who are not criminals as “good”—as a convenient and serviceable scapegoat. And in a society characterized by institutional and individual racism, a “criminal” or “bad” identity is disproportionately attached to dark-skinned people.

Conclusion

The Right’s law-and-order campaign has led to an increase in the severity and duration of incarceration since the early days of the Ronald Reagan Administration. Political moderates, and even liberals, collaborated in policies that have embodied reactionary intentions and racist outcomes. The mainstream media, by elevating sensational stories of criminals and victims to attract audiences and advertisers, have promoted a view of crime as rampant and frightening. By associating inner-city residents of color with guns and drugs, rightist politicians have promoted an ideological message that criminals are individuals who have choices and choose crime and victimization of those weaker than they.

Driven by a conservative ideological worldview, rightists and average people in the United States now support a huge prison industry that incarcerates people at rates second only to Russia in the world. Progressives must challenge this runaway law-and-order campaign by redirecting attention to the root causes of crime, such as poverty, abuse, addiction, and lack of opportunity, and by challenging the demonization and scapegoating of “criminals.” This work is part of a larger campaign to revive the public will to address the economic insecurity that plagues so many in the United States, while the few live in increasing luxury.

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Calvinism, Capitalism, Conversion, & Incarceration

By Chip Berlet

INTRODUCTION

Why are increased sentences and the severe punishment of those convicted of crimes so popular and prevalent in U.S. culture? Since the late 1970s our society has accepted increasingly rigid and vengeful ways of punishing those convicted of crimes. Behind this trend is the momentum of 250 years of a strain of religious philosophies brought to our shores by Pilgrims, Puritans, and other colonial settlers influenced by a Protestant theology called Calvinism. Today, many ideas, concepts, and frames of reference in modern American society are legacies of the history of Protestantism as it divided and morphed through Calvinism, revivalist evangelicalism, and fundamentalism. Even people who see themselves as secular and not religious often unconsciously adopt many of these historic cultural legacies while thinking of their ideas as simply common sense.

What is “common sense” for one group, however, is foolish belief for another. According to author George Lakoff, a linguist who studies the linkage between rhetoric and ideas, there is a tremendous gulf between what conservatives and liberals think of as common sense, especially when it comes to issues of moral values. In his recent book Moral Politics, which has gained attention in both media and public debates, Lakoff argues that conservatives base their moral views of social policy on a “Strict Father” model, while liberals base their views on a “Nurturant Parent” model.11

Other scholars have looked at these issues and found similar patterns. According to Axel R. Schaefer, there are three main ideological tendencies in U.S. social reform:

– Liberal/Progressive: based on changing systems and institutions to change individual behavior on a collective basis over time.

– Calvinist/Free Market: based on changing individual social behavior through punishment.

– Evangelical/Revivalist: based on born again conversion to change individual behavior, but still linked to some Calvinist ideas of punishment.12

Coalition Politics

Republicans have forged a broad coalition of two of the three tendencies that involves moderately conservative Protestants who nonetheless Since the late 1970s our society has accepted increasingly rigid and vengeful ways of punishing those convicted of crimes. Behind this trend is the momentum of 250 years of a strain of religious philosophies brought to our shores by Pilgrims, Puritans, and other colonial settlers influenced by a Protestant theology called Calvinism. Today, many ideas, concepts, and frames of reference in modern American society are legacies of the history of Protestantism as it divided and morphed through Calvinism, revivalist evangelicalism, and fundamentalism. Even people who see themselves as secular and not religious often unconsciously adopt many of these historic cultural legacies while thinking of their ideas as simply common sense.
hold some traditional Calvinist ideas; Free Market advocates ranging from multinational executives to economic conservatives to libertarian ideologues; and conservative evangelicals and fundamentalists with a core mission of converting people to their particular brand of Christianity. This is a coalition with many fracture points and disagreements.

As the Bush Administration has shifted government social welfare toward “Faith-based” programs, it has diverted government funding into privatized religious organizations (which raises serious separation of Church and State issues), but the amount of funding applied to “Faith-based” projects is small compared to the large budget cuts in previously government-funded government-run social welfare programs. Libertarians approve of the overall budget cuts, but would prefer cutting out the government funding of “Faith Based” projects.

Not all evangelicals and fundamentalists are political conservatives, although most are. The Christian Right is that group of politically conservative Christians—primarily evangelicals and fundamentalists—who have been mobilized into a social movement around social issues and traditional moral values; and who have sought political power through elections and legislation. The Christian Right became a political force in the Republican Party in the 1980s as part of a strategy of right-wing political strategists to enlist evangelical and fundamentalist leaders, especially television evangelists, in building a voter base.

The Christian Right has used populist rhetoric to build a mass base for elitist conservative politics. This process leads many people to vote against their economic self-interest, as Thomas Frank observes in his book What’s the Matter with Kansas?: How Conservatives Won the Heart of America. Today, the Christian Right is the single largest organized voting block in the Republican Party. These are predominantly White evangelical voters. Most Black Christian evangelicals overwhelmingly vote Democratic. The voting power of White Christian evangelicals has meant they are now political players on the national scene. For example President George W. Bush’s first term selection as Attorney General of the United States of John Ashcroft, a hero to the Christian Right and himself a member of the ultra-conservative evangelical denomination Assemblies of God, was a political reward to White evangelical voters.

Some of the goals of many White evangelical conservatives are shared by another group of people who call themselves the Neoconservatives. These are former liberals and leftists who rejected the social, cultural, and political liberation movements of the 1960s and 1970s. Neoconservative social and cultural politics echo many Calvinist themes such as the need to defend traditional morality and the patriarchal family; the special role for America in world affairs, and the righteousness of economic capitalism.

As the New Right gained power, Republicans—and Democrats—began to support repressive and punitive criminal justice policies that were shaped by one of the historic legacies of Calvinism:
the idea that people arrested for breaking laws require punishment, shame, and discipline.

While most mainline Protestant denominations and evangelical churches have jettisoned some of the core tenets of Calvinism, ideas about punishment and retribution brought to our shores by early Calvinist settlers are so rooted in the American cultural experience and social traditions that many people ranging from religious to secular view them as simply “common sense.” What Lakoff calls the “Strict Father” model gains its power among conservatives because it dovetails with their ideas of what is a common sense approach to morality, public policy, and crime. To understand where this “common sense” comes from, and why it is tied to the Strict Father model, requires that we trace the influence of Protestant Calvinism.

The Roots of Calvinism

Martin Luther founded Protestantism in a schism with the Catholic Church in 1517, but it was John Calvin who literally put it on the map in the city of Geneva, which is now in Switzerland. In the mid 1500s, Calvin forged a theocracy—a society where only the leaders of a specific religion can be the leaders of the secular government.

Calvinists believed that Adam and Eve disobeyed God and tasted the apple from the tree of knowledge at the urging of an evil demon. As a result of this “original sin,” the betrayal of God’s command, all humans are born in sin. God must punish us for our sins; we must be ashamed of our wrongdoing; and we require the harsh yet loving discipline of our heavenly father to correct our failures.
Calvinists also believe that “God’s divine providence [has] selected, elected, and predestined certain people to restore humanity and reconcile it with its Creator.”15 These “Elect” were originally thought to be the only people going to Heaven. To the Calvinists, material success and wealth was a sign that you were one of the Elect, and thus were favored by God. Who better to shepherd a society populated by God’s wayward children? The poor, the weak, the infirm? God was punishing them for their sins. This theology was spreading at a time when the rise of industrial capitalism tore the fabric of European society, shifting the nature of work and the patterns of family life of large numbers of people. There were large numbers of angry, alienated people who the new elites needed to keep in line to avoid labor unrest and to protect production and profits.

Max Weber, an early sociologist who saw culture as a powerful force that shaped both individuals and society, argued that Calvinism grew in a symbiotic relationship with the rise of industrial capitalism.16 As Sara Diamond explains:

Calvinism arose in Europe centuries ago in part as a reaction to Roman Catholicism’s heavy emphasis on priestly authority and on salvation through acts of penance. One of the classic works of sociology, Max Weber’s *Protestant Ethic and the Spirit of Capitalism*, links the rise of Calvinism to the needs of budding capitalists to judge their own economic success as a sign of their preordained salvation. The rising popularity of Calvinism coincided with the consolidation of the capitalist economic system. Calvinists justified their accumulation of wealth, even at the expense of others, on the grounds that they were somehow destined to prosper. It is no surprise that such notions still find resonance within the Christian Right which champions capitalism and all its attendant inequalities.17

**Awakening To Evangelicalism**

From the 1730s through the 1770s there was a Protestant revival movement in the colonies dubbed the First Great Awakening. As the revival swept the colonies, many reported a highly emotional experience of conversion after hearing sermons at large public meetings. The new evangelists tended to be zealous, judgmental, and authoritarian. Not everyone was happy with the results of the First Great Awakening, and some rejected the trend and remained on the traditional orthodox Calvinist path. Others rejected both and developed what became Unitarianism as a response. By the early 1800s there were three tendencies in American Protestantism:

1) Orthodoxy in the form of northern Calvinist Congregationalists and southern Anglicans;
2) Revivalist rationalism and evangelism that drew not only from the Congregationalists and Anglicans (later called Episcopalians), but also swept through the smaller Protestant denominations such as the Baptists, Methodists, and Presbyterians;

3) Unitarianism, still relatively small but influential in the northeast.\footnote{18}

**Social Reformers: Quakers and Unitarians**

Many ideas on social reform that are now supported by mainline Protestant denominations were initially promoted by religious dissidents such as the Quakers and later the Unitarians.

Quakers had been concerned with prison conditions since the late 1600s in both England and in colonial Pennsylvania, and they introduced the idea of prison as a means for reform rather than punishment.\footnote{19} They also promoted the “conception of the criminal as at least partially a victim of conditions created by society” which implied that society had some obligation to reforming the criminal.\footnote{20} In the early 1800s Quaker activist Elizabeth Gurney Fry launched a major prison reform movement in England, and these ideas were carried to the United States.

The Unitarians rejected the Calvinist idea that man was born in sin and argued that sometimes people did bad things because they were trapped in poverty or lacked the education required to move up in society. The Unitarians took the idea of transforming society and changing personal behavior popularized by the First Great Awakening and shifted it into a plan for weaving a social safety net under the auspices of the secular government.

The attention to social conditions by the Unitarians and Quakers overlapped with the Second Great Awakening, which ran from the 1790s to the 1840s. Sin was seen as tied to selfishness. Good Christians should strive to behave in a way that benefited the public good. America was seen as a Christian Nation that would fulfill Biblical prophecy. By the late 1800s, most major Protestant denominations (called “Mainline” denominations) had found some accommodation with the discoveries of science and secular civic arrangements such as separation of Church and State favored by Enlightenment values.\footnote{21} There was also “a growing interest by churches in social service, often called the Social Gospel, [which] undercut evangelicalism’s traditional emphasis on personal salvation.”\footnote{22}

**Fundamentals and Prophecies**

All of this created a backlash movement. A group of conservative ministers condemned this shift and urged Protestants to return to what they saw as the fundamentals of orthodox Protestant belief. From 1910 to 1915 these reactionary theologians published articles on what they saw as
the fundamentals of Christianity. Thus they became known as the fundamentalists. Among their beliefs was the idea that the Bible was never in error and was to be read literally, not as metaphor. While rejecting Calvinist ideas of predestination and the Elect, fundamentalists sought to restore many orthodox Calvinist tenets—and they embraced the idea that man was born in sin and thus needed punishment, shame, and discipline to correct sinful tendencies.

Although fundamentalists and evangelicals tended to withdraw from the political fray, devoting most of their energy to saving souls, they challenged modern ideas using such modern tools as radio and later television to communicate their message. Both groups were largely suspicious of the social reforms implemented during the administration of Franklin Roosevelt. Government welfare programs could be pictured as similar to the collectivism of Godless and perhaps Satanic Soviet communism.

The result of all this turmoil in evangelical and fundamentalist communities was the development of a tendency called “dominionism” based on the concept that Christians need to take dominion over the earth. Dominionism is an umbrella term that covers politically-active Christians from a variety of theological and institutional traditions.

While this was happening, in May of 1979 a group of conservative political activists met with conservative religious leaders to plan a way to mobilize evangelicals into becoming conservative voters for Republican candidates. Attendees included Jerry Falwell, Richard Viguerie, Paul Weyrich, Howard Phillips, Ed McAteer, and Robert Billings. This is where Jerry Falwell was tasked with creating the Moral Majority organization, which became a key component of the New Right. The Moral majority focused on opposing abortion and pornography. After evangelicals helped elect Ronald Reagan president, he appointed C. Everett Koop to the position of surgeon general of the United States as a payback.

The New Right not only recruited evangelicals and fundamentalists into their coalition, but also sought to strengthen the bridge between traditional moral values Calvinists and the neoliberal laissez-faire “Free Market” advocates in the Republican Party; which included both anti-tax economic conservatives and anti-government libertarians. This was a coalition initially forged by conservatives in the 1950s.23

Many conservative Christians did not necessarily oppose a role for government, or object to government funding, as long as it focused on individual behavior. Thus faith-based initiatives are seen as a proper place for government funding because they shift tax dollars away from social change toward individual change.

The Child, the Family, the Nation, and God

Since the 1980s and the rise of the Christian Right, public policy regarding the treatment of criminals has echoed the patriarchal and punitive child-rearing practices favored by many Protestant fundamentalists. Most readers will recognize the phrase: “Spare the rod and spoil the child.” This idea comes from a particular authoritarian version of fundamentalist belief.
According to Philip Greven:

The authoritarian Christian family is dependent on coercion and pain to obtain obedience to authority within and beyond the family, in the church, the community, and the polity. Modern forms of Christian fundamentalism share the same obsessions with obedience to authority characteristic of earlier modes of evangelical Protestantism, and the same authoritarian streak evident among seventeenth- and eighteenth-century Anglo-American evangelicals is discernible today, for precisely the same reasons: the coercion of children through painful punishments in order to teach obedience to divine and parental authority.24

The belief in the awful and eternal punishment of a literal Hell justifies the punishment, shame, and discipline of children by parents who want their offspring to escape a far worse fate. This includes physical or “corporal” forms of punishment. “Many advocates of corporal punishment are convinced that such punishment and pain are necessary to prevent the ultimate destruction and damnation of their children’s souls.”25 This is often accompanied by the idea that a firm male hand rightfully dominates the family and the society.26 The system of authoritarian and patriarchal control used in some families is easily transposed into a framework for conservative public policy, especially in the criminal justice system.

Lakoff explains that on a societal level, according to conservative “Strict Father morality, harsh prison terms for criminals and life imprisonment for repeat offenders are the only moral options.” The arguments by conservatives are “moral arguments, not practical arguments. Statistics about which policies do or do not actually reduce crime rates do not count in a morally-based discourse.” These “traditional moral values” conservatives tend not to use explanations based on the concepts of class and social causes, nor do they recommend policy based on those notions.”27 According to Lakoff:

For liberals the essence of America is nurturance, part of which is helping those who need help. People who are “trapped” by social and economic forces need help to “escape.” The metaphorical Nurturant Parent—the government—has a duty to help change the social and economic system that traps people. By this logic, the problem is in the society, not in the people innocently “trapped.” If social and economic forces are responsible, then other social and economic forces must be brought to bear to break the “trap.”

This whole picture is simply inconsistent with Strict Father morality and the conservative worldview it defines. In that worldview, the class hierarchy is simply a
ladder, there to be climbed by anybody with the talent and self-discipline to climb it. Whether or not you climb the ladder of wealth and privilege is only a matter of whether you have the moral strength, character, and inherent talent to do so.28

To conservatives, the liberal arguments about class and impoverishment, and institutionalized social forces such as racism and sexism, are irrelevant. They appear to be “excuses for lack of talent, laziness, or some other form of moral weakness.”29 Much of this worldview traces to the lingering backbeat of Calvinist theology that infuses “common sense” for many conservatives.

Conclusion

The conservative Calvinist/Free Market coalition works the front end of the criminal justice system, ensuring harsh sentencing and incarceration. The evangelical/revivalist groups agree with that aspect of Calvinism, but they also work the back end of the system, salvaging the souls of the incarcerated so that whether or not they leave prison, they will be born again as properly behaved citizens heading to Heaven. There are only a relative handful of evangelicals (conservative and progressive) who challenge the system of increasingly harsh sentencing.

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PRISON MINISTRIES: SAVING SOULS AND PRISON REFORM

Why do so many evangelical Christian Right activists create prison ministries? Because they believe those convicted of crimes can change through the act of confession and redemption—admitting their weaknesses and the nature of their sinful and evil selves, and redeeming themselves by giving their lives over to Jesus Christ. They might still be in prison, but their souls are saved even as their bodies remain behind bars. In their mission to save souls, many Christians, especially evangelicals and the more doctrinaire fundamentalists, seek to improve prison conditions. It is not fair to dismiss this concern as not genuine simply because of their underlying religious desire to save souls.

At the same time, it is important to keep an eye on the baggage that some members of the Christian Right often bring along in the form of authoritarianism, sexism, patriarchy, and homophobia; and their reluctance to see the institutional and systemic roots of social problems.

Prison ministries run by Christians bring all this baggage to their work, but in the course of interacting with real prisoners they cannot help but become concerned about objective prison conditions. This seldom leads them to a systemic or institutional analysis favored by liberals and progressives, but it can mean that on a tactical basis, even leaders of the Christian Right can be temporary allies in formulating and organizing for specific reforms within the prison system or individual prisons.
Abstracts of Other Selected Articles

Below you will find the main points and the summary of articles on the various topics. To obtain the full text of any of the mentioned articles, visit the Defending Justice website at www.defendingjustice.org.

Overview of the Prison Industrial Complex

Herzing, Rachel. “What is the Prison Industrial Complex?”

Abstract: Herzing introduces the term “Prison Industrial Complex” (PIC) as a more accurate description of the criminal justice system and the one used by the organization Critical Resistance. The PIC consists of surveillance, policing and imprisonment, overlapping interests of government and business that contribute to the maintenance of the status quo. Unlike prison reform movements that attempt to “fix” the problem, she argues that the criminal justice system is not “broken” but actually doing what it was designed to do—maintain social control and state power.

Components of the Prison Industrial Complex:

- **Criminalization** or the ability to define what actions or groups of people are considered “criminal” through the use of media and government policy;

- **Skillful use of Media** to reinforce myths about crime and punishment and to amplify fear

- **Surveillance or threat of surveillance** that maintains data about people’s activities or enhances self-censorship;

- **A Court System** that is overburdened by too much to do, holding on to structural inequities that target poor people and people of color;

- **Prisons** that punish and control over 2 million people and provide little economic benefit except for the growing number of businesses that can profit from them.

Herzing suggests that the reaching the goal of safe, stable communities requires eliminating the PIC and replacing it (without a quick fix or a single answer) with a broader set of options that respond to the harms that people experience:

- More opportunity for social and economic participation;

- Quality education, housing, and health care for all;

- Community-based conflict resolution.

Although these are lofty goals, Herzing suggests they are achievable with vision and are preferable to reforms, which often only make the PIC stronger.
The “Prisonification” of Native People

Ogden, Stormy, “W-20170/Other: A Native Woman and Former Prisoner Speaks Out”

Abstract: Ogden begins by discussing her Indian heritage (Yokuts and Pomo) and the history of her people in what is considered California today. Ogden discusses her unique struggle to not only maintain a sense of self, within a system that isolates and degrades individuals, but also her Indian identity. She describes being “medicated the entire time” she was incarcerated and being fearful of receiving incompetent medical treatment. Ogden characterizes her imprisonment as “just another part of the historically violent mechanisms of colonization” that have resulted in the disproportionate rates of incarceration of Native adults and children. She views criminalization of Native peoples as another imperialist tool (along with the bottle and the bible) to control Native lands and deny Native sovereignty, and she describes the imposition of the U.S. criminal justice system in Indian Country as a form of racism and social control. Lastly, Ogden identifies three main legal principles that the U.S. government utilizes to justify its jurisdiction of and actions in Indian Country.

■ The Plenary Power Doctrine, which originally asserted that Congress had sole and absolute power to negotiate with Native peoples, but in fact has been used to deny Native rights and sovereignty despite treaties between Indian nations and the U.S. government that are both an implicit and an explicit recognition of Native sovereignty.

■ The Federal-Indian Trust Doctrine, the basis of the 1832 Worcester v. Georgia case, which was defined as the unique moral and legal duty of the United States to assist Indians in the protection of their property and rights—not unlike the relationship between guardians and their wards.

■ The “Doctrine of Geographical Incorporation,” which claims that since Indian lands (i.e. reservations) are located within U.S. boundaries, the United States holds title to all of those lands, which are reserved for the use of Native peoples, and that the United States has the right to assert legal jurisdiction over these lands as well as to abolish title at any time.

Class War and the Need for Social Control


Abstract: Parenti analyzes how the “New” criminal Justice System is an integral part of the needs of capital and the ideology of white supremacy. He asserts that state repression is about creating political obedience and regulating the price of labor.

Chief components of the “New” criminal Justice System

■ Policing and incarceration—(as well as INS detention centers, the militarized border, psych wards, halfway houses, hospital emergency rooms, homeless shelters, skid row and the ghetto)—all serve to contain and manage the social impacts of poverty.

■ In Parenti’s words, “criminal justice regulates, absorbs, terrorizes and disorganizes the poor. At the same time it promulgates racism; demonizing, disenfran...
ing, and marginalizing ever-larger numbers of brown working-class people."

Three phases of the new repression:

■ The first began as a response to the “civil disturbances” of the mid-sixties and lasted until the late seventies. By the late seventies even many mainstream, middle-class White Americans began to tire of government repression as Watergate and other scandals exposed the seamier side of politics and policing. This caused a momentary pause in the otherwise forward momentum of the criminal justice juggernaut.

■ The second phase began in the mid-eighties with “Reaganomics” (an effort to boost profit margins by increasing the rate of exploitation) and the right-wing assault on the disadvantaged and dispossessed. Parenti gives statistics on how the escalating repression of the ‘80s hit people of color hardest, and Black people hardest of all.

■ The third phase: legislative acts of the Clinton presidency such as the Anti-Terrorism and Effective Death Penalty Act (expanded use of death penalty) and the “Illegal Immigration Reform and Immigrant Responsibility Act” (eliminated undocumented person’s right to due process) which implemented new heights of viciousness.

Media


Abstract: Beckett and Sasson describe the impact of the media’s representation of crime on the expansion of the criminal justice system.

They document several facts about the media:

■ Local TV news spends 30% of airtime on crime;

■ Politicians and public officials trigger surges in media crime coverage by their increased attention to issues of crime;

■ Violent crime rates actually decreased as media coverage increased;

■ Other forms of crime, such as corporate or state crime, are ignored in favor of “street crime;”

■ Crime victims are incorrectly represented by the media as female, White and affluent;

■ Crime is represented as a consequence of the failures of the criminal justice system itself, such as permissive laws, liberal judges, and legal technicalities.

Crime news is governed by several factors:

■ The relative value of news stories
The profit and market-share needs of the media companies

The reliance on government and law officials as sources for actual news content

The entertainment value of crime which reinforces at least three ideologically loaded ideas: offenders are professional criminals—clever and evil; liberal judges and lawyers are too often preoccupied with the rights of defendants; and law enforcements officials are the heroes.

The Need To Maintain the Status Quo


Abstract: Saito identifies the criminal justice system (and the intelligence agencies that support it) as key to the maintenance of the racial, economic, social, and political status quo in the United States. She calls the notion that America is a “nation of immigrants” a myth, since this idea sanitizes U.S. history by implying that all immigrants came voluntarily, and it ignores the contributions of Native peoples, slaves and others who are non-White. By reviewing U.S. legislative history since the Nixon Administration, she shows how this myth helps label anyone in these groups as “Other” and foreign. “Foreignness” became equated with not being sufficiently loyal to the United States and even having terrorist sympathies as well. These ideas evolved into a definition of the modern day Enemy.

Identifying the Enemy at various times in history has allowed for:

- The use of fear to pass restrictive legislation in the name of safety and security;
- Successive waves of campaigns evolving from a War on Crime to the War on Drugs and to the War on Terrorism;
- The reinforcement of the status quo of a U.S. based on racial hierarchy and White privilege that protects only a small segment of the American public.

Connecting Race-Based Slavery To Modern-Day Imprisonment

Graham, Robert. “Reflections of a Modern-day Slave”

Writing from prison, Robert Graham discusses the connections between the “antique” version of slavery and its present modern-day form. Graham connects his personal experience as an incarcerated Black man to the historical practice of slavery by comparing the:

- kidnapping of Africans to the surveillance and policing of people of color communities
- warehousing of Africans on slaveships to the jam-packed, overcrowded penal institutions of today
- physical bondage of slaves of the past to the handcuffs and chains of current prisoners
Graham describes prisons as “emotional torture chambers” and shares his personal reflections on the psychological effects of being incarcerated.

**Myths, Messages and Tactics of the Political Right**

Certain myths and false assumptions are so widely held in the United States today that they contribute to the firm control of the criminal justice system by the Political Right. These myths are the basic building blocks of an ideology based on punishment rather than reconciliation, and an examination of them should help criminal justice activists understand how the growth of the criminal justice system is influenced by these myths.

Much of the idealistic language about the promise of the United States and the American way of life is worded in ways that appeal to White middle-class America. These common themes, even when they are known to be inaccurate, still influence the way we see the world. The Right capitalizes on the widespread cultural acceptance of these myths by designing frames that resonate with White middle-class culture, the bulk of voters who keep the Right in power.

When myths like these are used to justify a punitive criminal justice system, many people find it hard to disagree, because there is often a kernel of truth, no matter how small, that progressive activists may agree with. Challenging these myths is also difficult because at some level the myths have been culturally accepted as a way to describe reality—even if people are not consciously aware of them because they are so embedded. A progressive response needs to examine, broaden, and reframe concepts such as safety and crime rather than accepting the Right’s definition.

**COMMON MYTHS AND MESSAGES IN U.S. CULTURE**

1. **WE ARE RUGGED INDIVIDUALISTS**

This is the belief that all Americans (and non-Americans, for that matter) are capable of pulling themselves up by their bootstraps. This idea is similar to the myth of the American Dream, which says everyone can overcome poverty and get rich if they just work hard enough.

Rugged individualism asserts that the strong rise and the weak fall. This idea values individual liberty over any collective or community obligation, which is often dismissed as socialist or communist ideas. In fact, people who need government laws and regulations to protect them are seen as weak “girlymen.” This is sometimes called a masculinist world view, placing a higher value on common ideas about men and maleness than on women; it contributes to a climate where sexism is acceptable. It also reinforces the belief that one person standing up against unfairness or cor-
ruption (like in the movie *Mr. Smith Goes to Washington*) can make a difference.

Rugged Individualism is a secularized version of the Protestant work ethic which asserts that people who cannot exercise self-determination are weak and do not deserve the rewards available to those who work hard. Sometimes those weak ones are the ones who succumb to the temptation to take short cuts or break the law.

2. **IF YOU’RE IN PRISON, YOU MUST HAVE DONE SOMETHING WRONG.**

This myth is based on the idea that human actions are governed primarily by personal responsibility, that a person’s behavior reflects his or her values and choices. People who act responsibly stay out of trouble. Those who don’t are subject to punishment that not only fits the crime but sends a deterrent-laden message to other irresponsible people that crime does not pay. Prisoners are people who acted irresponsibly and must suffer the consequences of their actions: “You do the crime; you do the time.”

This myth also suggests that criminals deserve what they get. This approach views “bad” people as deserving of punishment. By extension this can mean that people in prison continue to be irresponsible, using up taxpayers’ dollars for their “three hots and a cot” when they could have avoided the whole situation in the first place by behaving better and not making wrong choices. Those out of prison by contrast are law-abiding citizens who behave appropriately.

Ideas that have been around since the Puritans, which are based on Calvinist theology, have adapted and become part of the fabric of contemporary public consciousness. These include the belief that only good people, blessed by God, can go to heaven. People are born sinful and must exercise self discipline to reach heaven. If they refuse to behave properly, then punishment is not only appropriate, it is for their own good, to help them be redeemed in the eyes of God and society.

Personal responsibility is seen as a crucial value without which our society would fall apart, crime would run rampant, and we would all suffer.

3. **JUSTICE IS BLIND AND THE LAW IS JUST**

Most Americans believe, and want to believe, that the U.S. justice system treats everyone fairly despite clear evidence that this is not the case. Most people unfamiliar with the criminal justice system believe that, despite occasional aberrations, the democratic principles of “presumed innocent until proven guilty,” guaranteed representation by a lawyer, a fair trial with a jury of peers, and wise sentencing judgments are universally practiced for all Americans. Transgressions are considered an exception to the rule, not systemic problems.

This myth that justice is served equally ignores the realities of how race and class inequities permeate our system. Poor people and people of color are disproportionately targeted and represented at various stages in the criminal justice system from police surveillance and arrests to trials and sentencing and ultimately to imprisonment. The system is self-generating because it continues to punish those it defines as offenders and simultaneously it benefits those who remain outside its control.

Many Americans (White, and some middle and upper class people of color) assume the system of law itself is neutral, just and righteous. Those who assume that the law is just, rarely question the process of criminalization and who it benefits. This myth, in part, persists because it is disregards the historic and current use of the system to maintain inequality.
4. THE CRIMINAL JUSTICE SYSTEM KEEPS COMMUNITIES “SAFE”

Related to the belief that justice is blind, most White Americans and even some middle and upper class people of color, believe that police, courts and prisons work to protect them from crime and “dangerous” people. Central to the notion that the system is working is the belief that the U.S. criminal justice system protects the innocent and provides for their security.

This myth is rooted in the false assumption that prisons work to create safety and reduce “crime.” It assumes that only prisons and police can ensure safety. This myth succeeds because it ignores the disproportionate arrest, conviction, and imprisonment of the poor and people of color. The idea also perpetuates the divide between so called “bad” people and “good” people. In this view, only bad people have to worry about being caught up in the system. Bad people must face the long arm of the law, and good people who witness or are victims of crime do their duty by speaking their mind in court, where justice is served.

RIGHT WING TACTICS COMMON TO CRIMINAL JUSTICE

Fear-Mongering

Fear-mongers use fear as a tool to gain popular acceptance of a particular position. They manipulate a legitimate concern, exaggerating its impact and increasing people’s suspicions. Then they predict that the situation will become much worse if their solution to the problem isn’t adopted. This is a common practice across the political spectrum, but it is used skillfully by the Right in relation to criminal justice and other issues of “safety.”

For instance, supporters of stringent penalties for drug offenses tried to invoke a public health crisis in the 1980s by claiming that pregnant crack users were contributing to an epidemic of inner-city crack babies who would be handicapped, hot-tempered, and an eventual burden to society. According to some conservative policy analysts and legislators, punishing these women harshly during their pregnancy or removing their children at birth would help stop the epidemic. Although the reality of crack babies did not materialize, heightened fears made it easier to justify harsher punishments. Another example capitalizes on the distrust and fear of youth. The Right has used fear of gangs and street crime to call for trying juveniles as adults and sending convicted youth to adult prisons. They reason that without strict changes in the way the system treats gang members, the streets will never be safe.

The Right’s success in using fear is partly due to its skillful manipulation of entrenched beliefs that are based on racism, sexism and classism.

Scapegoating

Scapegoating, a common tactic of the Political Right, blames an individual or a group for problems they did not necessarily cause. Scapegoats can deflect interest or concern from the real issues, which those who engage in scapegoating do not want examined. For instance, the Right uses coded language to imply that African Americans are responsible for much of the crime in this country. This sidetracks the public’s interest or ability in uncovering systemic causes of crime and helps to justify large numbers of incarcerated African Americans. Other scapegoated groups in the criminal justice arena are young urban men, women on welfare, immigrants and Native peoples.
Demonization

Demonization portrays a person or group as totally malevolent, sinful, or evil—making them into a demon or devil. This process encourages discrimination and violence against the target, because a “demon” deserves to be punished or controlled to prevent it from harming us. Demonization acts as a form of dehumanization or objectification. It justifies placing the label “less than human” on gang members, welfare queens, drug dealers, immigrants, and others who may or do commit crime. According to this viewpoint, these groups deserve to be set outside the circle of mainstream society, and we can treat them as if they were not real people. In the realm of criminal justice, demonization allows the public to accept lengthy pre-trial jail time, lengthy sentences, and capital punishment as appropriate responses for those suspected and convicted of crimes.

Data Manipulation

Many sources collect information about the criminal justice system, from the Department of Justice’s statistical data collection and watchdog advocacy groups to scholarly and popular public opinion polls. In its effort to persuade, the Right has used the manipulation of data to argue for its criminal justice positions.

For instance, statistics published by the federal Centers for Disease Control demonstrate that White teens are much more likely to use cocaine, crack, methamphetamine and heroin than their African American counterparts. But the Right has repeatedly encouraged the media, and print and broadcast outlets have taken it on themselves, to emphasize the level of street crime in African American neighborhoods so that most White Americans mistakenly believe that drugs are more often used by people of color, not in suburban enclaves where much of drug use actually takes place. This helps misinform the public which in turn supports policies that target poor urban areas.

In addition, because the corporate and mainstream media receives much of its data and information from official, mostly government, sources, the resulting coverage describes crime in ways that reflect officials’ frames.

Co-optation of Progressive Language

“Prison reform,” “restorative justice,” and “victims’ rights” are examples of phrases that originated with liberal criminal justice movements and have lost their original meanings as conservative advocates have taken them up. For instance, while early prison reform efforts campaigned for fundamental changes in how prisons are run or the abolition of prisons altogether, now the concept of prison reform includes the design of maximum security institutions that are arguably better because they are more modern and efficient.

Criminal justice advocates on the Right often skillfully use language that appeals to moderates and liberals to describe conservative policies. This tactic creates a two-fold result: they can broaden the constituency that supports the campaigns and at the same time hold onto a conservative base.
FRAMING THE ISSUES AND TELLING STORIES

If a friend of yours was arrested, and after they were released they told you they had been “framed,” you would know what they meant: The police had arranged the evidence (or even planted it) so that your friend looked like they were obviously guilty. In other words, the police had created a frame of reference that portrayed a specific view of reality—focusing in on some items—and cropping out other items. In the same way, politicians often hire publicity experts to help them “frame” their discussion of issues in a way that will appeal to voters. They do this by looking at an issue from a particular perspective, and then choosing language and slogans that help make their arguments seem sensible and reasonable to a large number of voters.

Political movements regularly use the process of “framing” to present their ideas in ways that make sense for their members. While all movements engage in framing, the leaders and strategists on the Right are particularly successful in constructing ways of presenting problems to the public (“framing” the issue) that are intended to capture public opinion and direct it towards supporting their point of view. These frames are sometimes expressed as complex ideas, sometimes as simple slogans. In all cases, they make so much sense to listeners that they find themselves nodding their heads in agreement.

There are multiple frames within the Right’s worldview of criminal justice issues. Some of them are present in the common myths described above such as, “We All Have Our Day in Court” or “If You Do the Crime, You Serve the Time.”

Another example of a Right-wing frame is “WE CANNOT AFFORD TO BE SOFT ON CRIME.” According to this frame, the United States must do whatever is necessary to combat crime, even if it means taking costly steps like increased spending on police and prisons at the expense of other government services like education health care. To be “soft on crime” means adopting liberal standards for addressing crime such as more lenient sentencing and parole requirements or focusing on crime prevention at the expense of deterrence through punitive penalties. This frame has become so well accepted in American society that no candidate has been able to run successfully for political office in recent years if accused of being soft on crime.

“GUNS DON’T KILL PEOPLE; PEOPLE KILL PEOPLE” is another frame constructed by the Right. This frame appeals primarily to those opposed to gun control, and it applies the widely-held value of personal responsibility to the debate over the right to bear arms. It is a variant of the slogan, “If Guns are Outlawed, only Outlaws will have Guns.” These frames offer a description of the world as a dangerous place, not because of the widespread presence of firearms but because of those people who cannot handle the responsibility of gun ownership and who abuse their right to self-defense.

“ACTIVIST JUDGES MUST GO” is a frame that labels liberal judges a threat to the democratic process because they insert their personal political views into their work on the bench. The implication is that liberal ideologies applied to criminal and civil justice threaten the tenuous grasp society holds on public safety. This frame removes conservative judges, who are not portrayed as inserting their personal views into their work, from the picture so successfully that there is no need even to mention the distinction between liberal and conservative. It justifies targeting liberals on the bench and seeking to remove them.

Another way ideas are promoted is to tell stories about a situation that supports a particular point of view. These stories are narratives that have a plot, a hero, a villain, and a moral or
political lesson. You may have heard the story about the “Super Predator” gang of Black youth rampaging through New York’s Central Park; or the story of an epidemic of “Crack Babies” born with serious medical or psychological problems because their irresponsible mothers were drug users. That these stories are actually false does not mean they were not persuasive to millions of Americans.

REFRAMING THE ISSUES

The Right’s criminal justice frames are powerful and successful. They are the conscious constructions of particular viewpoints set in language that can be difficult to refute. For instance, the Soft on Crime frame sets up a dualistic, or an “either-or,” way of thinking about the public response to crime: either you are tough on crime or you fail to provide for public safety. No one really wants to support acts that demean or hurt people or erode our society. But disagreeing with tough on crime policies is not enough to transform the criminal justice system. These approaches do call for a response that “re-frames” the issues in terms that successfully challenge Right-wing positions and the idea that prisons are effective solutions to complex social problems.

Activists will often find themselves reacting to an existing frame that they fundamentally oppose. Anyone dealing with challenging frames has the opportunity to redirect the process of framing to attract their own constituencies around their selected issues. Not a simple task, this process calls for a clear understanding how an idea translates into a campaign and resistance to responding defensively to the terms of the frame. Yet the time it takes to reframe the context so it becomes your own issue is well worth the effort.
Right-Wing Frames You Might Encounter

CRIME IS AN INDIVIDUAL CHOICE

Variations:
- We all know the difference between right and wrong. Criminals simply make the wrong choice.
- Believing that crime is a product of social conditions is not only wrong but it lets criminals “off the hook” when they make irresponsible choices.
- People are poor, criminal, or addicted to drugs because they make irresponsible or bad choices. Social programs aimed at helping the poor only encourage them to make these choices by fostering a culture of dependency.
- Crime is fundamentally a spiritual and moral problem.
- Poverty and crime are freely chosen by dangerous and undeserving individuals who are greedy and “looking for the easy way out.”
- Poverty and crime are caused by a combination of bad people and excessive permissiveness.
- Guns don’t kill people, people kill people.

CRIME IS EVIDENCE OF THE BREAKDOWN OF LAW AND ORDER

Variations:
- The breakdown of the family contributes to the breakdown of law and order.
- Poor communities are dangerous because so many criminals live there.
- People who commit crimes have no respect for the law.

THE CRIMINAL JUSTICE SYSTEM IS TOO LENIENT

Variations:
- You do the crime, you do the time! No pleas!
- Criminals are going free in droves because they are getting off on technicalities.
- Handouts don’t stop crime, “Getting Tough” does.

GETTING TOUGH SENDS A CLEAR MESSAGE

Variations:
- Punishment must be harsh and painful in order to deter crime.
- The only services criminals really need is helping them develop self-discipline and a work ethic.
- Getting tough reinforces the authority of the real heroes, the police and other law enforcement officials.

THE CRIMINAL JUSTICE SYSTEM IS INEFFECTIVE

Variations:
- We spend too much money on prisoners. Eliminate unnecessary programs.
- The answer to government bureaucracy and inefficiency is privatization.
- Criminals are clogging up the system with frivolous lawsuits and groundless appeals.

INVESTING IN THE CRIMINAL JUSTICE SYSTEM PAYS OFF

Variations:
- For every dollar we spend behind bars, we save two or three.
- Punishing criminals when they are young prevents them from doing more harm later.
- Government’s true function is to protect law-abiding citizens and provide security—not level the playing field.

THE “GET TOUGH” MOVEMENT IS A RESPONSE TO PUBLIC OPINION

Variations:
- Law enforcement pursues a get tough policy because the public wants it.
- The concern about crime is widespread because crime and drug problems have only gotten worse.
- The public will only vote for those politicians who are tough on crime.

The frames that come to dominate the political and cultural landscape are likely to have a significant impact on policy. For example, to the extent that crime is seen as a consequence of lenience within the criminal justice system, policies that get tough with criminal offenders seem most appropriate. Conversely, frames that depict crime as a consequence of poverty, unemployment, or inequality suggest the need for policies that address these social and economic conditions. Debates over penal policy are less influenced by social scientific research than by the way crime-related problems are framed in political discourse.