



## The Worrisome Role of Racial Prejudice in Public Support for Tough Criminal Penalties

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The United States has been “getting tough” on criminals since the 1970s. Longer prison terms, reduced chances for parole, and mandatory sentencing guidelines that prevent judges from using discretion to adjust punishments to fit individual cases – all are part of the picture. Public support for harsh practices is one impetus behind them. In a democracy, it seems to make sense that public views should be influential. But a growing body of research suggests that racial prejudice contributes to the punitive feelings and views of a portion of the American public.

### Origins of the Get-Tough Approach

Two trends came together in the late 1960s and 1970s to spur a punitive turn in U.S. criminal justice. One was a rising crime rate, which caused the American public to become more concerned and fearful. Support grew for harsher treatment of criminals – for everything from longer prison sentences to broader application of the death penalty for murderers.

At that same juncture, however, political leaders started using racially coded language to suggest that rising crime rates could be blamed on African Americans. Candidates such as Richard Nixon in 1968 won votes by stoking public concern about crime and advocating tougher punishments – which only encouraged additional leaders to echo such calls. Governments competed to pass increasingly tough laws to embody the new public mood.

### Public Opinion Differs by Race

Not everyone in the U.S. public thinks the same way about crime. National surveys consistently show that whites hold more punitive attitudes than African Americans:

- In the 2010 General Social Survey, 75 percent of whites favored the death penalty for murder, compared to only 48 percent of African Americans, and 71 percent of whites said their local criminal courts were “not harsh enough,” compared to only 50 percent of blacks.
- In a 2010 Gallup poll, 35 percent of whites favored “improving law enforcement” to lower the crime rate, compared to only 12 percent of African Americans.
- In a 2001 national survey, whites were much more likely than African Americans to favor trying juveniles as adults, to believe that parole boards should be stricter, to favor life imprisonment for committing a third felony, and to believe that penalties for violent crime should be longer.

Straightforward fear of crime does not explain these differences. Although some whites are acutely afraid of crime, levels of fear and concern are in fact much higher among African Americans.

### Research Pinpoints the Role of Racial Prejudice

One reason that fear of crime does not lead to more punitive attitudes among African Americans is that they are more likely than whites to think that the criminal justice system is biased against people of color. Harsh practices seem less just and efficacious to blacks.

But what accounts for the especially harsh views held by many whites? Americans know that many African American men were once lynched for suspected offenses simply because of their race. Because the days of “Jim Crow” lynchings are long past, it may be difficult to believe that racial attitudes today are strong enough to prompt many whites to favor harsh criminal justice practices. Yet studies find that Americans commonly think

that crime has a “black face” – that when people think of a violent criminal or property criminal, they tend to think of someone who is African American. And because people believe that violent and property criminals tend to be African American, they tend to favor, however unconsciously, harsher criminal justice practices.

Two rigorous types of research have teased out the role that white prejudices play:

- Random surveys of the U.S. population ask questions about various criminal justice practices and also include standard measures of people’s social characteristics and racial attitudes. Holding such factors as age, gender, education, and region of residence constant, researchers find that racial prejudice among whites predicts greater support for such policies as the death penalty, harsher criminal sentencing, rough treatment by the police, and spending more money to fight crime.
- Another research strategy involves giving survey respondents a chance to read crime scenarios and say what should be done. For example, respondents are told that “John is a 21-year-old white – or African American – man who was convicted of armed robbery. How long should his prison term be?” Respondents randomly receive different variations of the crime scenarios. When responses are analyzed, whites prefer longer prison terms for the African-American criminal compared to the white criminal described as committing the same offense.

### Why Does It Matter – and What Should be Done?

Because whites are the majority of U.S. citizens, public opinion tends to heavily reflect their beliefs and views – and politicians will respond. So what? After all, Americans may favor harsher treatment of criminals for many different reasons – to reduce crime or help bring some measure of relief to the victims of crime. People may believe in “an eye for an eye” and simply feel that someone who commits a serious crime deserves to be harshly punished. In a democracy, these are all legitimate reasons for wanting to “get tough” on criminals.

But equal treatment under the law is also an important democratic principle. Racial stereotypes and prejudices should not guide criminal justice policy or any area of government action, even if they are held by members of the public whose views necessarily matter in a democracy. Research showing that white prejudices contribute to public demands for “get tough” justice should be a red flag for national, state, and local policymakers. Officials cannot just go by what the majority wants if prejudices are known to help shape the views of some in the white majority. Faithfulness to the ideal of equal justice demands that public officials take a more measured approach when they make weighty decisions about crime and punishment.

**Read more in Steve Barkan, “Why Whites Favor Spending More Money to Fight Crime: The Role of Racial Prejudice” (with Steven F. Cohn). *Social Problems* 52 (2005): 300-314.**