

Peter K. Enns. *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World.* New York: Cambridge University Press, 2016. vii, 192 pp. (\$101.95 cloth; \$21.95 paper).

The thesis advanced in *Incarceration Nation* is clear and parsimonious: the United States is now home to the world's largest prison population because the public became more punitive. Because in democracies such as the United States, "political actors face a direct incentive to consider opinion change," (p. 28) elected officials responded to rising punitiveness by adopting tough-on-crime policies. Enns also offers a succinct account of the rise of punitive attitudes: crime rates rose and news stories about crime therefore proliferated. Insofar as news stories about crime rarely explore the underlying causes of crime and disproportionately focus on offenses committed by people of color, increased media coverage of crime fueled public support for tough anti-crime policies.

The argument presented in *Incarceration Nation* can, then, be summarized as follows: rising crime rates drove increased news coverage of crime, which in turn fueled punitiveness among the mass public to which politicians were compelled to respond. The result was mass incarceration. To support this argument, Enns draws on theories of democracy that emphasize the incentives that motivate elected officials to respond to shifts in public opinion in order to ensure their re-election. He also employs various quantitative methods to analyze the determinants of rising public punitiveness, as well as time series analysis to assess the impact of shifts in public opinion on national and state incarceration rates. The results indicate that changes in crime rates (based on UCR data, which include crimes reported to the police and recorded by police departments) closely correspond to the volume of news coverage of crime, which in turn corresponds to popular punitiveness. In addition, Enns finds that changes in punitiveness were a significant predictor of shifts in the incarceration rate. In substantive terms, the U.S. incarceration rate would have been 20 percent lower if not for rising punitiveness.

Incarceration Nation is clearly and concisely written, and its argument is highly accessible. Enns' effort to systematically test his empirical propositions is admirable and provides a clear organizational structure for the book. And Enns' central thesis – that shifts in public opinion fueled mass incarceration – contains a kernel of truth that we ignore to our collective peril. At the same time, Enns elides and obscures a number of important dynamics that, if considered, significantly complicate his theoretical model and empirical claims.

As noted previously, Enns emphasizes the fact that democracy incentivizes elected politicians to respond to changes in public opinion. There is clearly some truth to this, as many of the scholars Enns critiques also acknowledge. Yet these incentives coexist with other similarly consequential dynamics, recognition of which challenges the idea that mass incarceration is simply the result of (politically innocent) shifts in public opinion. In particular, a vast body of literature on contemporary racial politics, which Enns largely ignores, shows that the controversy over civil rights and race relations in the 1960s precipitated a fundamental partisan realignment

in which many Southern states shifted their allegiance from the Democratic to the Republican party. This shift triggered intense electoral competition for socially conservative, white “swing voters” whose partisan allegiance was up for grabs and, given the nature of our two-party system, especially important. The use of “coded” racial language was a key element of politicians’ efforts to secure the loyalty of white swing voters. John Ehrlichmann, special counsel to President Nixon, described Nixon’s campaign strategy in exactly these terms: “We’ll go after the racists. That subliminal appeal to the anti-black voter was always present in Nixon’s statements and speeches.”

Rhetoric about crime and punishment (and welfare, as Gilens (1999) has shown) was key to this effort to woo socially conservative white voters in which Republicans took the lead but Democrats also participated (see Weaver 2007). For example, many political elites framed civil rights protest and urban riots as a sign of the “breakdown of law and order” and strategically employed racially-charged “law and order” rhetoric and references to “welfare queens” in an effort to attract swing voters and shift state policy in preferred directions. This use of such “subliminal” racial appeals has been remarkably successful, and coded racial rhetoric remains a powerful means of tapping into racial resentments for electoral benefit and influencing popular support for particular policies, particularly among those segments of the electorate that have been prioritized in the wake of partisan realignment (Mendelberg 1991). Indeed, a similar dynamic played out in the run-up to the 2018 midterm elections: despite broad popular support for DACA and opposition to construction of a border wall, GOP candidates relied heavily on racially-charged immigration-related rhetoric to secure the votes of electorally crucial and socially conservative white voters (Davis 2018; Tyson 2018).

In short, the literature suggests that in the context of a two-party, winner-take-all system that has undergone a significant partisan realignment, politicians in the contemporary United States pay more attention to the views of some voters than others and proactively emphasize and frame racially charged issues in ways that are electorally useful. By contrast, in Enns’ account, politicians respond to shifts in the attitudes of the “mass public” as a whole and they play no role in facilitating those shifts. This argument is inconsistent with a vast body of work that highlights the centrality and utility of racially charged rhetoric to politicians in the context of partisan realignment in the post-civil rights era.

Enns’ analysis of the connection between race and attitudes about punishment analysis also differs from those offered by most scholars. Research shows that anti-Black attitudes have been, and remain, a strong predictor of support for punitive policies (Brown and Socia 2016). Enns implies that the link between racial bias and penal attitudes is solely the consequence of the news media’s tendency to over-represent crime suspects of color in crime news coverage; politicians are entirely innocent in this account. By contrast, the literature on contemporary racial politics emphasizes the use of racially code in language and imagery, particularly around crime and punishment, in the context of partisan realignment to make sense of this association.

Enns's analysis also ignores the fact that politicians' efforts to frame issues and influence popular attitudes take place largely through the mass media, especially the news media. Politicians enjoy a high degree of access to the news media, particularly in the prominent national news outlets from which Enns' count of news stories is drawn (Gamson 1992; Schlesinger 1990). Nevertheless, Enns' models assume that news media coverage is entirely independent of the activities of political elites, an assumption that is incompatible with widespread evidence that news reporters rely heavily on politicians and other "official sources" in the production of the news. While scholars disagree about why the news media routinely treat politicians and other officials as authoritative sources, there is little question that this pattern exists.

In short, Enns's account ignores the fact that political elites routinely seek to shape attitudes and enlist the news media in their efforts to frame issues such as crime in particular ways in order to achieve desired political goals. Enns' lack of attention to these dynamics may stem in part from his focus on the quantity of news stories about crime. Enns' measure of crime news coverage is based on the number of stories containing the word "crime" that appeared in six nationally prominent newspapers over an extended period of time; he does not analyze the nature of this coverage. Instead, Enns draws on the work of Shanto Iyengar (1991) to infer that these stories adopted an episodic, rather than thematic, frame, meaning that they mainly described particular crime incidents without discussing the root causes of crime.

Iyengar's work is instructive, and if large, nationally prominent newspapers mainly covered individual incidents of crime, this might be a plausible inference. But such outlets also devote significant attention to the crime issue; even when their focus is on particular crime incidents, news stories often portray individual crimes as emblematic of broader trends (Sacco 1995). For example, crime news stories in the 1980s and 1990s featured numerous stories about the alleged proliferation of juvenile "super-predators," exaggerated and misleading claims regarding crack cocaine, and complaints about permissive judges who refused to lock up dangerous criminals (Hartman and Holub 1999; Gilliom and Iyengar 1998; Reeves and Campbell 1994; Reinerman and Levine 1997). It is in these discussions of the causes of criminality, crime trends, and penal practices that political elites and prominent law enforcement authorities have a crucial impact on both the quantity and nature of news coverage (Beckett 1995). The assumption upon which Enns' statistical models rest – that political claims-making and news media coverage are entirely independent of each other – is thus untenable.

Enns' argument that politicians (merely) respond to public opinion also obscures the degree to which they engage in what Hinton et al. (2016) call "selective hearing." Many studies show that increasing punitiveness has co-existed with other, seemingly contradictory impulses such as the long-standing belief that prisons should retain their focus on rehabilitation (Cullen, Cullen and Wozniak 1988; Forman 2017; Roberts and Stalans 1997). Enns' own data show that even after a period of rising punitiveness, a majority of survey respondents continued to believe that the main purpose of prisons is rehabilitation (as opposed to punishment) (p. 35). Similarly, at the height of the prison buildup, respondents were asked in the 1995 National Opinion Survey

on Criminal Justice whether government should spend money on "social and economic problems" or on "police, prisons and judges" in order to reduce crime. More than half of the sample preferred the former, while fewer than one-third chose the latter (Gerber and Engelhardt-Greer 1996: 71). Enns does not acknowledge the strength of public support for rehabilitation and prevention through social investment, which a majority of Americans continued to express throughout this time period, instead emphasizing only the direction of change.

By contrast, much of the literature shows that support for punitive policies can co-exist with other kinds of beliefs and preferences. For example, James Forman's recent book, *Locking Up our Own* (2017), shows how rising crime and addiction fueled frustration, desperation, and punitiveness among the predominantly African-American residents of Washington D.C. in the 1960s, 1970s and 1980s. But his nuanced analysis shows that support for community investments and crime prevention also persisted during this time. As Forman and others (Hinton et al. 2016) have pointed out, politicians selectively heard and responded to (real) punitive impulses while ignoring coexisting – and also real – support for more progressive anti-crime policies. In fact, national politicians have largely disregarded long-standing public support for rehabilitation and other progressive crime control policies such as crime prevention and some gun control measures even as they responded to popular expressions of punitiveness. Recent evidence that congressional staffers systematically misperceive public opinion, imagining it to be more conservative than it actually is (Hertel-Fernandez 2018), may help explain this pattern.

In short, Enns' methodological approach does not allow for recognition of nuance, complexity or contradiction in public opinion, and his theoretical model cannot explain why politicians ignore some aspects of popular opinion while carefully attending to – and cultivating – others.

Relatedly, Enns' approach to public opinion cognitive bases and their empirical implications. For example, whereas Enns treats the rise in the percentage of poll respondents agreeing that "the courts are too lenient" as evidence of growing punitiveness, this perception stems largely from the fact that most Americans believe sentences to be much more lenient than they actually are (Roberts and Stalans 1997). In fact, when asked to sentence hypothetical defendants, members of the public frequently recommend less severe sentences than judges do (ibid). The widespread belief that the courts are too lenient thus appears to stem from a widespread misperception regarding actual sentencing practices. It is difficult to account for this misperception without reference to ubiquitous conservative complaints about permissive judges and lenient politicians such as those featured in the now-infamous Willie Horton ad released by the Bush campaign in the run-up to the 1988 presidential election.

While Enns' analysis shows that support for some punitive policies grew in tandem with the prison buildup, his analysis overstates the monolithic nature of popular attitudes and, by largely ignoring race and racial politics, provides an incomplete and arguably misleading account of increased punitiveness in the post-civil rights era. Enns' argument also obscures the fact that politicians seek to shape popular opinion even as they face incentives to respond to it. Even

setting these concerns aside, Enns' analysis indicates that the incarceration rate would have been just 20 percent lower in the absence of rising public punitiveness. In other words, Enns' findings show that the United States still would have experienced a massive increase in the incarceration rate and would still boast the largest prison population in the world even if popular punitiveness had not intensified. While *Incarceration Nation* usefully highlights one dynamic that encouraged penal expansion, it sheds little insight on the politics that shaped this dynamic and the many other dynamics that helped to create the largest prison system the world has ever known.

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