

Rough working draft prepared for this panel; please do not distribute**Understanding Punitiveness****Abstract**

In this article, I examine the contextual factors shaping Americans' punitive attitudes to understand a longstanding puzzle—why does the United States have one of the most punitive penal policies among post-industrial, OECD countries? Previous scholars, like Yates and Fording (1997) and Enns (2014, 2016), argue the American public's punitive attitudes influence the enactment and implementation of punitive penal policies. I, however, extend this argument by recognizing the American public's intersecting diverse identities, which shape their different levels of power, privilege, and experiences in society. Taken together, I argue that these differences among the American public explain their varied levels of punitiveness and manifold reasons for being punitive. To illustrate this theoretical claim in my analysis, I disaggregate among Americans through an intersectional lens to understand how their identities at the intersection of race, class, and gender shape their punitive attitudes. My theoretical contention underscores that Americans with higher proximity to power and privilege exhibit higher punitive attitudes and their motive for being punitive is different than those with lower proximity to power. The implications of these diverse punitive attitudes contribute to our understanding of why the United States implements and enacts one of the most punitive policies in the industrialized world.

Keywords: punitiveness, carcerality, politics of fear, power, and privilege

And forgive us our trespasses, as we *forgive* them that trespass against us.
~Matthew 6:12 (emphasis mine)

INTRODUCTION:

The United States advanced one of the most punitive penal policies in the world in comparison to other western democracies, despite the steady decline of crime rates in the last three to four decades (Nelken 2006). The longstanding question, however, is: why? This question has prompted previous scholars to provide *economic* (Gilmore 2002; Huling 2002), *social* (Davis 2003; Alexander 2010; Kim 2015 p. 24-60), and *political* (Yates and Fording 2005; Murakawa 2008; Gottschalk 2008; Enns 2014, 2016) explanations for this phenomenon. These scholars highlight that the political, social, and economic explanations of the United States' highly punitive policies—by way of mass incarceration—are inextricably linked, hence why Gilmore

(2002) and Davis (2003 p. 14) view the prison industrial complex as a “socio-economic-political problem.”

Given this interconnectedness, I provide a more nuanced political explanation of why the United States is described as a highly punitive society. For instance, Pettit and Western (2004) underscore that the U.S. imprisons more people than any other country in the world. The U.S. Commission on Civil Rights (2017) finds that the U.S. excessively imposes fines and penalty fees (i.e., traffic, parking, and financial) that disproportionately impact poor Black and Brown people. Finally, Gershoff (2017) underscores that the U.S. is one of the few industrialized countries that legally permit corporal punishment in schools. Why do these punitive policies exist? Why do they disproportionately target (poor) Black and Brown people? To answer these questions, I draw on Enns’ (2014, 2016) microfoundational approach to situate my political explanation of these punitive policies and outcomes within the country’s social, political, and economic system.

Enns (2014) argues that political elites are simply responding to America’s increasing punitiveness, hence their enactment of highly punitive policies. I, however, seek to extend Enns’ (2014) argument in this paper by theoretically investigating the factors shaping Americans’ punitive attitudes to understand the socio-historical and economic context of this phenomenon and whether (and why) there are differences among Americans’ punitiveness. In other words, this paper seeks to understand the American public’s punitiveness through the following questions: 1) why do they have similar or different levels of punitive attitudes? 2) How do Americans’ reasons for being punitive shape their punitiveness levels? To answer these questions, I draw on the works of identity politics and intersectional feminist scholars to argue that Americans’ diverse proximity to power and privilege shapes their motive for exhibiting

punitive attitudes and their punitiveness levels (Crenshaw 1989; Collis 1990; hooks 2000; Strolovitch 2007; Hancock 2007, 2016).

Based on this argument, I infer that Americans' punitiveness is deeply intertwined with their intersecting race, gender, and class identities, which influences their proximity to power and privilege. While extant works' theoretical argument often links Americans' punitiveness with racial conservatism and anti-Blackness (Enns 2014, 2016; Forman 2017; Hutchinson 2018), I extend this argument by contending that the white supremacist capitalist heteropatriarchy system privileges and empowers certain groups based on their identities at the intersection of race, class, and gender (hooks 2000). Therefore, one's proximity to power in the white supremacist et al. system influences their anti-Black racist, classist, and sexist ideologies, which informs their punitiveness, hence its linkage to racial conservatism (Enns 2014, 2016). While this paper seeks to examine the factors shaping Americans' punitiveness through an intersectional lens, one implication of my theoretical argument is the uncovering of the most *influential* voice(s) that shapes the United States' punitive policies on immigration, reproductive rights, and education and their racist, sexist, and classist outcomes. Before telling the theoretical story of Americans' punitiveness, I first define "punitiveness," which is important to answering my questions and making the appropriate theoretical linkages. What, then, is punitiveness?

DEFINING PUNITIVENESS

Punitiveness reflects punitive attitudes. Since attitudes are a set of interrelated beliefs and affect (as per psychologists Fishbein and Ajzen 1972), "punitiveness" involves a set of beliefs and affect about the degree to which people should be punished for their "bad" or "immoral" behavior. Based on this definition, I infer a linkage between people's beliefs about punishment and their value system. The degree to which individuals believe people should be punished for a

particular “bad” or “immoral” behavior is tied to their feelings about the “bad” behavior. This feeling then informs the type of punishment implemented, which, in turn, reflects the intensity of their punitiveness. Social control-contract theorists, like Hobbes (*Leviathan*, I. xiii. 9), argue that people’s feelings about these “bad” behaviors are rooted in fear— fear of humans in an uncertain and uncontrolled state (nasty, brutish, and short). Therefore, Hobbes and Bentham underscore the essence of political society with laws that control these “bad” behaviors via punishment and sanctions. With this argument, more recent social control theorists, like Cohen (1985), characterize punitiveness as the interaction between coercion and moralism—the degree to which society enforces morals. Cohen (1985) and Hirschi (1969) note that society’s common norms and values can socially construct feelings about “bad” and “immoral” behavior. For instance, when society deems something (or behavior) as an abomination, anyone who embodies that abominable “thing” or behavior engenders fear and discomfort because they act outside the norm. People’s beliefs about normalized behavior and the feeling invoked from violating these norms—mostly fear and discomfort—justify the extent to which they believe people should be punished, hence their punitive attitude.

Therefore, political societies respond to punitive attitudes by criminalizing these “bad” and “immoral” behaviors with laws to justify the punishment associated with them. The process of politically and socially constructing crime reflects Enns’ (2014) definition of punitiveness—the extent to which the public exhibits tough-on-crime attitudes. Again, Enns’ (2014) emphasis on the public’s “toughness” on crime illustrates that people’s punitive attitudes are contingent on an affective component, which I identify as fear. As Hobbes and Locke posit, humans’ fear often emanates from perceived threats posed by another entity (i.e., humans and other living organisms) on their life, liberty, and property. These perceived threats reflect the

uncertainties linked to what Hobbes describes as humans' uncontrolled nasty and brutish behavior in the state of nature. As a result, people enter civil society via a social contract to address these perceived threats.

The Politics of Fear

Even when humans are in civil society via a social contract, fear still exists, and it arises when people feel uncomfortable about “others” violating society’s common norms and values. Therefore, this existing fear of the socially deviant engenders *empowered* people in civil society to constantly enact and enforce codified and uncodified laws and norms. The enforcement of these laws and norms aims to control human behavior, which consequently helps manage their fear and protect their life, liberty, and property a la classical liberal theorists—Locke. Based on this analysis, fear seems to be a crucial affective component of people’s punitive attitudes, and Americans hold relatively high punitive attitudes, as seen in the enactment of highly punitive policies. By bringing these two points together, some important questions then arise: what are Americans so fearful of that makes them highly punitive? What are Americans afraid of that engenders them to exhibit tough-on-crime attitudes? Finally, do Americans, regardless of race, sex, and class, equally hold highly punitive attitudes? To answer these questions, I first posit that the relationship between fear and punitiveness within the United States context lies at the heart of identity politics, especially identities at the intersection of race, class, and gender. Second, while Enns’ (2014) theoretical argument and empirical findings link punitiveness with racial conservatism, I extend this argument by contending that fear is the chain that links many Americans’ punitiveness with racial conservatism. Also, their conservatism is not limited to race; rather, it lies at the intersection of race, sex, class, and other politically-charged identities. This need to conserve the power and privilege affiliated with certain identities drives many

empowered and privileged Americans to be fearful of people who threaten the United States' white-supremacist-capitalist-heteropatriarchy political system.

As Cohen (1985) and Hirschi (1969) argue, people's fear and discomfort of "others" who act and look different from the norm influence their punitive attitudes. Perez (1999) and hooks (1984) describe "the people who fear" as those at the center of the social sphere and the "people who are feared" as those on the margins. Those at the center possess the power and privilege to create the distance between "them" and marginalized people, which reflects their ability to socially and legally construct crime, "the criminal," and the deserved punishment. The distance between the center and the different identities on the margins systematically exists to keep the "others" out. However, as the "others" seek to reduce the distance and space between the margins and center, as they seek to center their narratives alongside those in the "colonial" center, Hartman (2008) and Perez (1999) argue tension (rooted in fear and anxiety) arises. Hartman (2008) describes it as a "productive tension." (p. 12). Those in the "colonial" center become increasingly fearful and more punitive, so they often push back through punishments.

AMERICANS' DIVERSE PUNITIVENESS LEVELS AND MOTIVES

Extant works often examine Americans' punitive attitudes through a monolithic lens by creating a unitary identity category based on allegiance and citizenship to the American state (Enns 2014, 2016; Enns and Ramirez 2018). Even scholars that examine regional differences in Americans' punitiveness also adopt the monolithic-unitary approach without considering how their other diverse identities shape their punitive attitudes (Kent and Jacobs 2005; Stewart, Martinez, Baumer, and Gertz 2015). The problem with the monolithic-unitary approach is it assumes the following: 1) Americans have the same level of punitiveness; 2) Americans' punitive attitudes equally influence elected officials' behavior; 3) Americans have similar

motives for being punitive. These theoretical assumptions consequently silence the voices of a significant subset of the United States' population, especially those at the intersection of marginalized identities. Silencing these voices in our theory-building and methodological efforts gives more credence to the most powerful and privileged social groups' voices. Their opinions and motives falsely become everyone else's opinion by default, undermining the power of Americans' punitiveness to provide a more nuanced explanation of the United States' highly punitive policies and the outcomes. Therefore, scholars have recently attempted to study Americans' punitiveness through a diverse and intersectional lens. For instance, Haden, Middleton, and Robinson (1969) and Bobo and Johnson (2004) theoretically assert and empirically confirm that White men in America are the most punitive among all race-gendered groups (even White women). Also, they found that Black and Brown men are more punitive than their female counterparts. When class is considered, Unnever and Cullen (2007) found that class-privileged White men held the highest punitive attitudes compared to other social groups, which is in line with my "proximity-to-power-and-privilege" argument.

Anti-Blackness/Brownness: A Critical Race Theory Perspective

While these works uncover that people with higher proximity to power and privilege within America's white supremacist et al. system tend to be more punitive, they do not provide an explanation for this phenomenon (Haden et al. 1969; Bobo and Johnson 2004; Unnever and Cullen 2007). Hence, this paper seeks to understand the following questions: why do Americans exhibit various levels of punitive attitudes based on their race, gender, and class identities? How then do these identities shape their motive for being punitive? To answer these questions, critical race theory scholars argue that when Black and Brown people's presence and movement challenge the white supremacist et al. system, it arouses fear and discomfort among whites,

which, in turn, informs their punitiveness. For instance, modernity, as described by Gilroy (1993), brought Whites and Blacks in closer proximity by abetting the diaspora of Black people across Europe and the Americas. With their hunger for power and control (via increased wealth), White settler-colonists faced a new reality in the Americas, and this reality required them to interact and exist with Black and Indigenous (Brown) people to develop economically (Gilroy 1993; Harris 1993 p. 1716). Whites needed Blacks and Native Americans to achieve this goal.

Despite their need for Blacks and Indigenous people to “modernize” North America, White settler-colonists feared them because people who looked, behaved, and thought differently from them owned crucial resources (labor and land) that impacted their lives and destiny. Black and Native peoples also resisted Whites’ effort to control their resources, as Roediger (1991 p. 24) notes and Gilroy (1993) illustrates with Douglass’ narratives. White fear was rooted in their discomfort of Blacks and Native people, especially when these marginalized groups’ interests and beliefs conflicted with Whites’ capitalist ambitions (Harris 1993; Meyer 2013). The classical social control-contract theories of Hobbes, Bentham, and Locke echoed this eurocentric, antagonistic perspective—anyone who is not for (or of) me is against me, hence the need to control or conquer the “other.” Perez (1999) and Meyer (2013) challenge this worldview in their discussion about the process of production (i.e., producing knowledge). They describe this Eurocentric, social control-contract view as capitalistic since it silences and subdues “others” to bring forth a “standardized” truth. The “other” is then deemed as dangerous to Whites’ “truth” and ideal way of life, which they feared. To manage and reduce this fear, Harris (1993) and Gilroy (1993) noted that Whites legally and socially punished Black and Indigenous people by denying them the right to own their labor (self) and land. This denial occurred through permanent subjugation and justified dehumanization (Harris 1993 p. 1717).

By describing Black people as “other,” Sadar (2008), in his analysis of Fanon’s (1967) *Black Skin, White Masks* illustrates that historically, Whites constructed “blackness” to represent negative connotations like: “ugliness,” “sin,” “darkness,” and “immorality.” Therefore, for Whites, a human life with “Black skin” was inherently a dangerous sinner—similar to wild animals—that needed to be perpetually contained and controlled. The need for White America to “control” and “contain” Black and Indigenous people underscores the notion that they were not human (or rational) enough to understand Eurocentric values of modernity (i.e., adhering to the terms of a social contract). Based on this narrative, many Whites were convinced Blacks would always be in the Hobbesian state of war, which indirectly “animalized” them and justified White fear (Harris 1993 p. 1717; Rosello 2012). Also, Gilroy (1993) characterizes Euro-Americans’ sub-human construction of Blacks by drawing on Dubois’ (1903) notion of “tertium quid,” which paints the Negro as a creature God placed between men and cattle. In anthrotherology, a burgeoning subfield in anthropology, scholars study human-wildlife interaction and the management of conflict and coexistence. Nyhus (2016), an anthrotherologist, notes that humans’ primary goal in this relationship is their safety, and other subsequent goals include securing resources and their existing property (i.e., land and livestock). On a macro-level, Nyhus’ (2016) human-wildlife descriptive relationship mirrors Fanon’s (1967) and Perez’s (1999) description of Whites and Non-Whites relationship in the world and U.S. political history.

For instance, Harris (1993) notes that Euro-Americans’ ownership of whiteness made them human, which justified their dominion over Negroes, Natives, and animals. In essence, whiteness provides the right to “personhood” and “self,” and non-whiteness, especially blackness, is relegated to a sub-human category. With Euro-Americans’ Judeo-Christian tradition, their dominion over these “creatures” made sense since God gave “humans’ dominion

over the fish in the sea, the birds in the sky, the livestock, all the wild animals on the earth, and the small animals that scurry along the ground.” (Genesis 1:26). By justifying their dominion, White Americans (viewed as humans) associated Blacks’ inferiority with their closeness (or likeness) to animals and wildlife. Since Nyhus (2016) reveals that humans feel their life and property are threatened by the presence of wildlife, who they have dominion over, White “humans” then feel the “animalistic” presence of Blacks threaten their property and safety in a parallel sense, hence the Hobbesian state of nature reference. Similarly, Davis (2003) posits that a substantial proportion of the United States population—mostly White Americans—have always felt unsafe and insecure with the presence of non-Whites (Blacks) roaming free in society. This perceived threat of Black and Brown people and their potentially “deviant” and “dangerous” behavior contributes to a fear that perpetuates the “criminal-black-person” label, especially among White Americans (Alexander 2010; Murakawa 2014). Haden et al. describe this fear as one rooted in hate.

Furthermore, some scholars argue that Black and Brown Americans also exhibit this type of fear governed by hate, even against other Black and Brown people. Forman (2017) reveals that many Blacks supported, enacted, and enforced policies that contributed to Black Americans’ mass incarceration. He argued that the increasing crime rates in the 1970s through the 1990s led many Blacks to exercise political power in ways that contributed to higher incarceration rates and greater policing. While Forman’s (2017) argument and findings are a critical addition to theorizing about the racialized component of punitiveness, Hutchinson (2018) challenged Forman (2017) by underscoring the role internalized anti-blackness plays in Black and Brown Americans’ support for punitive policies. In other words, Hutchinson (2018) contends that some Black and Brown Americans’ punitiveness is rooted in a hate-based fear of some Black and

Brown people. While Hutchinson (2018) rightly highlights the role anti-blackness plays in driving White, Black, and Brown Americans' punitiveness, the debate between Forman (2017) and Hutchinson (2018) misses two main points that provide a more precise explanation of Americans' diverse punitive attitudes. The first point is Americans' punitiveness is rooted in a hate-based fear of other "deviant" identities and behavior in conjunction with their fear of Black and Brown people. Second, less privileged Americans' punitiveness is not only governed by fear rooted in hate; rather, it is also rooted in fear governed by trauma.

Based on these two points, the critical race theory perspective of understanding punitiveness is limited to fear based on the hatred of Black and Brown people. This limitation prevents us from recognizing other sources, motives, and the varying levels of punitiveness within racial groups—hence the need for an intersectional framework. I, therefore, draw on Barvosa's (2008) and Hancock's (2007, 2016) multiple-identities framework and intersectional metaphor to overcome this limitation. Intersectionality helps us understand that people are not evaluating the political world from their singular racial, gender, or class identity; instead, their multiple converging identities inform this process (Crenshaw 1989; Collins 1990). The differences among and within racial groups' punitiveness levels indicate their different motives for being punitive. These motives are related to their intersectional identities, which transcend the single-category, center-margin metaphor. For instance, if we examine the racial category center-margin metaphor often used by critical race theory scholars, Whites are centered and possess higher proximity to power and privilege than their Black and Brown counterparts (the marginalized). Intersectionality, however, complicates this framework by highlighting that the people at the center and margins do not only embody their racial identity. They also have other

mutually inclusive identities that shape their positionality, power, and privilege in society, which, in turn, informs the type and degree of fear they exhibit.

Beyond CRT I: An Intersectional Perspective of Punitiveness (Hate-Based Fear)

I draw on Hancock (2016) to reconceptualize power beyond the center-margin framework to better understand its relationship with punitiveness and fear—degree and type of fear. An intersectional framework allows us to view power through interconnected systems that privilege some people over others, based on the extent to which their intersecting identities are desirable. In the United States’ political context, power and privilege then become a function of a mutually inclusive white supremacist-capitalist-heteropatriarchy (white supremacist et al.) system (hooks 2000 p. 71). In other words, the white supremacist et al. system dictates one’s proximity to power and privilege in society based on their intersecting identities. Harris (1993) and hooks (2000) illustrate how this process plays out by noting that the white supremacist et al. system affords class-privileged white males the power and privilege to simultaneously benefit from systemic racism, capitalism, and patriarchy. Similarly, class-privileged Black and Brown males potentially possess the social capital to reduce (not eliminate) the negative effect of the white supremacist et al. system on them. Based on this intersectional view, power and privilege become more holistic and a product of different interlocking systems. With this understanding, challenging those with power becomes more difficult because challenging whiteness, patriarchy, or capitalism requires a struggle with the entire white supremacist et al. system. Hancock (2016), Collins (2019), and Crenshaw (2012) underscores this point in their articulation of power. Hancock (2016 p. 165) describes power as “explicitly orthogonal,” which is in the same vein as Collins’ (1990) matrix of domination and Crenshaw’s (2012) “overlapping patterns” description. Through these intersectional descriptions of power, the authors reveal that power does not come from a

one-dimensional source; its source is multidimensional, making the subordination of the powerless also intersectional. With this multifaceted conceptualization of power, I broaden our understanding of punitiveness by linking the type and intensity of people's fears to their proximity to power and privilege in society.

Therefore, I infer from this intersectional articulation of power to contend that those with more desirable intersecting identities—higher proximity to power and privilege—experience a higher degree of fear when their power is challenged. Haden et al. (1969) then let us know that when empowered and privileged people experience this higher degree of fear, their fears are more rooted in hate than the fears of less privileged and powerful groups. They illustrate this point in their statement below:

There is so much scorn and fear of women, animals, and Black in this western culture, and since we are all three, we are simply kept out of history [disadvantaged]...The word *animal* is used by most males to mean a hated and despicable condition, and anything that is *hated is simultaneously feared*. Black women get put down as “bitch dogs” and “pussies” by Western White and Black men...Their heads blow out this intellectual and educated spiel on White and Black power (p. 177 in Guy-Sheftall 1995, emphasis mine).

When Haden et al. (1969) note that “anything that is hated is feared,” they present the source of this hatred through a multiple and intersectional framework. The source of this hatred emanates from the existence of people who simultaneously possess multiple identities that are deemed undesirable by the white supremacist et al. system. People at the intersection of these undesirable identities are equated to animals (“bitch dogs” and “pussies”), which justifies why they are hated, feared, and disempowered. Another essential part of Haden et al.'s (1969) statement is that they identify “Western Black and White men” as people who exhibit the most hate-induced fear. Their feeling is connected to the White supremacist et al. system that constructs, inculcates, and reiterates normality and desirability. Many wealthy, Western Black, Brown, and White cis-heterosexual men are simultaneously horrified and fearful of behaviors and images that defy

normality and desirability by internalizing this ideology. This horror and fear then inform more privileged and powerful Americans' punitiveness, especially against people at the intersections of these "abnormal" identities. I should also note that intersectionality theory makes us aware that even class-privileged Black and Brown cis-heterosexual men have lower proximity to power and privilege than their White male counterparts in America's white supremacist et al. political system. This phenomenon matters when we try to understand the type and level of race-gendered groups' punitiveness.

Beyond CRT II: An Intersectional Perspective of Punitiveness (Trauma-Induced Fear)

For those with lower proximity to power and privilege than class-privileged white cis-heterosexual men, their punitiveness is also partly linked to a different type of fear, which I referred to earlier as trauma-induced fear. This fear is different from the hate-induced fear identified by Haden et al. (1969). People can also possess these two types of fears simultaneously because people can be simultaneously empowered and disempowered in certain situations due to their multiple intersecting identities. I argue the degree to which one experiences one type of fear over the other is connected to their level of power and privilege in society. Understanding these types of fear and the degree to which people experience them provides insight into the diverse motives and levels of people's punitiveness. This idea can be observed in American women's lives, especially when trying to understand the motive behind their punitiveness. For class-privileged White heterosexual (and queer) women, they experience hate-induced and trauma-induced fears (i.e., gender-based trauma) simultaneously. Like their male counterparts, White women's power and privilege promulgate their anxious, hate-induced fear towards groups at the intersection of identities defying the White supremacist et al. system. Both types of fears (hate and trauma) then inform their punitiveness.

Davis (1983) and Frankenberg (1993 p. 48) corroborate the theoretical story of White women's punitiveness in their personal and historical narratives. For instance, Davis (1983) provides a historical account of middle-class White women's treatment of Sojourner Truth before her speech in Akron, Ohio. These White women viewed Truth's working-class Black presence as a threat to their goals of achieving equal rights with men, particularly White men. With this threat, they tried to silence and make her invisible, which Hancock (2016 pp. 40-41) describes as an act of violence. Though not explicitly stated, Davis' (1983) historical account of Truth's treatment revealed the racialized and gendered violence Black women experienced from class-privileged White women who are, themselves, victims of misogyny from the white supremacist et al. system. Furthermore, the personal narratives from Frankenberg's (1993 p. 48) work corroborate Davis' (1983) account, especially when she illustrates that middle-class White women expressed opposition to living close and associating with Black people. Overall, Davis's (1983) and Frankenberg's (1993) findings show that even as White women exhibit this trauma-induced fear from their identities as women, they also draw on their whiteness and class-privileged status to exhibit hate-based fears. While White women's fears are informed by both hatred and trauma, the totality of their fears informs punitive attitudes that negatively target those with lower proximity to power (i.e., working-class Black women) more than those with higher proximity to power (class-privileged white men).

Furthermore, Black American women, especially those at the intersection of working-class, dark-skinned, and queer identities, are in a unique position in America's white supremacist et al. system. These Black women are subjected to multiple forms of oppression from the most to the least powerful groups in society. For instance, Crenshaw (1991, 2012) and Hancock (2016) underscore how social power works to exclude (or make invisible) those who are different—Black and Brown women. While women are more susceptible to patriarchal violence, they note that the violence many women face is influenced by their intersecting racial and class identities. For instance, Crenshaw (2012 p. 1440) and Collins (2019 p. 162) detail the judicial inattentiveness to physical and sexual

violence inflicted on Black women—especially working-class—by people outside and inside their community, which illustrates their disadvantages in the United States. Crenshaw (1991 p. 1245) further reveals that Black and Brown women’s susceptibility to racial and patriarchal violence is linked to their lack of socioeconomic and sociopolitical independence. This phenomenon is evident in the racist, sexist, and classist discrimination they face in employment and housing. Therefore, the inter-and-intra-community rejection and invisibility of Black women result in multi-layered and re-occurring physical and psychological pain, as Smith (1983 xliii-xliv) suggested. Alexander (2012) posits that pain and suffering then become *traumatic* when they are inflicted based on one’s multiple identities. In other words, an individual does not have to personally experience this pain and suffering to be traumatized; being a member of negatively targeted groups could be traumatic. Since Black women are often at the intersection of multiple, negatively targeted groups, they exhibit trauma-induced fear towards their oppressors, which mainly informs their punitiveness. This account is, however, not the complete story for all Black women. There are some Black women with higher proximity to power and privilege (i.e., lighter-skinned, cis-heterosexual, and class-privileged) who also exhibit both trauma and hate-based fears.

The historical and contemporary accounts in Crenshaw, Collins, Hancock, and Smith’s work illustrate that Black women’s fear is at the intersection of racialized, sexualized, and class-specific trauma. Consequently, on one hand, Black women’s trauma, especially those who are poor, queer, and dark-skinned, informs their punitiveness, which seeks to punish abusive powerful people. On the other hand, Black women’s traumatic pain also makes them more empathetic and forgiving, especially to those at the intersection of marginalized identities. Considering these two insights into Black women’s motive for being punitive potentially explains why Unnever and Cullen (2007) and Bobo and Johnson (2004) empirically found that Black women were the least punitive race-gendered group in American society. The question then arises: why should we know these diverse motives of Americans’ punitiveness? I argue that understanding the motives of class-based and race-gendered

groups' punitiveness is crucial for the following reasons: first, groups' motives for being punitive could influence their punitiveness level and intensity. Second, groups' motives for being punitive could influence the type of punitive policies enacted and enforced. Finally, understanding people's punitive motives could help us determine who (or what group) elected officials respond to the most when making and implementing punitive policies¹.

IMPLICATIONS OF UNDERSTANDING THE DRIVING FORCES and LEVELS OF PUNITIVE ATTITUDES

Americans' Diverse Reasons and Levels of Punitiveness

The degree to which those with higher proximity to power and those with lower power proximity are afraid of each other informs their punitive attitudes. This punitive attitude then informs the adopted punitive method when addressing their fears. For instance, Nyhus (2016) reveals that humans once widely used lethal methods like bounty hunting, sport hunting (via firearms and traps), and infanticide to eliminate or reduce predator populations (i.e., wolves and coyotes). Similarly, Fanon (1967) and Davis (2003) illustrate how White supremacist patriarchal structures use lethal methods to manage conflict with the "other," especially those that made them more afraid. Drawing from Nyhus' (2016), Fanon's (1967), and Davis' (2003) accounts, I posit that those with higher proximity to power's (HPP) punitiveness are governed by their hate-based fear of the trespasser and their trespasses. Conversely, those with lower proximity to power's (LPP) punitiveness are governed only by their trauma-based fear of the trespassers' trespasses. In other words, LPPs do not hate trespassers, but they hate their trespasses. By not hating their trespassers, they are less intense in their punitiveness, hence why they often express lower punitive attitudes. This scenario is evident in the case of American Black women, who mostly have lower proximity to power in society. Despite the abuse they

experience from the white supremacist et al system, they still are less likely to support the death penalty than other race-gendered groups (Bobo and Johnson 2004; Unnever and Cullen 2007).

Furthermore, words like “bounties” and “predators” are not uncommon in America’s punitive politics and policies, especially in the rhetoric of Americans with higher power proximity. While anthrotherology uses these words to refer to humans controlling animals, America’s White supremacist et al. system uses these words to dehumanize and justify their implementation of lethal punitive methods to control those with lower power proximity for merely existing. Alexander (2010) and Philip Morgan (2011) note that working-class Black and Brown Americans, especially women, have been disproportionately subjected to state-sanctioned and non-state-sanctioned lethal punishment (i.e., mob violence lynching, castration, and Black women’s infanticidation). In conjunction with lethal methods, empowered and privileged people in the White supremacist-capitalist-heteropatriarchy system also employ extreme non-lethal punishment to manage their hate-based fear of the subaltern “other.” For instance, Harris (1993 p. 1720) and Davis (2003 p. 25) describe slavery as a state-sanctioned, non-lethal punishment that relegated people of African descent to a permanent place of servitude and commodity with no freedom. Slavery was a punitive institution used to control Black people and their labor due to the perceived threat they posed to Euro-Americans’ economic development and their overall way of life. Heavily relying on a non-lethal method, like slavery, does not mean Americans were less punitive during this period. Instead, slavery was a multi-functionary institution because it permanently helped keep Blacks in their place—a dehumanized place of servitude. While slavery served the United States’ economic interest, it also socio-politically and psychologically killed Blacks, which some argue is worse than other forms of lethal punishment.

Power in Numbers or Power in Privilege: Creating Carceral Spaces in America

Working-class Black and Brown Americans make up a smaller percentage of the United States population, yet they make up most of the U.S. incarcerated population (Pettit and Western 2004; Joy 2015). Also, people who have the highest proximity to power and privilege in society (class-privileged white Americans) make up less of the United States population, yet their reasons for being punitive are reflected more in the outcomes of punitive policies than the punitive motives of less-privileged and powerful Americans (Schattschneider 1960 p. 35). Why do these discrepancies exist? The answer to this question is embedded in the United States' counter-majoritarian democratic system and its hatred for the least privileged and most marginalized groups. As noted earlier, class privileged, cis-heterosexual White men's hate-induced fear and lack of empathy for people in the "othered" category prompts their desire to control them. The need to control helps the most privileged group better manage their fears and protect their property—their whiteness, maleness, straightness, and wealth. Cohen (1985) and Hirschi (1969) and other social-control theorists demonstrate that the need to "control and contain" explains why the most privileged social groups spearhead the movement to enter into social contracts. Through these social contracts, states and their subsequent apparatus—actors and institutions—enact laws according to their founding documents and principles. For instance, the essence of building the American state was to calm the fears of class-privileged White men, as seen in the *Federalist Papers*' (No.1 and No. 51) arguments and those who willingly gave consent. Hamilton and Madison argued for a "strong and limited" central government to ensure the liberty and happiness of the "governed" are "safer." The words "strong," "limited," and "safer" reflect how (and why) class-privileged White Americans created a political system that allows their voice (i.e., punitive attitudes) to be disproportionately overrepresented in the policy-making and implementation process. The United States' "representative" democratic system, founded on Jefferson's (1776) "consent of the governed"

principle, empowers the people—who willingly gave consent—and their posterity to elect public officials to represent their interests.

However, using Schumpeter's (1942) minimal concept of democracy, the "majoritarian" feature of democracy makes class-privileged White men and women nervous and afraid of losing their privilege to a tyrannical majority—mainly consisting of "deviants" against the White supremacist et al. system. Therefore, these White elites created and maintained a "strong and limited" government to control and contain the potential power of the tyrannical, socially "deviant" majority. We see this process play out in whose punitive attitudes are represented, which, in turn, impact the kinds of policies enacted and implemented based on the motive of their punitiveness. America's "representative" democratic system values "responsiveness," prompting public officials to respond to their constituents' needs. These public officials also desire job security to meet their most basic needs as per Maslow's hierarchy. With these two values in mind, U.S. public officials, especially elected officials, seek to respond to the public's needs and interests (Mayhew 1974 and Fenno 1978). As identified earlier, the public's interests are not homogeneous, and certain groups' interests are elevated over others. This elevation is often a result of their ample privilege and power in society and the way America's political system is built to favor the voices of "a strong [White male and female] upper-class accent (Schattschneider 1960 p. 35). While these "strong upper-class accents" are a minority in society, they have the most political power through privileges from the White supremacist et al. system. They, then, protect their power and influence by creating and maintaining a two-party, pluralitarian representative "democratic" system (Riker 1982 explaining Duverger's Law). In this system, upper-class Whites co-opt and ally with middle- and working-class Whites by expanding the socioeconomic benefits linked to whiteness. A historical occurrence of this process is evident in White conservatives' disruption of the populist movement's effort to incorporate Blacks (Harris 1993; Alesina and Glaeser 2004; Alexander 2010). Rather, these White conservatives

co-opted the populist movement and its leaders to win support from lower-and-middle class Whites, so they could maintain the status quo (Alesina and Glaeser 2004).

By co-opting White middle-class Americans (expanding their privileges), Alexander (2010 p. 58) and Alesina and Glaeser (2004) note that White Americans, to an extent, homogenize their interests on many class-based, racialized issues. This effort increased White Americans—especially middle-class Whites—internal political efficacy and levels of participation in conventional politics, which heightened their proximity to power in society (Verba, Scholzman, and Brady 1995). Alexander (2010) then notes that since White Americans make up the largest share of the U.S. population and are more class-privileged, they are positioned to participate at levels that consistently make them the largest share of the U.S. electorate (Pew Research Center 2020). This analysis, in turn, reveals that just as people’s intersecting, multiple identities shape their positionality and political attitudes, these identities inform their level of political participation. White Americans, especially those who are class-privileged, then become the viable Downsian “median voter” that public officials seek to represent to get re-elected and ensure job security, especially if we conceptualize and operationalize the United States as a big legislative district (Downs 1957). With this same line of thought, if we further disaggregate class-privileged White Americans by gender, we notice that White women across all classes make up the largest share of the American electorate since the 1980s (Center for American Women and Politics 2019). With this reality, White women are possibly a crucial median voter in American politics, which has several implications on their level of influence in American politics.

What then are the sociopolitical implications of class-privileged White women’s punitiveness in comparison to other race-gendered groups? While Bobo and Johnson (2004) find that White men exhibit the most punitive attitude in the United States, they do not underscore the extent to which it shapes public policy and outcomes. As stated before, hooks’ (2000) white supremacist et al. system and Collins’ matrix of domination help us understand that White men are the most punitive because

they have a lot more privilege and power to lose. Class-privileged White men are often afraid of social deviants threatening their power and privilege, so this fear translates to their hatred and punitiveness, often directed towards these “othered” groups. One of these privileges is White men’s access and control over white women’s reproductive function and purity, which is essential for preserving the white race and its power (Anzaldua 1987; Collin 1990; Combahee River Collective 1977; Crenshaw 1989; hooks 1981). White women also benefit from the powers and privileges of the white men in their lives, hence why they have long served as a buffer upholding white males at the apex of power (de Beauvoir 2001; Junn 2017). As a crucial preserver of the race and protector of white men’s power and privilege, elected officials in the United States—mostly white men (Philips 2021)—may pay particularly close attention to white women’s fears and punitiveness in order to adequately punish “undesirable” forces that pose a threat to them.

In addition, elected officials may pay closer attention to white women’s punitiveness because they also make up the largest portion of the electorate. Junn (2017) explains how White women tend to be the “swing voter” in American politics by underscoring that most race-gendered groups (white men and non-White men and women) overwhelmingly support either Republicans or Democrats, except White women. While White women have consistently supported the Republican party since 1952 (but not overwhelmingly), being the largest share of the electorate makes slight changes in their partisan vote choice sensitive to shaping the outcome of an election, hence their “swing voter” status (Junn 2017). Therefore, by linking elected officials’—mostly White men—desire to maintain the white supremacist et al. system via the protection of White women and their electoral strength, I argue that public officials will be more likely to respond to White women’s punitive attitudes than other race-gendered groups (Junn 2017; McRae 2018). This argument, however, has several implications on the type of criminal justice policies enacted, the type of carceral spaces created, and the type of people in these spaces.

Punitiveness and America’s Carceral Spaces

Since elected officials are more likely to be responsive to those with higher power and privilege proximity, their punitiveness motive is possibly reflected more in punitive policies and outcomes than the motives of underprivileged groups' punitiveness. The varying extent to which elected officials respond to Americans' hate-based fear in comparison to their trauma-based fear impacts the enactment and implementation of public policies. For instance, Davis (2003, 1983) and Haden et al. (1969) reveal that "social deviants" and those with lesser proximity to power often bear the brunt of the United States' punishments. This finding implies that the motive of more powerful groups' punitiveness likely informs public policies that create carceral spaces. Consequently, the carceral spaces created through America's criminal justice policies are less likely to punish the people responsible for underprivileged groups' pain, suffering, and trauma. Rather, these carceral spaces are likely created to punish these underprivileged groups.

If these carceral spaces do not "contain and control" powerful people who inflict personal and structural violence on the most underprivileged social groups, how then do we describe carceral spaces in the United States? Parson (2019) defines carceral spaces as social control sites designed to contain and limit people's freedom. In essence, people empowered by the United States' White supremacist et al. system create carceral spaces as colonizing sites to "control and contain" people deemed as sociopolitical deviants. According to Simpson (2014) and Parson (2019), some of these colonizing carceral spaces in the United States include state-run (or funded) schools, prisons, reservations, internment camps, and psychiatric hospitals. Quijano (2007), however, deems these state-funded institutions as outcomes of policies designed to socially control the "othered subaltern." These descriptions of the U.S. carceral state lead me to disagree with some scholars that describe mass incarceration as a relatively recent phenomenon. Hooker's (2016) historically rooted Black fugitivity framework makes us aware that the mass incarceration of Black and Brown Americans—including the Native population—is not recent and it should not be limited to the walls of prisons. For instance, the United States' enslavement of Black people was a form of incarceration.

Even after America's anti-Black, chattel slavery was legally "abolished," Davis (2003) and Alexander (2010) argue that it was reinvented into other institutional forms (i.e., convict leasing, de jure and de facto apartheid, and mass imprisonment) that continued the psychological, political, and economic extraction, containment, and control of many Black people, which, in turn, protected White Americans' economic and sociopolitical interests (Gilmore 2007). Therefore, I draw on Goldstein's (2019) and Parson's (2019) coloniality-carceral framework to expand our definition of incarceration.

I conceptualize carceral spaces as sites of control, domination, and extraction from the "othered" subaltern. In line with my expanded conceptualization of carceral spaces, the colonial policies creating these carceral spaces are enacted and enforced by colonial public officials, whose behaviors are influenced by privileged people with colonizing proclivities. I use the word "colonial" repeatedly to emphasize its meaning and function in the context of understanding carceral spaces. Quijano (2007) and Lugones (2010) describe "colonial" as domination through oppression, which, consequently, means domination through physical, mental, and spatial invasion and reduction. Therefore, the colonizer, those who want to dominate to retain their power and privilege, elect and support public officials—colonizing agents—to enact and enforce policies that create colonial, carceral spaces that contain, control, and extract (Lugones' and Quijano's addition) from the subaltern. My theoretical argument and expectation imply that carceral spaces in the United States do not "contain and control" powerful people who inflict structural violence. Instead, these spaces are functions of the White supremacist et al. system, created and maintained by powerful people.

With this phenomenon, colonial, carceral spaces—prisons, detention centers, reservations, schools, and mental hospitals—in the United States disproportionately contain, control, and extract from those at the intersection of marginalized identities (Crenshaw 1991, 2012; Parson 2019; Davis 2003; Quijano 2007). For instance, Pettit and Western (2004) and Joy (2015) argue that the intersection of class and race often plays a role in determining who goes to jail or prison and who stays in jail or prison. They find that one's fate in these correctional institutions is often a function of

whether they can afford to pay the fines associated with their arrest, afford a good (and effective) counsel, and the potential racial bias they encounter in the courtroom (both from the judge and jury). Similarly, Macias-Rojas (2016) argues that migrants have become increasingly criminalized and racialized, especially since immigration law enforcement underwent a punitive turn in the post-1965 era. An era with a substantial increase in Black and Brown immigration to the United States. As imagined by my theoretical expectation, Macias-Rojas contended that the punitiveness of immigration laws and their enforcement explains why 98 percent of deportees (and possibly those held in detention centers) were sent to Latin America and the Caribbean. I, however, extend this argument by contending that both class-privileged and underprivileged White Americans' hate-induced fear play a substantial role in driving the punitive turn in immigration law enforcement, hence why those who bear the brunt of these policies are Black and Brown (not White). Again, this evidence depicts carceral spaces as manifestations of Americans with higher power proximity's punitive motives.

TABLE 1: RELATIONSHIP BETWEEN PROXIMITY TO POWER AND PUNITIVENESS

	Punitiveness and Carcerality		
Proximity to Power and Privilege Race x Gender x Class	<i>Punitiveness Level</i>	<i>Reasons for Punitiveness</i>	<i>Who are they punitive towards?</i>
High Power-Privilege Proximity (HPPP) 1. White x Male x Upper-class 2. White x Female x Upper-class	High Punitive Attitudes	Mostly hate-based fear	Those with lower proximity to power and privilege (LPPPs)
Medium Power-Privilege Proximity (MPPP) 1. Brown x Male x Upper-Class 2. Black Brown x Male x Upper-Class 3. White x Male x Middle/Working-Class 4. White x Female x Middle/Working-Class 5. Black x Female x Upper-Class 6. Brown x Male x Middle/Working Class 7. Brown x Female x Middle/Working Class	Moderate Punitive Attitudes	Combination of hate-based fear and trauma-based fear	Those with lower proximity to power and privilege (LPPPs)
Low Power-Privilege Proximity (LPPP) Black x Male x Middle/Working Class Black x Male x Lower-Class Black x Female x Middle/Working Class Black x Female x Lower-Class	Low Punitive Attitudes	Mostly trauma-based fear	Abusive people with higher proximity to power and privilege (HPPPs)

CONCLUDING THOUGHTS

Overall, the arguments and analyses in this paper reveal that when people's punitive attitude is supplemented with power, they can enact and implement punishments on people they fear. In the United States, many White Americans have higher proximity to power due to their size and other intersecting privileged identities; therefore, the reasons for their punitiveness reflect who America punishes. Whites' fear of Black and Brown people at the intersection of marginalized identities explains why a diverse and multicultural United States has one of the most punitive penal policies among post-industrial OECD countries. Consequently, since their fear is mostly rooted in their fear of people deemed as "trespassers," Black and Brown scholars and activists, at the intersection of marginalized identities, have called for the abolition of carceral spaces, like prisons.

Davis (2003) reflects the goals of this movement in her well-known question: *Are prisons obsolete?* For carceral spaces, like prisons and detention centers, to be obsolete in how we currently imagine them, decolonizing carceral spaces is necessary. To decolonize carceral spaces, we must dismantle institutions and actors that enact and enforce punitive-informed policies. To dismantle and decolonize these institutions and actors, we must decolonize the hate-based fear and punitiveness of the median, class-privileged White American voter. Since class-privileged, White voters uphold the white supremacist et al. system, decolonizing their minds, their fears and punitiveness will, in turn, begin the process of dismantling the United States' white supremacist et al. system.

Finally, the theoretical expectations from this paper should exhort future scholarship to employ an intersectional proximity to power and privilege framework when explaining sociopolitical phenomena, like punitiveness. For instance, when Abascal (2022) finds that Whites' perceived threats and conservatism are key mechanisms explaining the association between Latino growth and whites' anti-Black attitudes, they assume Whites and Latinx exhibit monolithic attitudes and effects, respectively. This assumption limits our understanding of the potential variations within racial groups

as it pertains to their perceived threat, fear, and punitiveness, hence why employing an intersectional approach matters. An intersectional approach enables us to examine how racial group members' diverse proximity to power shape their experiences and attitudes in society (Hancock 2007, 2016).

For instance, recent work from Pryce and Whitaker (2022) implicitly uses an intersectional approach—considering race and class—to examine similarities and differences among Blacks and their experiences with the police. While they do not explicitly articulate their analytical approach as intersectional, their analysis is a step in the right direction, as it unveils nuances and complexities in our understanding of police perceptions and experiences in the Black community. Future scholarship should, however, build on these works by incorporating an intersectional proximity to power approach when analyzing racial groups' experiences and attitudes. Undertaking this endeavor helps reveal under what conditions members of a racial group's attitudes converge and diverge, which is especially important for the amount of influence they wield in shaping public policies.

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Notes:

¹ My exclusion of groups who fit within conventional racial categories—Native Americans and Asian Americans—is intentional because I think skin color matters when we try to understand power, privilege, and racialized fear. I justify my claim by drawing on DuBois' (1902) famous statement, "The problem of the twentieth century is the problem of the color line." The color line problem still exists in the twenty-first century as seen in who is punished in U.S. prisons and schools and victims of police brutality (Eberhardt, Davies, Purdie-Vaughns, and Johnson 2006).