

Punishing Race: A Continuing American Dilemma. By Michael Tonry. New York: Oxford University Press, 2011. 204 pp. \$19.95 paper.

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In the contemporary United States, 7 million people are under some form of correctional control—either on probation or parole or in jail or prison; more people, that is, than the people that live in Baltimore, Detroit, Philadelphia, Pittsburgh, New Orleans, Seattle, and San Francisco combined. Moreover, blacks are six times more likely than whites to be imprisoned at some point during their lives. Today, nearly 5 percent of black men are in jail or prison on any given day and one in three black men are under some form of correctional control. As if this travesty was insufficient, if incarceration rates remain unchanged, one in three black boys born in 2001 will go to prison during some point in their lives.

Much of Michael Tonry's scholarship has addressed this social reality. In *Malign Neglect* (1996), he argued that sentencing policies were to blame for the rapid increase in incarceration that occurred in the United States during the last quarter of the twentieth century and that policy makers could have foreseen that this increased severity would disproportionately impact black people. In *Punishing Race*, Tonry builds on his earlier work by posing the question, "How did it happen that long series of criminal justice policies that do special damage to black people were conceived, adopted, and carried out in a country in which few whites any longer believe in white supremacy or black inferiority?" (x).

Punishing Race brings together research from criminology, sociology, and social psychology and situates the emerging knowledge from each of these fields in a genealogy of the contemporary politics of law and order. Tonry supplements these reviews with a cursory evaluation of the characteristics of U.S. culture (he faults the "paranoid streak in American politics" and moralism emanating from evangelical Protestantism) and politics (he impugns the politicization of the justice system via the election of judges and prosecutors and the frequent election of congress people). The book reads like a collage; insights from each field fit loosely rather than perfectly together and the argument is most convincing when the reader takes a step back from it.

Tonry situates *Punishing Race* within the emerging consensus in criminal legal research that declares both that the scale of

imprisonment practiced in the contemporary U.S. cannot be justified with reference to any crime control or public safety goal and that policing strategies and sentencing policies are responsible for both the severity of and the disparities within incarceration. His claim is provocative, although hardly unheard: policies and practices that create the severity of and disparity in criminalization endure because “white empathy for blacks who are affected [is] weak and uncommon” (8) and racial disparities in incarceration “help white Americans maintain social, economic, and political dominance over blacks” (4).

Many of the claims upon which the book rests are well supported by social science research. Incarceration rates as high as those in the United States have either a neutral effect on crime rates or are criminogenic. Police practices that focus on open air drug markets are difficult to justify with race-neutral policy goals. Sentencing policies enacted in the last quarter of the twentieth century disproportionately harm black people. White people associate blackness and stereotypically black features with a host of negative traits, including violence and criminality. Felony convictions and incarceration produce a number of negative outcomes including exclusion from employment, suppressed lifetime incomes, and decreased quality of family lives. Other claims that the book makes—that Americans have a tendency to view issues in polarized, moralistic ways and this moralism is fed by evangelical Protestantism, for example—are interesting hypotheses that get some support from a number of historical and sociological analyses but which are more assumed than demonstrated within the book itself.

These limitations, however, neither dismantle nor severely weaken the main argument of the book. We, as Americans, have a moral obligation to dramatically decrease the scale of imprisonment within our country. To this end, Tonry both starts and ends the books with audacious but possible policy solutions, including the abolition of punitive sentencing policies; the replacement of elected judges and prosecutors with appointed ones; the limitation of the effects of prior records on sentencing; the enactment of racial impact statement requirements; and a shift of police attention from black to white drug dealers.

Tonry elegantly streams together research from a variety of fields and embeds this research in his own analysis of the culture and political structure of the United States. His goal is never primarily analytical but rather to awaken the reader to action. As such, this book should not just be read by students and scholars of law, criminology, sociology, and social psychology, nor only by policy makers, but rather by all people living in the United States who are concerned about racial justice.

Reference

Tonry, Michael (1996) *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford Univ. Press.

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From Black Power to Prison Power: The Making of Jones v. North Carolina Prisoners' Labor Union. By Donald F. Tibbs. New York: Palgrave Macmillan, 2012. 260 pp. \$90.00 cloth.

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In his new book, *From Black Power to Prison Power*, Donald Tibbs achieves precisely what the field of law and society aims to do: demonstrate how a landmark, if largely overlooked, court decision emerges from the historical struggle for black liberation during the Black Power era, a conflict between an inexorable social movement and state power intent on preserving white people's five centuries-old despotic relationship to black people. Through Tibbs' legal history, we can glean how such a thing as a labor union for prisoners came to be in the first place, how the organizing which made it possible was neither anomalous nor exceptional but rather was the culmination of black struggle across the generations, and how the strategic decisions of prisoners and their supporters indicate what it means to exist within the crosshairs of state repression. While it may be unsurprising that the court ultimately decided against the prisoners (no spoiler alert needed), *From Black Power to Prison Power's* deconstruction of the court's reasoning in *Jones* illustrates a basic principle of law and society studies—that is, contradictions between power and jurisprudence betray the law's fundamental tyranny, especially where black people are concerned.

From Black Power to Prison Power is organized into three sections. In the first section, "Foundations," Tibbs establishes the historical context for the two main strands of political movement that would later come together to comprise the prisoner union movement. On the one hand, there was the struggle within prisons by inmates who sought to exploit the state's ambivalent policies, which, for a time, vacillated between rehabilitation and straight-up punishment. From the 1950s onward, collective action by prisoners, together