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BOOK REVIEW

Nina M. Moore: The political roots of racial thinking in American criminal justice

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Nina Moore's *The Political Roots of Racial Tracking in American Criminal Justice* is an informative and useful book for scholars dedicated to the related topics of racial equality and American criminal justice. Moore defines her subject matter, "racial tracking," as a "phenomenon of dual processing and unevenness… Inasmuch as racial differentiation is pervasive throughout the system, it is arguable there are two racially distinctive law enforcement modes—one that operates among blacks and another for whites" (p. 2). She proceeds to argue that the source of such dual systems is fundamentally political. Hence, after a brief empirical survey of criminal justice statistics related to race, the text delivers several heavily referenced chapters retelling the political, legislative, and judicial histories of twentieth century American crime and punishment.

The text is well researched and will likely be useful for those looking for a thorough reference of criminal justice political history. Though I should mention that its usefulness is substantially limited to professional academics as its writing style is technical, its methodology is unclear, and its organization is, at times, confusing. Each section reads more like a potentially separate book project, possessing its own methodological style, rather than as a meaningful portion of a consistent whole. Even well-educated and informed lay readers will likely have difficulty keeping up with the argument and evidence as it is presented.

Before explaining the origins and operations of a phenomenon, one must first demonstrate that it: (1) in fact exists, (2) is of significant importance to deserve attention, and (3) is puzzling enough to warrant dedicated research. Thus, Moore begins with a survey of empirical trends selected to convey the presence of the unequal and separate systems she labels as racial tracking. Before delving into the text, I was familiar with the racial disparity of prison populations, as black men comprise 12 % of the general U.S. population but 36 % of the prison population. Hence, the claim that American criminal justice produces unequal results across racial lines is a reasonable and commonly accepted

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observation. Moore's argument claims more than merely disparate outcomes, as she implies explicitly unequal treatment and accredits political failures as its ultimate source.

I expected the text to be a convenient packaging of similar disparate trends throughout the procedures of the criminal justice system, demonstrating different treatments across race and explaining the underlying political processes that cause them. This, however, is not the case and the result is that Moore's argument seems overstated relative to the evidence presented and, is at times, selectively biased.

The text suffers as Moore lacks a consistent methodology for demonstrating her case. In her opening chapter she discusses the features of the data that support her case for racial tracking. Specifically, she highlights some key areas where black citizens are subjected to police interactions, questioning, and conviction at larger rates than whites. However, in providing a variety of summary statistics about the criminal justice process, Moore conveniently downplays, and at times ignores, those statistics that imply a more complicated narrative.

For example, Moore surveys a variety of figures regarding different types of interactions between police officers and citizens of different races. Her data shows that blacks are twice as likely to be suspected of criminal behavior as whites, almost three times more likely to not be offered a reason for a traffic stop, three times more likely to be asked to be searched, and more than twice as likely to be arrested. Moore highlights these inequalities concluding, "the average black driver cannot exactly gauge whether, when, or why he or she will be added to the class of drivers stopped by the police" (p. 8).

Also reported in the tables, but less highlighted by Moore, are the following facts. Despite the greater arrest rate of blacks compared to whites, a greater percentage of whites have encounters with police. More whites are subjected to traffic stops, but blacks are more frequently stopped for formal reasons such as vehicle defects, record checks, and stopping violations. Perhaps most surprising, a greater percentage of blacks, as compared to whites, report crimes to police and consent to searches. Almost no consideration is given to racial disparities in violent crime, or the reporting thereof.

Many are likely skeptical of overly strong claims about racial inequality in criminal justice. Neoclassical economic models, for example, impose a default presumption that status quo institutions are efficient in so far as they are stable and persistent. Hence, the typical response to disparate punishment outcomes is to reference the distribution of criminal behaviors. Yet Moore provides little to no consideration of such obvious counter hypotheses.

None of her data stands in direct opposition to the facts that young black men represent a disproportionate amount of the criminal population, including violent crime. The criminal subset of the black population lives in predominantly black neighborhoods and commits the majority of crimes against fellow black citizens. Such environments are relatively less hospitable to economic growth, thus crime tends to be self-enforcing. Finally, with greater reporting of black criminal suspects and a greater likelihood of such suspects resorting to violence, some disparity of procedural and punitive outcomes is to be expected. How much difference is warranted is certainly debatable, but addressing this issue is outside of Moore's aims or methods.

Furthermore, the data alone do not lead to firm conclusions regarding whether: (1) the American system affords prejudicial discretion by police and authority decision makers, (2) the system harbors inherent institutional biases, or (3) the criminal justice system itself is racially innocuous but in so far as race proxies for class, political contacts, and or educational opportunities, different racial groups have significantly different abilities to navigate its various stages.

The remainder of the text argues that the source of racial tracking is ultimately the political process. Moore offers six key principles of a "public policy process framework" borrowed from previous studies. These principles include: multidimensionality, the power player principle, the problem-process kinship principle, the politics principle, the systems principle, and the opportunity principle. She adds to this list and focuses primarily upon one additional principle, the public origins principle (p. 43).

The distinctive meanings of these concepts are not easy for readers to discern apart from giving labels to Moore's thorough literature review. In summary, Moore argues that there is a tragically cyclical nature to the racial inequality in America's criminal justice system. Community-based and more racially conscious strategies of policing and punishing are displaced in favor of more federally financed and managed tough-on-crime policies, rulings, and resources. This process repeats and extends as inmates are disenfranchised and poor black communities have an ever more difficult time coping with the social conditions that foment criminal behaviors and tendencies. Media and public opinion predictably overreact and drive further punitive public policies.

Taken together, Moore's observations regarding the political processes undergirding racially unequal criminal justice seems reasonable and accurate. At the same time, it is not necessarily novel and the evidence she presents does not necessarily validate her underlying thesis that the system explicitly treats blacks differently from whites. In fact, the self-fulfilling and cyclical nature of the process Moore describes seems at odds with the bolder version of her theory, as any innocuous inequality can be reaffirmed through perpetual feedback irrespective of the unbiased nature of the remaining procedural parts.

Moore fits political and legislative histories onto a relatively large basket of patterned concepts. She argues that political campaigns for racial justice were active, knowledgeable of effective reform strategies, but conspicuously ignored by political decision makers. In light of Moore's selective highlighting of the opening empirical materials, the reader is left to wonder if her historical survey is fully representative. In particular Naomi Murakawa's *The Last Civil Right: How Liberals Built Prison America* (2014) explains how racial justice campaigns came to view violent crime as an inevitable byproduct of black civil rights. James Forman's "Racial Critiques of Mass Incarceration: Beyond The New Jim Crow" (2012) shows significant support for tough-on-crime policies within the black community overly burdened by the realities of criminal victimization. And Christopher Muller's recent study, "Northward Migration and the Rise of Racial Disparity in American Incarceration, 1880–1950," (2012) along with cross-country empirical reports, shows that disparity persists on ethnic and economic margins in a variety of cultural and historical contexts.

In sum, Moore's text provides a thorough survey of legal history relevant to the topics at hand. However, her particular packaging of theory and evidence leaves much to be desired and adds little value to the active discussions about the complex interactions between race, inequality, and American mass incarceration.

References

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