

Prelim 3-23

Kristina Mensik

Table of contents

1	Literature	4
2	Theory	6
3	Data and Methods	11
4	Conclusion	13

Revised intro from Adrianne:

Contact with the state's carceral policy in the United States is extensive. At year end 2001, more than 5.6 million U.S. adults had served time in a state or federal prison (BOP 2003). Many millions more experience incarceration through proximal contact – because they have a family member or friend who is incarcerated, or because they were the victim of a crime prosecuted by the state. This direct and proximal carceral contact has generated a significant scholarship in recent years that attempts to understand how contact with this particular state policy feeds back to shape attitudes towards the state (cite), attitudes towards policies (cite), and political engagement (cite).

Implicit in much of this carceral policy feedback literature is the contention that attitudes and engagement are shaped by perceptions of what the targets of state policy deserve. Across

numerous policy domains, individuals report being more willing to support policy when the targets of that policy are viewed as deserving (cite). Yet, there is limited evidence on how carceral contact, specifically, shapes deservingness.

This paper addresses these two gaps...To do so, I ask...I theorize that...I collect new data...

A key insight from policy feedback literature is that the American carceral state shapes political behavior. Policing and incarceration can stymie political engagement, foment government distrust, and alter narratives about one's own civic standing (Lerman and Weaver 2010, Owens 2014, Burch 2011, 2014, White 2019, Walker 2020). While this literature deals with impacts on political mobilization – particularly voting – it has not addressed how contact with the criminal legal system shapes policy opinions themselves. The closely inter-related literature on social constructions holds that such opinions are based on constructions about the given group targeted by policy, and specifically whether these constructs are considered “deserving of help, sympathy, and support” (). While this literature has established that institutions and policies shape perceptions of what targets of policy deserve, both it and policy feedback scholarship leaves open the question of how contact with the criminal legal system shapes perceptions of what its targets deserve. Further, both literatures have focused on interactions with the criminal legal system of the “accused” – policing and incarceration – but leave open the question of feedbacks experienced and perceptions of target deservingness held by those who interact with the system as victims.

In the criminal legal domain, perceptions of deservingness have myriad real-world consequences. They may inform judgements about criminal culpability in juries and sentencing decisions by judges, employers' judgements about whether to hire returning citizens, or how a neighborhood association responds to a proposal to construct a re-entry home nearby. Literature on social constructions, however, situates perceptions of deservingness as particularly important in their capacity to shape policy preferences and ultimately determine policy outcomes (Kreitzer and Smith 2018, Kreitzer, Maltby, and Smith 2022). However,

scant literature has tested this link in the criminal legal domain. While scholars have begun to establish that experience with a policy can generate warmer perceptions of that policy's targets, more recent evidence suggests that judgements about what an individual deserves do not always translate to support for policy that would accomplish that end (Sorelle and Laws, 2022).

In this paper, I ask how experiences of incarceration and victimization shape perceptions of what incarcerated people deserve, and whether these perceptions translate to opinions on prison policy. In doing so, I seek to connect literatures on policy feedback and social constructions of deservingness. To do so, I leverage novel survey data to establish correlational relationship between incarceration and victimization and perceptions of carceral citizens' deservingness.

My theoretical starting point is that perceptions of what groups like carceral citizens deserve are often based on discursive social constructions about them (Schneider and Ingram, 1993). Policy directly shapes these constructions, as it produces both resource and interpretive feedback effects that are part of the discourse that shapes constructions. In forming opinions about policy and deciding what inequalities are tolerable, publics draw on salient social constructions about the relevant policy target and use them in a heuristic process to quickly determine whether a target is "deserving" of help (citation). Theoretically, then these judgements translate to, or at play in the formation of, beliefs about criminal legal policy.

Here, I suggest that this loop between policy design and the messages it transmits about what its targets deserve may be interrupted for some citizens due to their connections to those who are justice involved. Emerging evidence that responses to the criminal legal system's policy messages vary, and specifically that some respond to the negative messages transmitted by criminal legal policy with dubiousness towards state legitimacy suggest perceptions of what its targets deserve may vary as well (Walker 2020, Harris 2025).

1 Literature

How does contact with the criminal legal system affect perceptions of it's targets deserve? And what do these deservingness perceptions mean for policy views? These questions intersect with two literatures. First, scholarship on social constructions and deservingness examine how groups become characterized as deserving or undeserving of government assistance, and theorizes that policy views hinge on such characterizations (Schneider and Ingram 1993, Smith and Kreitzer 2024, Oorschot 2006). While this literature leaves open the question of how experiences with a policy might alter characterizations about it's targets, policy feedback literature informs that gap by taking up questions about how policies shape political attitudes and behavior. [While policy feedback research has established that carceral contact influences political participation and institutional trust, much less is known about how such contact affects attitudes toward the targets of these policies—specifically, how direct or proximal experience with incarceration or victimization might reshape perceptions of incarcerated people's deservingness and, in turn, opinions on prison policy.] I briefly review these literatures here.

In the wake of Schneider and Ingram's (1993) theory of social constructions, a literature has coalesced around the idea that attitudes towards policy targets are in dialectic with policy. That is, policy design not only has “interpretive effects” on its targets but also shapes discourse about them. In this way, policy can “telegraph to the public how target groups should be treated,” and helps to produce social constructions or “value-laden components, including stereotypes, dominant ideologies, and assumptions” about groups (Smith and Kreitzer 2024, PAGE). As consequence, social constructions are contingent – for example, on local, state, and political and cultural contexts and also the identity and ideology held by the ‘perceiver’ (Smith and Kreitzer 2018). This means both that policy can reflect existing social construc-

tions, and feed back to causally affect further social constructions of who targets are. The notion of who targets are in turn affects how people perceive what they should receive – i.e., what they deserve.

A related stream of literature explains that people form quick judgements about policy targets' deservingness by evaluating constructions along five dimensions ("CARIN") in an evolutionarily-grounded impulse to help "reciprocators" and avoid "free-riders" (Petersen 2012, Aaroe and Petersen 2014). These criteria primarily distinguish between recipients who cannot help their circumstances versus those seeking unearned benefits, but refer to: control, which in its original conception was closely related to need, referring to whether someone is perceived as lazy or unlucky – a consideration Oorschot (2006) argues can override all others. More recently, perception of a group or individual's need for assistance has considered the severity of their neediness and control the degree to which they are responsible (SoRelle and Laws 2024). Perceptions of the group's attitude refer to whether the beneficiary is grateful and likeable, and closely related perceptions of the group's reciprocity connote their history or apparent willingness to contribute to society. Last, the identity characteristic holds that people will evaluate more generously the deservingness of people whose identity is aligned with their own (Oorschot 2000, 2006).

Scholars have built on both social construction and CARIN theories of deservingness to find that experience with a policy can influence how targets of that policy are perceived. In the context of debt relief, SoRelle and Laws (2023) find that people who have had student debt view other borrowers as more deserving of debt forgiveness, and are more supportive of government debt relief. Maltby and Kreitzer (2022) find evidence that solidaristic effects may [begin to erode, may not be generalists]. Specifically, they find that respondents who have been on welfare view recipients of the same program as more deserving than recipients of others — a finding that may be explained through the CARIN framework as the result of having more closely aligned identities, or explained alternatively by the 'stickiness' of negative social constructions about welfare recipients. Findings from Soss's (2005) a study

of recipients of means tested versus non-means tested welfare, supports the latter.

undeserving messages and resources effects unique to AFDC design, like stringent behavioral monitoring and caseworker discretion in lieu of standardized rules, lead its recipients to not only internalize a more “undeserving” perception of AFDC beneficiaries, but do so to the point they seek to differentiate themselves from other beneficiaries and splinter any sense of beneficiary group solidarity – and splintering their welfare policy views from their views of the deservingness of beneficiaries.

2 Theory

How does being directly or proximally impacted by the criminal legal system shape perceptions of what carceral citizens – incarcerated people, particularly – deserve?

My theoretical starting point is that perceptions of what groups like carceral citizens deserve are often shaped by social constructions about them (Schneider and Ingram 1993). Like stereotypes, these constructions are produced by policy and discourse – both political, cultural, and popular. On the individual level, then, these constructions are often taken up in a heuristic process to form quick judgements about what a target group deserves. Thus, predominant racialized constructions of incarcerated people – “thugs,” “felons,” or “inmates” – suggesting culpable, ungrateful, “takers” responsible for their condition of confinement are likely interpolated as undeserving, translating to support for punitive carceral policy.

Building on a policy feedback literature that shows interactions with the criminal legal system shape political behavior and attitudes towards the state (Anoll et al 2022, Anoll and Israel-Trummel 2019, Walker 2020, Lerman and Weaver 2014), I propose interactions with the criminal legal system also shape attitudes towards targets of the state – incarcerated people, what they deserve, and policy.

While some work finds that targets of policy can internalize negative or undeserving construc-

tions (Soss 1999), much of the work on criminal legal contact stresses that demobilization is a product of resource effects or interpretive effects distinct from an “undeserving” self-conception (Lerman and Weaver 2014, White 2019). Instead, other work emphasizes that direct contact with the criminal legal system can heighten in-group solidarity (Lerman and Weaver 2014) and mobilize despite resource and interpretive feedbacks that should be demobilizing, specifically when policy targets reject policy “teachings” about their lower civic status as part of a sense of systemic injustice – suggesting a perception that the criminal legal system is less legitimate or authoritative, and of its targets as distinctly deserving (Walker 2020).

Proximal contact also generates political mobilization (Anoll et al 2022, White 2019b). Anoll’s (2022) findings that family of the incarcerated vote at higher rates in states with more stringent carceral disenfranchisement policies suggests that “surrogate” mobilization is motivated by a desire to act on behalf a “deserving” incarcerated citizen. Further, from Anoll and Israel-Trummel’s (2019) findings that neighborhood exposure to racially discriminatory policing generate perceptions of institutional illegitimacy – distrust in police and government – one might infer that exposure should also alter and perhaps enhance perceptions in institutional targets as well.

Coupled with deservingness scholarship on experience (Sorelle and Laws), I expect that the perceptions of what carceral citizens deserve may look different for people who have themselves been or who know carceral citizens. Specifically, I hypothesize that (H1) those with direct or proximal contact, or who have close social ties to incarcerated people, will view incarcerated people as more deserving. While Maltby and Kreitzer (2022) find that proximal contact does not impact perceptions of deservingness, there are important limitations in their study that necessitate further examination of direct and proximate impact. First, they report a dependent variable of aggregated deservingness scores for disparate groups – ranging from “prisoners” to “opioid users” to “welfare cheats.” Second, they measure criminal legal contact by asking participants whether they or someone they know has been either arrested

or incarcerated. Grouping these distinct experiences together muddies the waters. Arrest and incarceration impact different swaths of the population (CITATION). [KM1] Arrest alone is distinct in its distribution of resources and political incentives as incarceration (CITATION). And while short stints in jail can reduce voter participation, individuals who are convicted, sentenced, and incarcerated in prison encounter entirely different policy designs, which “teach” very different “lessons” about one’s civic standing and government responsiveness. Soss (2005) finds that not only do recipients of non-means tested welfare differentiate themselves as more deserving of help than recipients of means-tested healthcare, but that deserving-skeptic messages imbued in policy design (drug testing, a requirement to prove need or exhaust alternative sources of aid) are so pervasive as to motivate beneficiaries to maintain negative social constructions of welfare recipients, from whom they try to differentiate themselves and their networks. Thus, like affluent individuals for whom inequality motivates a belief in meritocracy (Newman et al 2014), individuals who are arrested and not found guilty, or are given alternative “lighter” sentences than incarceration, may differentiate themselves or their networks.

Most obviously, under a judicial system that maintains the presumption of innocence and that leverages sentences based on seriousness, individuals who are arrested and individuals who are incarcerated should send very different messages about targets’ deservingness to mass publics and policymakers.

Placing carceral contact in the frame of cumulative punishment in the US highlights another layer around which literature on policy feedbacks of the carceral state has under-explored – namely, the overlap of “victims” and “perpetrators” and policy feedbacks resulting from contact with the criminal legal system as a victim of crime. To consider how serious victimization may shape perception of target deservingness and prison policy, I first note the clear and expected consequences of victimization for these matters. Victimization is obviously a salient experience that often generates anger (Ditton et al 1999) and drive negative affect and perceptions of what criminals deserve. Victims of crime, to be sure, usually engage the

criminal legal system because they believe their offender is deserving of punishment, and they are deserving of establishing a sense of safety and justice. But it is also true that to accomplish the latter, victims of violent crime have few other options – including if they know their perpetrator personally or understand their perpetrator to be in need of help. Evidence that crime victimization increases political participation (Bateson 2012), including in resource-intensive activities like sustained community organizing may offer pathways for coping with trauma (Rozowsky 2002, Walklate 2007), but may also reflect more nuanced views of policy changes needed to address root causes of crime.

Further, victims of violent crime are disproportionately part of communities most heavily policed and incarcerated, and most victims of violent crime know their offender (Bureau of Justice 2024). An extensive literature shows that people who are incarcerated have disproportionately been victims of crime – one review article cited 31 of 37 papers support this overlap (Jennings et al 2012). While 2% of the general US population report being victims of violent crime, up to 45% of carceral citizens have experienced pre-incarceration physical abuse, and 8.5 to 39.2% of specifically sexual abuse (Azimi et al 2019, Carlson and Shafer 2010, Messina et al 2007, Wolff and Shi 2012, Yoder et al. 2017). Still more experience violence while incarcerated (Wolff et al 2009). Thus, while for many victims the proximity and salience of a criminal may bolster negative social constructions and deservingness perceptions, it might also translate to more nuanced perceptions of culpability and a closer alignment of identity that moderates negative affect.

While victims are usually presented as supportive of punitive policy in public theater – the recent naming of the Laken Riley Act, offers a clear example – the relationship is far less clear. Instead, victimization does not appear to increase punitiveness (Kleck and Jackson 2016), and victims instead appear more concerned with improved victims compensation (Shapland 1984) and policies addressing “root causes” of crime (ASJ 2024). Further, victims themselves may experience a wide arrange of policy feedbacks, complicating views on policy compared to those without direct experience. Thus, I include victims in H1.

Social construction theory holds that perceptions of target group deservingness translate to policy: legislators understand how groups are perceived, and produce policy that, in this case, will punish undeserving incarcerated targets. Deservingness scholars expect that perceptions of deservingness translate directly into support policy opinion, too. However, findings from Sorelle and Laws () and legislative responsiveness literature () suggest neither relationship may be as straightforward – further still, literature in the criminal legal domain has not assessed this relationship directly. In the criminal legal domain, I expect that the salience of negative social constructions of policy targets could make perceptions of deservingness “stickier” than views on what policy help or punishment targets deserve. Thus, while I expect that individuals who are directly or proximately impacted by the criminal legal system will hold different beliefs about criminal policy than those who are not, the role of deservingness perceptions in this context remains to be seen.

To summarize:

H1: People who are directly or proximally impacted by the criminal legal system will see incarcerated people as more deserving than people who do not.

1B: Among those who xyz,

H2: People who are directly or proximally impacted by the criminal legal system will hold different beliefs about criminal legal policy than those who are not.

*Relationship between deservingness and policy preferences may look different for those who are impacted than those who are not impacted.

[KM1]Move to methods? Or, because their findings contradict the H, I thought I should still address somewhat here?

...

3 Data and Methods

Analysis

I test these hypotheses using a nationally-representative survey that asks about participants' direct and proximal experience with incarceration or victimization of violent crime, perceptions of deservingness, and views on policy. In this section, I describe these data and methods for analyses.

Data

Survey

I explore the application of deservingness to carceral contexts using novel survey data collected in September 2024 by Smith, Bowman, and Mensik. Kreitzer and Smith, previously empirically mapped constructions of power and deservingness of 87 target populations by employing MTurk workers; this new data set mimics the strengths of that data collection strategy, and makes important changes, such as relying on survey respondents recruited from Bovitz proprietary panel and reducing the number of groups individuals assess, to address issues of respondent fatigue.

This survey targets the US adult general population. 2,716 participants were recruited to complete surveys on the platform Forthright. To be eligible for the study, participants were required to provide informed consent, be at least 18 years old, and be residents of the US. They were paid \$10 for completing the 30-minute survey. The sample is just under 51% women, and 49% men. The sample is more Democratic than the national average (39% versus 31%), but as Republican (25%). I apply exclusions for low response quality failing to pass two attention checks, satisficing, and extreme outlier response times[KM1] .

Measuring Deservingness

My first key variable of interest is perceptions of target group deservingness. These perceptions are measured as in Kreitzer and Smith (2018) . Participants are asked to consider

a definitional deservingness prompt, and indicate their perception of group deservingness using a 0-100 slider scale set to 50. Participants rate the deservingness of a total of 65 groups, including “incarcerated people/prisoners.”

I standardize deservingness by taking difference between the score a respondent gives to a given group and the average score the respondent gave across all groups. I also normalize deservingness scores by calculating mean deservingness scores of incarcerated people for all respondents and subtract each respondent’s individual rating of incarcerated people from this mean to report whether incarcerated deservingness ratings are above or below average.

As I describe in the theory section, I expect that experiencing incarceration, or having close ties with someone who has, and experiences of victimization affect perceptions of target deservingness and policy preferences. To measure contact and proximate contact, I ask respondents whether they or someone they know well have been “incarcerated in jail or prison,” and/or whether they “been a victim of violent crime.” I operationalize these measures using three separate dummy variables.

I include variables to control for alternative explanations for both how policy exposure might impact perceptions of target deservingness.

Perceptions of an incarcerated person’s deservingness may reflect broader attitudes towards policy targets who are implicitly constructed as needy and or deviant. This may be particularly true in this experiment design, where participants are given definitions of deserving (groups “contributing to the general welfare of society and worthy, and thus...deserving of sympathy, pity, or help [and] ...good, smart, hardworking, loyal, disciplined, generous, caring of others, respectful, and creative”) and undeserving (“burden to the general welfare of society, and believed to be undeserving of sympathy, pity, or help,” and described as “greedy, disrespectful, disloyal, immoral, disgusting, dangerous, lazy, and expect[ing] others to care for them.”). To control for this general tendency, I compile deservingness scores of groups who fit these frames, such as different welfare recipients, Medicaid and Medicare/SSN recip-

ients, the unemployed, poor families, homeless individuals, and asylum seekers/refugees.

... these perceptions could reasonably reflect negative attitudes towards and beliefs about people who are presumed to commit crimes. “Punitiveness,” broadly conceived as tendencies to explain crime through the lens of individual culpability and moral failing, and prioritize retributive justice in policy responses to crime, may definitely prescribe perceptions that people who are incarcerated are undeserving.

- note about conditions

anchor support for punitive (rather than rehabilitative) policy in a retributive framework

In the US, the “punitive impulse” or tendency to explain crime through the lens of individual culpability and support retributive justice is

Public opinion and criminological literature dealing with attitudes towards criminal legal policy usually, and rightly, control for punitiveness. I

...
4 Conclusion

...
References