POWER, POLICY, AND THE IDEOLOGY OF PUNISHMENT: TIME SERIES ANALYSIS

OF THE U.S. POLITICAL ECONOMY OF PUNISHMENT IN THE RACE TO

INCARCERATE, 1972-2002

by

HENRY JACKSON, JR.

B.S., WICHITA STATE UNIVERSITY, 2000
M.P.A., UNIVERSITY OF KANSAS, 2002

AN ABSTRACT OF A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

DOCTOR OF PHILOSOPHY

Department of Sociology, Anthropology, and Social Work
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Abstract

This study seeks to explain variation in incarceration rates across states. To account for such variation, the study combines approaches: the Rusche & Kirchheimer (1939) thesis, which proposes that incarceration rates rise with unemployment due to potential threat to social order from the unemployed, was merged with social stratification theories to develop a theoretical model explaining variations in state incarceration rates by social class and race.

The last 30 years have seen a number of studies dedicated to investigating the validity of the Rusche and Kirchheimer (1939) thesis, but these studies have yielded inconsistent results. This study adheres to and advances Rusche and Kirchheimer's thesis, exploring the relationship between unemployment rates and incarceration rates utilizing nationwide state-level data. I tested the influence of economic factors on prison rates across the nation interacting with race-ethnicity using time series hierarchical regression, and data indicates mixed support for the Rusche and Kirchheimer thesis.

This study found that important predictors related to rising incarceration rates include citizen and governmental political ideology, violent and property crime rates, and percent of population that is African American. Habitual violation of laws, including drug crime, and poverty had small effects on the incarceration rate. Additionally, this study found that inequality, not unemployment, was the most salient predictor of incarceration rates; that is, the differential in employment pay rate factored more significantly than the designation of employed/unemployed. The study revealed that such a relationship between income inequality and punishment differentially impacts citizens in general and African Americans in particular. Since *excessive use of prisons* exacerbates inequality, understanding the link between economic conditions such as income inequality and punishment has notable policy implications.

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Dedication

It's important to acknowledge the people who mean the most to me, my family. This work is therefore dedicated first and foremost to my parents who taught me that hard work and dedication are vital to success. Also to my girlfriend Anna, who is not only the love of my life but a former Peace Corps volunteer who shares my vision for social justice through her commitment to teaching impoverished kids in inner city school districts.

CHAPTER 1 - INTRODUCTION TO THE PROBLEM

The Research Question

The first five decades after 1925 show a relatively flat prison population pattern, but this pattern explodes in the early 1970s and has grown every year since. Explaining the explosive growth of incarceration rates in American prisons since the early 1970s has become a Criminology research question that provokes considerable debate, debate that not only centers on the cause of high incarceration rates in America but also on why the nation has such highly disparate incarceration rates across race/ethnicity. Explanations for the dramatic increase in incarceration rates from 1970-2002 range; some emphasize socio-political and economic factors, while others cite crime rates. Though socio-political and economic factors deserve attention, the validity of correlating crime rates to incarceration rates is questionable, as huge imprisonment increases took place over times of crime rate increases as well as drops; the 1980s saw an economic decline and a crime-rate increase, but the 1990s saw crime rates drop.

This project seeks to explain why punishment continued to escalate in the face of downward crime trends, and it explores specific historical shifts in crime policy that connect social, political, and economic factors associated with criminal justice control. To account for why the prison industrial complex has enlarged while crime rates have decreased or remained stable in the last few decades, I argue that unemployment interacts with race to increase the penal population. In formulating this argument, this dissertation adheres to and advances the classic work of Georg Rusche & Otto Kirchheimer (1939) in *Punishment and Social Structure*; they argued that incarceration rates rise with unemployment independent of crime rates and instead are due to potential threat to social order from the unemployed. Suggesting that imprisonment

was a function of the larger social structure rather than of levels of crime, Rusche and Kirchheimer's argument for the relationship between imprisonment and unemployment broke from traditional criminological thought and instead embraced a Marxian influence.

The ideas advanced by Rusche and Kirchheimer have met mixed reception, and a number of studies dedicated to investigating the validity of the Rusche and Kirchheimer thesis yield inconsistent results. Research on the relationship between labor surplus and punishment have, at one extreme, concluded that such a relationship is limited, at best, and at the other extreme, have found a direct relationship between unemployment rates and imprisonment rates, crime rates being constant (Chiricos and Delone 1992; Inverarity and Grattet 1989). The current study improves upon prior research by incorporating a longitudinal design for state-level data. State level data is useful because a majority of offenders are incarcerated at the state level, because penal practice takes place at the state level, and lastly, because the dependent and many independent variables captured at the state level are not easily captured at the local level.

For the purposes of this project, *punishment* is defined as a sanction imposed for a criminal offense that is imposed by an authority or an institution (Bean 1981). Punishment is the product of social structure and cultural values, so whom we "choose" to punish, how we punish, and when we punish are determined by the role we give to punishment in society (Garland 1990b).

As questions loom about the proper purpose of punishment, I further explore the *Sociology of Punishment,* the body of thought that explores the relationship between punishment and society, its purpose being to understand legal punishment as a social phenomenon and to trace its role in social life (Lambropoulou 1999). Specifically, this project explores the idea that

the negative societal perception of poor and minority populations as threatening leads to harsher punishment for the aforementioned populations.

Racial Disparity in Increased Incarceration Rates: Overview of the Problem

As Figure 1 indicates, approximately 2 million Americans are in jails, state, and/or federal prisons while another 4 million are on probation or parole (Bureau of Justice Statistics 2008b). Looking at the ethnic composition of American prisons, Figure 2 illustrates that African Americans currently represent forty-six percent of U.S. inmates in state prisons, although only twelve percent of the U.S. population (Bureau of Justice Statistics 2008b).

Although African Americans had for a century been more likely to be held in prison than Whites, racial disparities started significantly increasing in the 1960s, and by 1980 reached all-time highs. In 1989, the number of African American prisoners surpassed white prisoners for the first time (Wacquant 1999). If one looks at current incarceration rates by race, as presented by Figure 3, what emerges is that while Whites are incarcerated at a rate of 919/100,000, African Americans behind bars are almost 7000/100,000. This means that the probability for African Americans ending up in prison is more than seven times higher than for Whites. It's estimated that nearly 1 in 3 African American males (age 20-29) is under criminal justice control (Bureau of Justice Statistics 2008b).

Figure 1: Correctional Population in the U.S., 1980-2004
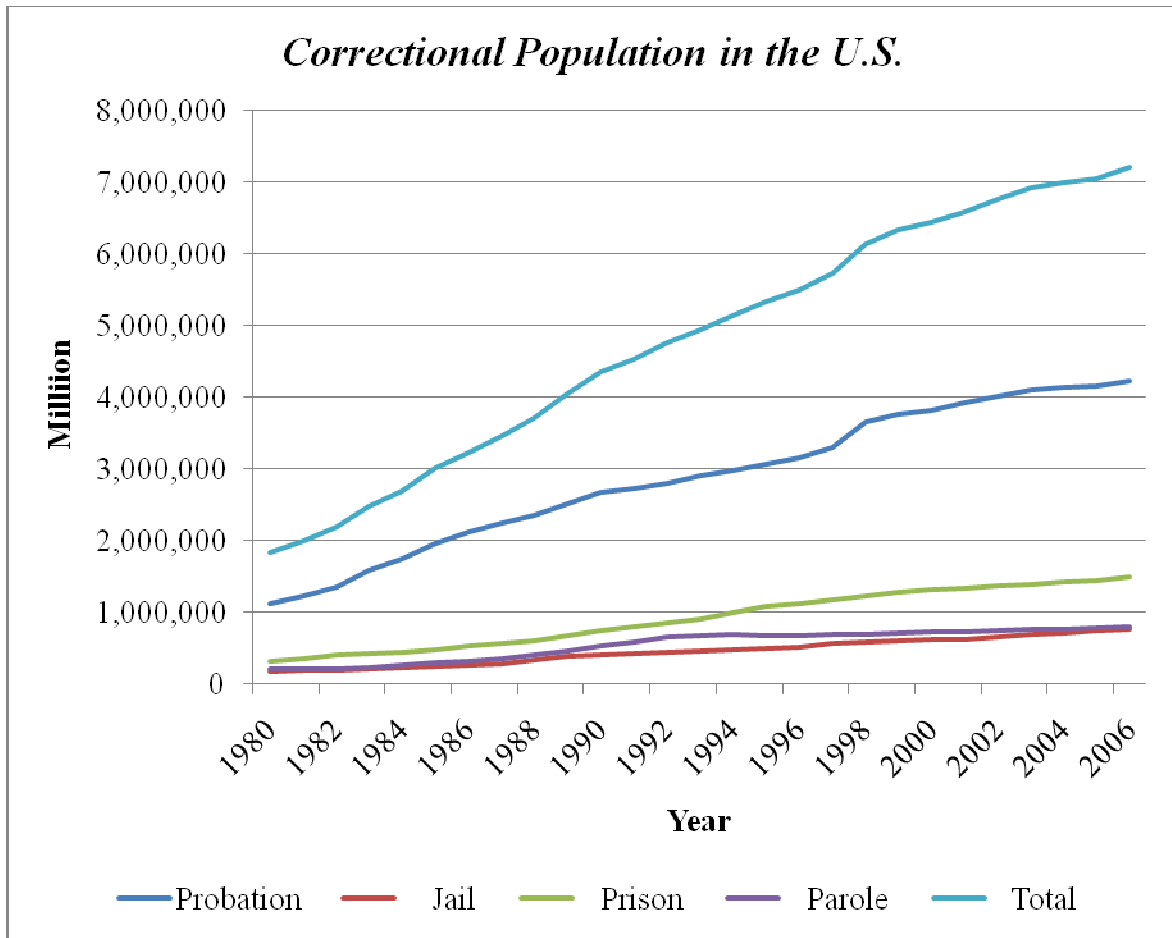
Source: (Bureau of Justice Statistics 2008b)

Figure 2: African American Disparity, by percentage
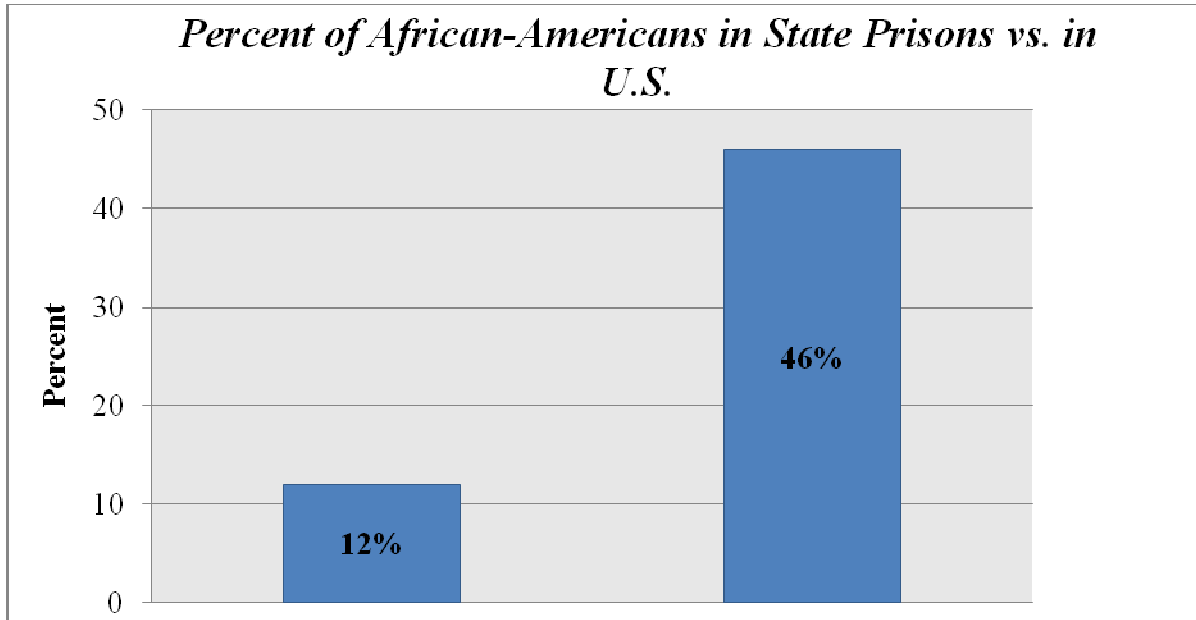
Source: (Bureau of Justice Statistics 2008b)

Figure 3: Incarceration Rate by Race
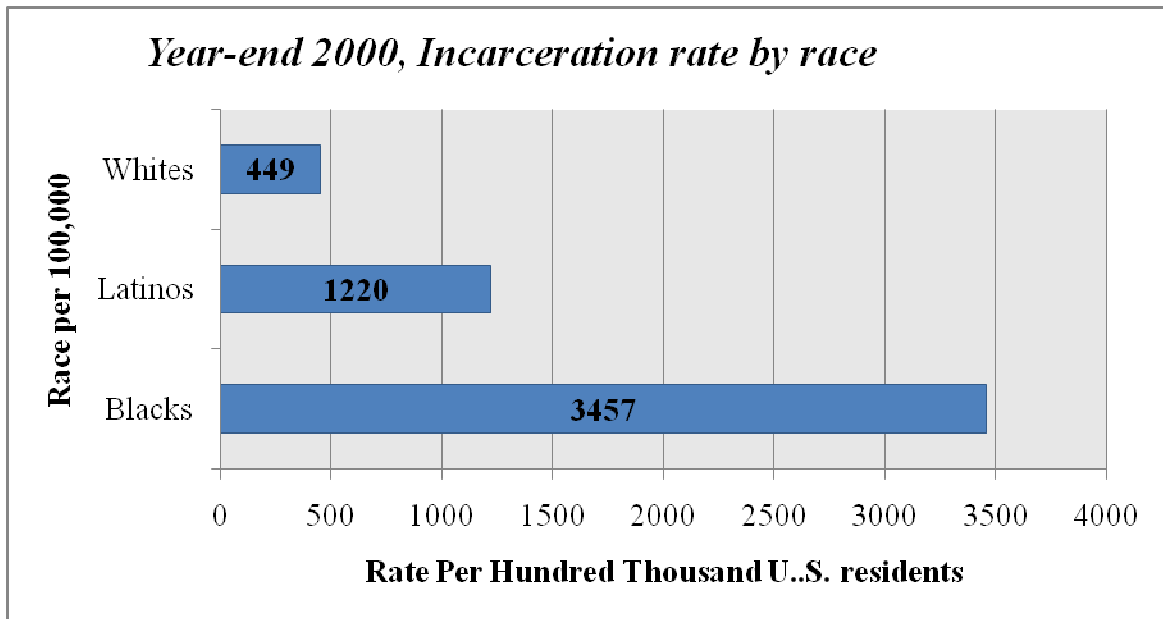
Source: (Bureau of Justice Statistics 2008a)

Despite these figures, there is no consensus among criminologists about why minorities are disproportionately incarcerated. The last few decades have seen unprecedented increases in the use of punishment in the United States, and key questions remain about what causes these rising and disparate incarceration rates.

Throughout most of the 20th century and prior to 1980, the incarceration rate and raw number of people behind bars rose and fell with economic booms and busts, the rise and fall of the crime rate notwithstanding (Greenberg 1977). In the U.S., crime rates rose from 1960 onwards and peaked in the early 1980s where increases occurred in all the main offense categories, including violent, property, and drug crimes (Garland 2001). The last few decades, however, have witnessed huge increases in prison incarcerations that bear no historical equal. As Figures 4 and 5 below indicate, our use of imprisonment increased steadily from 1980 until 2004, as violent and property crime rates were relatively stable or decreasing over the same time period.

Figure 4: Incarceration Rate, 1980-2004
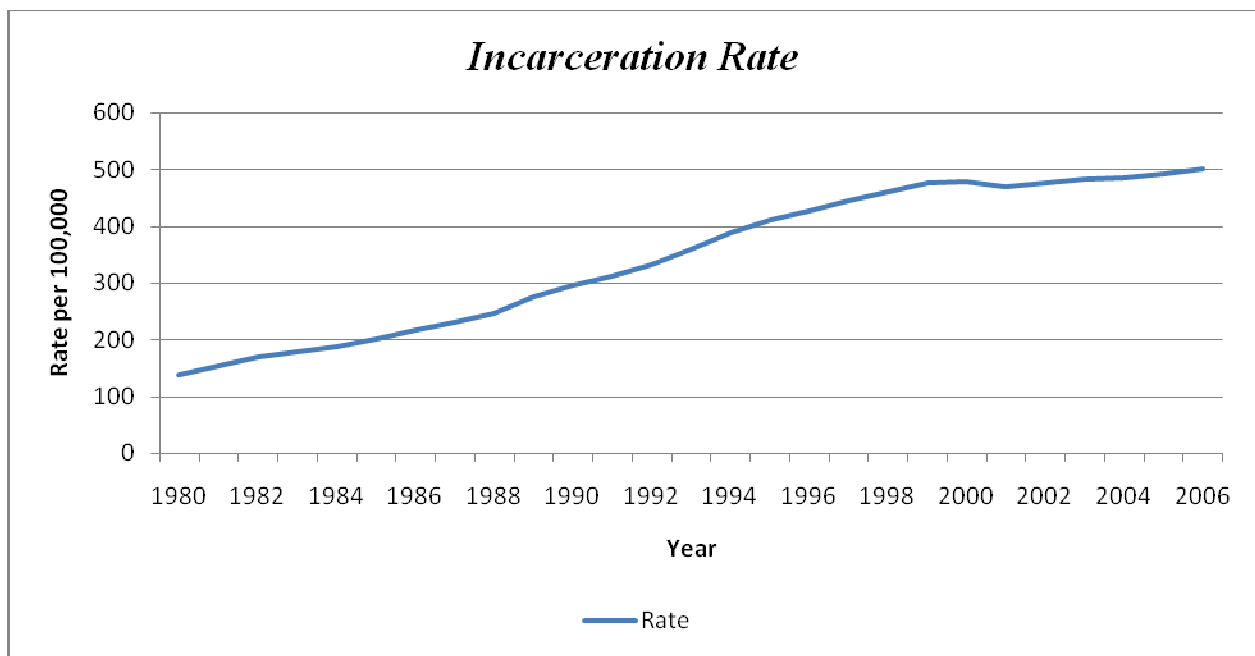
Source: (Bureau of Justice Statistics 2008b)

Figure 5: Crime Rate, 1960-2004
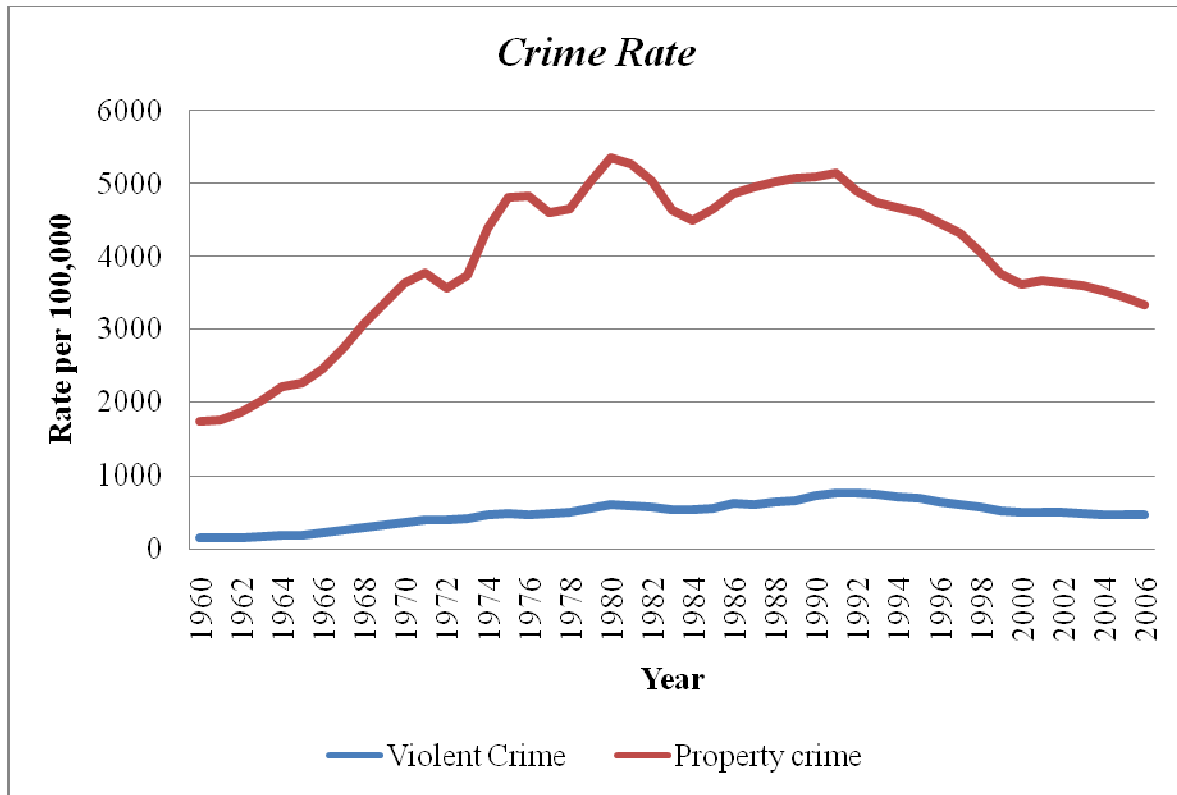
Source: (Bureau of Justice Statistics 2008b)

Between 1920 and 1970, the prison incarceration rate was around 100 per 100,000 of the U.S. population and from about 1970 to 2001, the rate of prison incarceration had increased fivefold to 470 per 100,000 (Western, Kleykamp, and Rosenfeld 2003). U.S. prison and jail populations started to grow from 400,000 people in prison in 1975 (a historical minimum), to 750,000 in 1985, to almost 2 million in 2000 (Bureau of Justice Statistics 2000; Bureau of Justice Statistics 2002b).

According to information from the Bureau of Justice Statistics (2008), if recent incarceration rates remain unchanged, an estimated 1 of every 15 persons (6.6 percent) will serve time in a prison during their lifetime, and being African American or Hispanic increases one's lifetime likelihood of doing so. The lifetime chances of a person going to prison are higher for

African Americans (18.6 percent) and Hispanics (10 percent) than for Whites (3.4 percent). If current incarceration trends remain unchanged, newborn African American males in this country have greater than a 1 in 4 chance of going to prison during their lifetimes, while Hispanic males have a 1 in 6 chance, and White males have a 1 in 23 chance of serving time. Moreover, an estimated 32 percent of African American males will enter State or Federal prison during their lifetime, compared to 17 percent of Hispanic males and 5.9 percent of white males (Bureau of Justice Statistics 2008a).

State and Federal prison authorities held 1,421,911 inmates in custody (1,244,311 in State custody and 170,535 in Federal custody), and local jails held 713,990 persons awaiting trial or serving a sentence at midyear 2004 (Bureau of Justice Statistics 2008a). It is primarily through a state's punishment policies that offenders in society are regulated. As Figure 6 indicates, the majority of prisoners across the U.S. are incarcerated in State prisons, so statewide incarceration rates will be the focus of this study.

Figure 6: Prisoners Under State Jurisdiction, 1977-2003
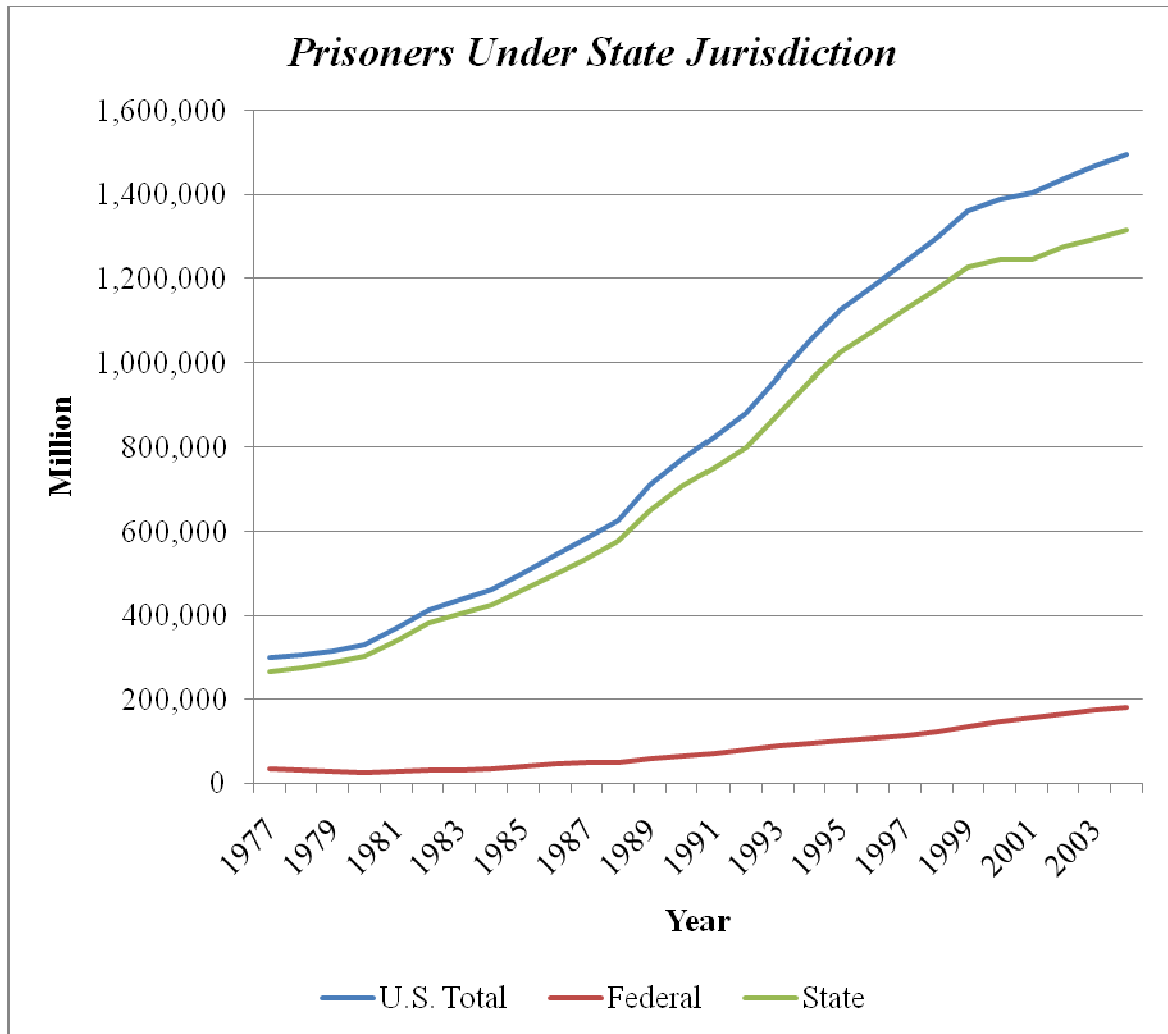
Source: (Bureau of Justice Statistics 2008b)

A comparison of Figures 7 and 8 indicates that the lifetime chances of going to prison are higher for men (11.3 percent) than for women (1.8 percent). Men have historically made up the majority of inmates incarcerated, although female prison admissions have increased dramatically from 1977 to 2003 as well.

Figure 7: Male Prisoners Under State Jurisdiction, 1977-2003

Males Prisoners Under State Jurisdiction
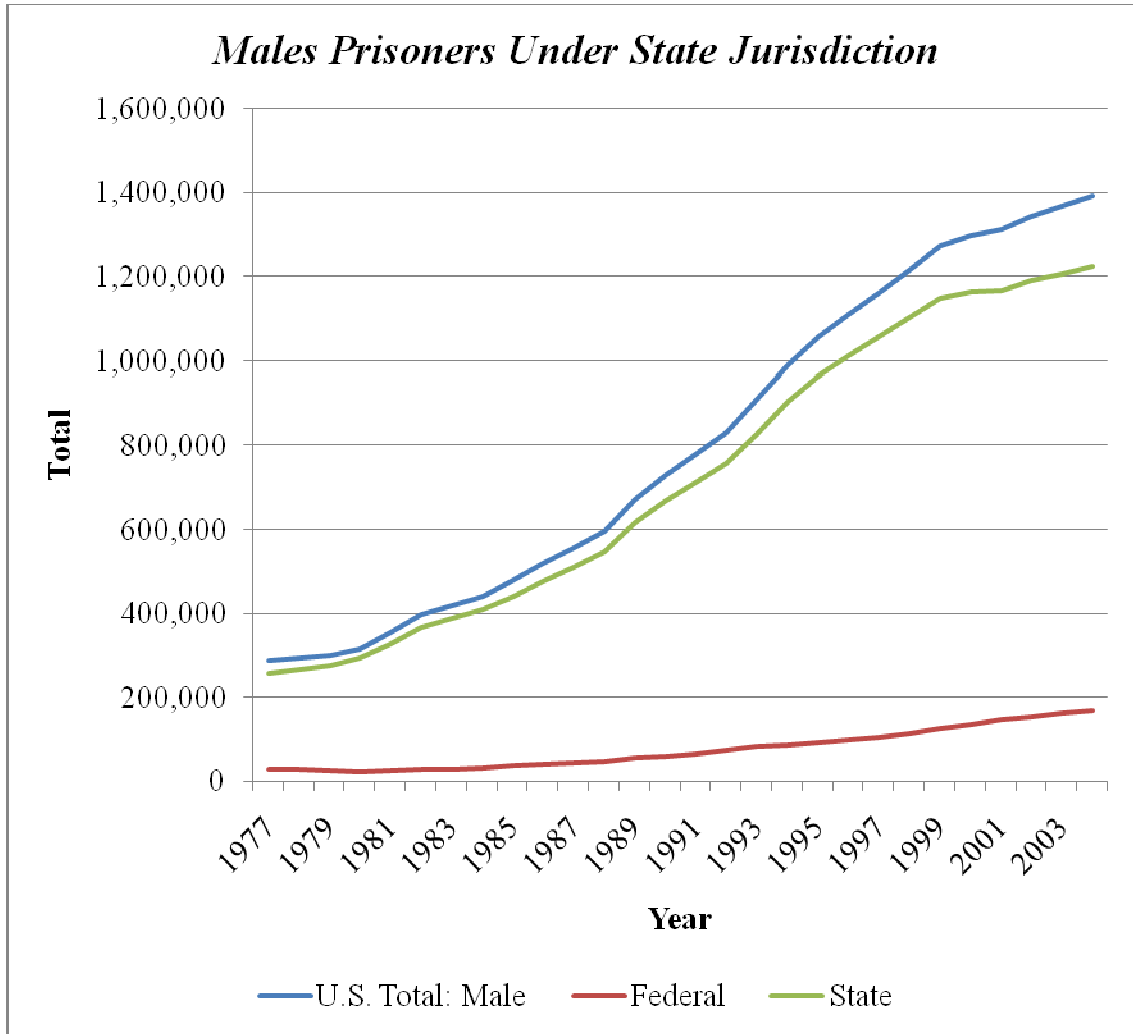
Source: (Bureau of Justice Statistics 2008b)

Figure 8: Female Prisoners Under State Jurisdiction, 1977-2003
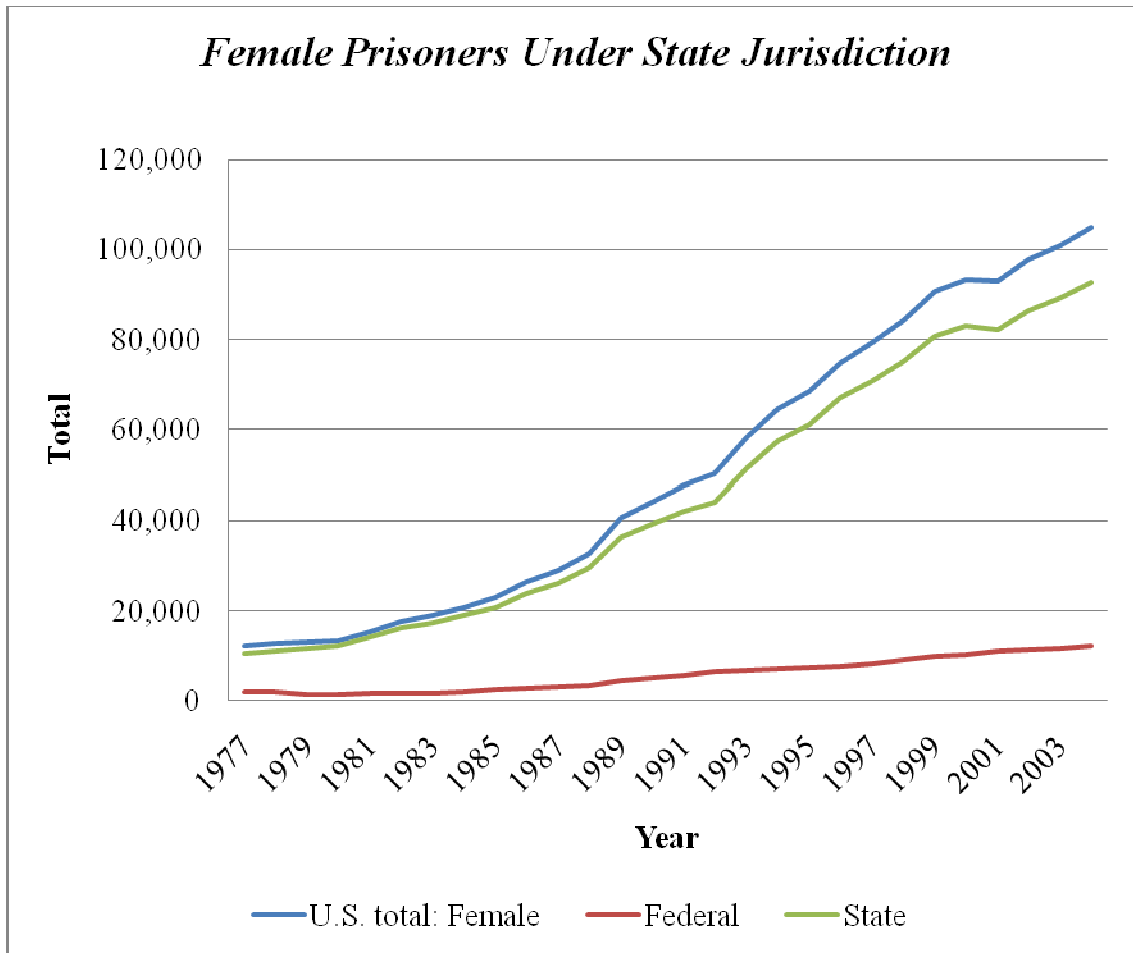
Source: (Bureau of Justice Statistics 2008b)

Invisible punishments can be instruments of social control that banish whole categories of people from civil, social, and political life (De Giorgi 2006). Felony disenfranchisement laws dictate that 46 states deprive convicted offenders of the right to vote while in prison, 32 states extend the ban to those on parole, 14 states disenfranchise ex-offenders for some period of time, and 10 states disenfranchise ex-felons for life. These laws have resulted in approximately 4 million U.S. citizens' disenfranchisement. Moreover, the impact of disenfranchisement disproportionately affects African Americans, as thirteen percent of the African American male population (some 1.4 million) is disenfranchised, representing just over one third (36) of the total disenfranchised population (Fellner and Mauer 1999). As Figure 9 below suggests, from 1986 to

1997, large percentages of African Americans under correctional supervision may have been ineligible to vote in over half the states during that time period.

Figure 9: Adults Under Correctional Supervision, 1986-1997
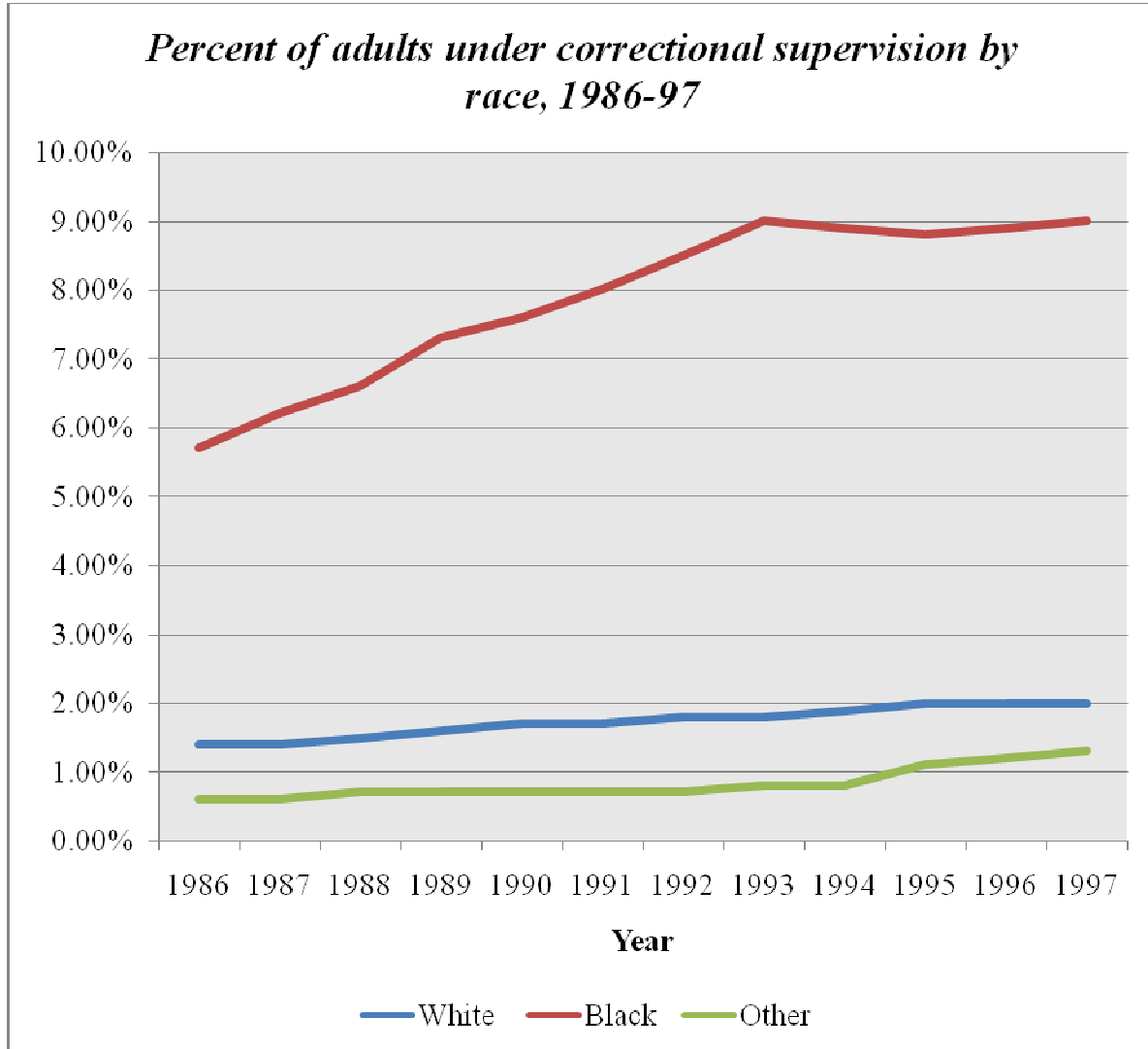
Source: (Bureau of Justice Statistics 2008b)

In addition to the human costs of incarceration, the practice of mass incarceration has placed an economic burden of approximately 40 billion dollars annually on state and federal budgets. In 1999, the Justice Policy Institute estimated the costs of imprisoning millions of Americans. The U.S. spent 50 percent more to incarcerate 1.2 million nonviolent offenders than the entire $16.6 billion spent on welfare programs serving some 8.5 million citizens. The U.S.

also spent six times more to incarcerate 1.2 million nonviolent offenders than the federal government spent on childcare for 1.25 million children (Bureau of Justice Statistics 2002a).

Alarmingly, in 1995, states for the first time disbursed more to building prisons than colleges. These statistics point to the tremendous financial costs of maintaining a significant portion of the U.S. population in prisons (Camp and Camp 1999). As Figure 10 indicates, the percent change from 1982 to 2004 for expenditures for each of the major criminal justice functions has been increasing; corrections spending increased by 619 percent, while police and judicial spending increased 396 and 474 percent, respectively.

Figure 10: Expenditures by the Criminal Justice System, 1982-2004
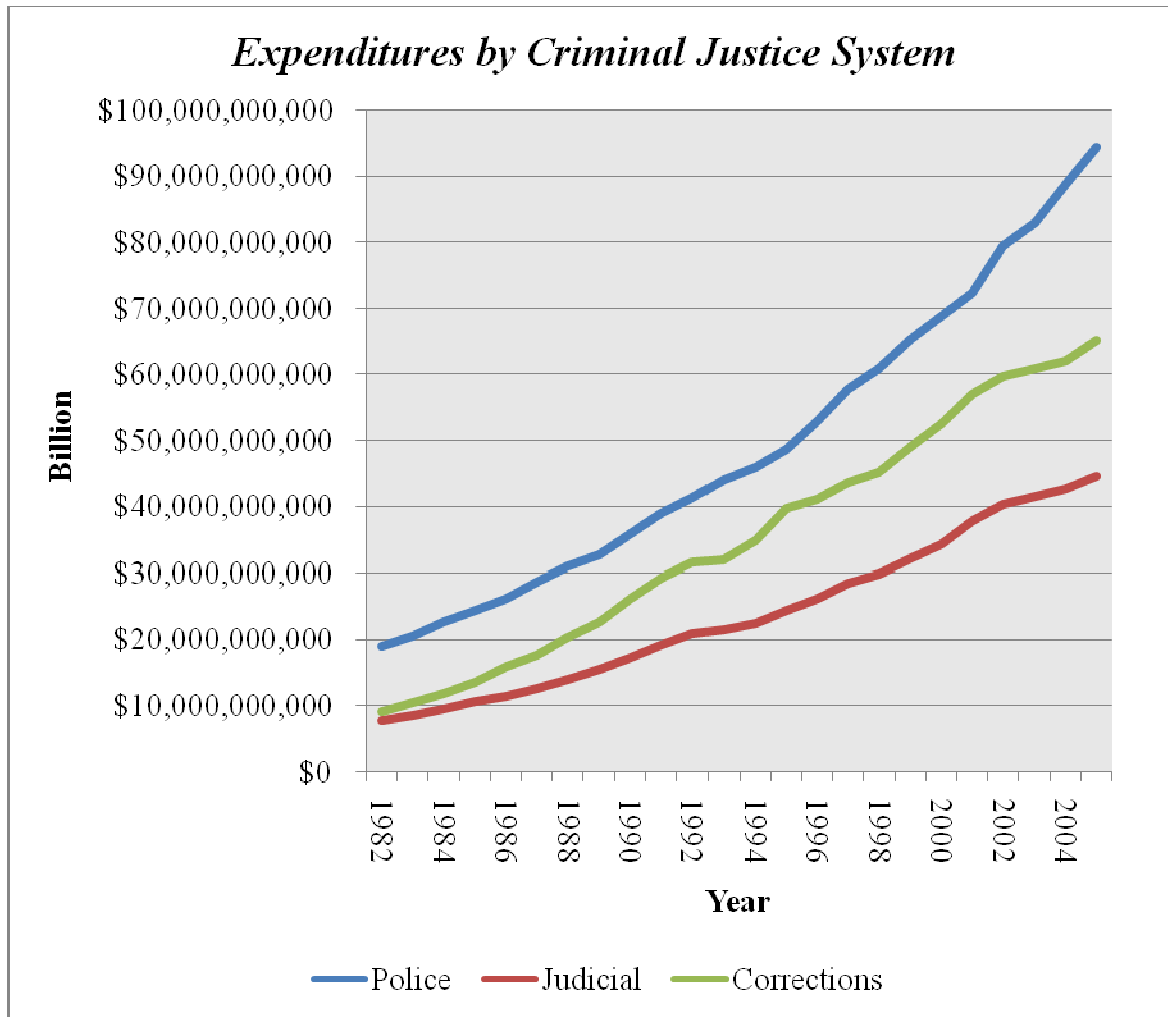
Source: (Bureau of Justice Statistics 2008b)

Conclusion

The cost of prison expansion has had a tremendous impact in terms of broken families, lost opportunities for jobs and education, and moral and emotional damage to the offender. That acknowledged, it would be difficult to argue that criminals should not be restrained in some fashion; after all, some criminals may be beyond rehabilitation. As Davey (1998) argues, society has a small percentage of sociopaths and predators who victimize others in a way that even the perpetrators themselves may not understand. Consequently, the argument against prisons is really an argument against the *excessive use of prisons.*

Even more specifically, the argument against the excessive use of prisons concerns the role that sentencing disparity plays in the increase in incarceration rates. The central issue involved in criminal sentencing is *disparity*, which involves imposing different punishments on offenders who are, by law, similar. Sentencing guidelines were designed to reduce unwarranted disparities, and the concept of "justice as blind" suggests that similar offenders should be treated alike. However, when similar offenders receive different punishments, fairness in sentencing practices is called into question.

Outline of the Study

Chapter 1 introduces the problem and provides an overview of rising and disparate incarceration rates over the last few decades. Chapter 1 also describes demographic characteristics of the prison population. Chapter 2 outlines direct and indirect relationships between unemployment and punishment from the empirical literature. Chapter 2 also outlines extensions to the Rusche and Kirchheimer thesis. Additionally, chapter 2 explores the relationship between inequality, race, crime, and punishment, and finally, chapter 2 reviews key sentencing philosophies and practices in the United States.

Chapter 3 discusses the theoretical framework for the study, key research questions, and hypotheses. Chapter 3 also describes the gaps in the literature on the unemployment-punishment relationship and how the current study will expand the literature. Chapter 4 describes the research design, data, and data collection. Chapter 5 describes the data and findings from the research design. Chapter 6 analyzes and discusses key findings from the theoretical framework, limitations, future policy implications, and the study's contributions to the literature.

CHAPTER 2 - LITERATURE REVIEW

Rise of Prison as Method of Punishment

One of the most common forms of early criminal sanctions involved not imprisonment but monetary penalties for petty offenses such as drunkenness. Those without means could settle the judgment through labor. Penalties reserved for the most serious crimes functioned to disable offenders. The most effective penal policy, historically, seemed to be severe corporal punishment, if not death. In England, the sentence of transportation was imposed in the seventeenth century; in the eighteenth century it became the main way of ridding the country of their undesirables. Chronic property offenders were branded on the cheek or forehead, or mutilated. Capital punishment also disabled those convicted of property offenses such as theft and burglary, but it was not rigorously enforced. Thus, prior to 1750, there were few criminal statutes that imposed long-term incarceration (Hirsch 1992).

The idea of incarceration as a form of punishment can be traced to England when, in the sixteenth century, the abundance of property crime was attributed to idleness. Common wisdom believed that some Englishmen had abandoned all thought of earning a living and so, of necessity, lived by spoil while drifting about the countryside. Idlers, it was thought, would become thieves sooner or later and posed a threat to peace, and once contracted, the illness progressed in stages: "Of sloth comes pleasure, of pleasure comes riot, of riot comes whoring, of whoring comes spending, of spending comes want, of want comes theft, (and) of theft comes hanging" (Hirsch 1992:13).

Idleness was subject to an array of sanctions that included whipping, mutilation, and even capital punishment for a subsequent offense. In London, idlers were sentenced to terms ranging from several weeks to several years, and soon thereafter, "houses of correction" or "workhouses"

were erected across England. The establishment hoped that the houses would be temporary and would operate to rehabilitate inmates and restore the community. Instead, it was noted that inmates came out worse than when they went in (Hirsch 1992).

Once the paradigm of rehabilitation for the good of the inmates failed, hard labor became the institution's hallmark; hard labor was believed to deter recalcitrance since idlers were presumed to be scared to death of work. The workhouse hoped proceeds from prisoners' labor would fund the institution, and soon, not just idlers but also active criminals were subject to the practice of imprisonment. Criminals convicted of noncapital crimes were committed to the workhouse after suffering traditional punishments, and hard labor became the punishment for crime instead of death since, obviously, live workers were thought to be more valuable than dead ones. The ideal punishment became slavery (Hirsch 1992).

By the eighteenth century, offenders convicted of larceny could be sentenced to hard labor for up to two years. This ideology rooted in British colonies and British Isles soon spread to the U.S. and other nations. As a matter of economics, the scarcity of labor in the colonies underscored the need for inhabitants to do their share. Easy availability of employment in the colonies also deprived able-bodied idlers of an excuse or inability to find a job. Those who avoided work when it was abundant clashed with the Calvinist work ethic. Hard labor in the workhouse became the punishment for most crimes (Hirsch 1992). Crimes punishable with imprisonment and hard labor came to include idleness, drunkenness, night walking and uncleanness in speeches or action, begging, juggling, brawling, harassment of women, and fortune telling (Hirsch 1992).

Punishment and Crime: Seeking Alternative Frameworks

Those interested in why punishment had not thus far reduced crime rates began

formulating theoretical explanations for the relationship between crime and punishment.

Reformist arguments offered a political legitimization to the escalating use of punitive systems,

and such arguments included those advanced by 1.) the Rusche-Kirchheimer thesis that

unemployment rates determine incarceration rates, 2.) the continued notions that punishment

rates reflect crime rates and that punishment does, in fact, deter crime, and 3.) the notion that

race is a primary predictor of punishment rates.

Rusche-Kirchheimer Thesis

The idea that the function of the prison was related to the complexity of relations between

the material structure of society and its punitive institutions—rather than to crime rates—was

first advanced by Georg Rusche in 1933. Rusche argued that most crimes were committed by

members burdened by strong social pressures, members relatively disadvantaged in satisfying

their needs when compared to those of other classes. Subsequently, punishment, so as not to be

counterproductive, was constituted in such a way that the threat of it would truly deter social

classes said to be the most criminally inclined; that is, they would sooner abstain from the

criminal acts than become victims of criminal punishments (Melossi 1989). Thusly, the Rusche-

Kirchheimer thesis posited unemployment as factoring most prominently in determining

punishment rates.

History

Dr. Georg Rusche was relatively unknown until 1980. He was born in 1900 and received

his Doctor of Philosophy in 1924 and Doctor of Economics and Social Sciences in 1926 from

Koln University. In the late 1920s, he became involved in prison work, which shifted his interest

to matters of punishment (Melossi 1989). His theory elaborated on the idea of a relationship between punishment and the labor market, claiming that punishment should be understood on the grounds of the historically changing nature of economic relationships. Punishment was reserved for the lowest strata of the laboring classes, and deterrent efforts were to be shaped by the would-be criminal's position in the labor market. In order to serve as a deterrent, conditions of life in prisons would have to guarantee a level lower than that minimum standard of living in general society (Rusche and Kirchheimer [1939] 1968).

Rusche developed his hypothesis between 1930 and 1931 after he published an article in a German newspaper on prison revolts. In 1931, Rusche submitted a research proposal to the Frankfurt Institute for Social Research, and he was then commissioned by the Institute to write a book-length study on the relationship between the history of punishment and the labor market. He laid out the main passages and developments of such a study but it wouldn't be published until six years later, mainly because Marxism was not highly welcomed in the U.S. and the Institute's leaders decided to be cautious with what would be their first American publication. When Dr. Rusche's colleague, Otto Kirchheimer, was asked to rewrite the manuscript in 1937, he had hostility and mistrust toward Rusche and was reluctant to rewrite. Although the Frankfort Institute considered publishing the book without Rusche's name, legal maneuvers allowed co-authorship. Finally, in 1939, Rusche's work, co-authored with Otto Kirchheimer, was born under the title *Punishment and Social Structure,* and it was to become the first publication of the International Institute of Social Research (Rusche and Kirchheimer [1939] 1968).

When the book was first published in the U.S. it had significant support from prominent criminologists, but the nationwide focus on the war diverted other attention it may have otherwise received. It was republished by Russell & Russell in 1968, and with the support of

college students, scholars, and professors from a variety of backgrounds, it gained notoriety (Melossi 1989).

For this new edition, Rusche's original proposal was translated into English, edited and re-written by co-author Kirchheimer, and divided into two parts. Kirchheimer left the original Chapters II to VII unedited, but he reworked other portions of the book. Some of these reworkings ignored Rusche's original ideas that based the argument that imprisonment and unemployment needed to be understood in the context of socioeconomic conditions (Rusche and Kirchheimer [1939] 1968), and shifted the focus to political explanations. Kirchheimer also applied this shift from socioeconomic to political explanations to changing penal practices.

Despite the problematic nature of being separated into two halves, namely the fact that the second half failed to expound on the thesis developed in the first, the 1968 republication of *Punishment and Social Structure* almost instantly became a classic macro sociological study of imprisonment and was classified as the first bona fide neo-Marxist view on punishment that lent itself to quantitative analysis (Melossi 1989; Rusche and Kirchheimer [1939] 1968). The Rusche-Kirchheimer thesis gained momentum as one of the foremost important ideas and offered a theory of punishment that opened the way for a new mode of critical sociological analysis (Foucault 1978; Howe 1994).

Rusche and Kirchheimer's Argument: No Bond between Crime and Punishment

The Rusche-Kirchheimer thesis as presented by the 1968 reprint taught scholars to rid themselves of the illusion that there is a relationship between crime and punishment, the illusion that penality is a means of reducing crime (Melossi 1989). Rather, the thesis suggested, the emergence of different punitive practices should be seen as reflective of the conditions of labor and, later, of the labor market. In *Punishment and Social Structure*, this idea is articulated thusly:

> The bond, transparent or not, that is supposed to exist between crime and punishment prevents any insight into the independent significance of the history of penal systems. It must be broken. Punishment is neither a simple consequence of crime, nor the reverse side of crime, nor a mere means which is determined by the end to be achieved. Punishment must be understood as a social phenomenon freed from both its juristic and its social ends. (Rusche and Kirchheimer [1939] 1968:5)

In other words, increasing punishment practices as a natural response to crime was erroneous.

Rusche and Kirchheimer posited that studies on crime and punishment lacked a foundation in basic principles of sociological knowledge and were neither connected to economic theory, nor historically oriented. Rather, such studies implied a fixed social structure that does not exist in reality, and they unconsciously characterized the social system as eternal and unchanging rather than as a historical process (Rusche 1978). Rusche believed that the study of crime and of crime control was a promising field for sociological research because it required an explanation that draws from capitalism. Capitalism relies on a history of the relations of the two nations that constitute a people—the rich and the poor (Rusche 1978).

Prison was a mechanism to manage the underclass, especially the unemployed. Managing the unemployed was said to be beneficial to capitalists because a supply of workers greater than demand for labor decreased the value of the worker. Consequently, prison rates increased because offenders were less likely to be seen as a waste of socially valued labor; however, it was noted that this labor was potentially volatile and may pose a threat to economic stability and social solidarity so social control during high unemployment was essential (D'Alessio and Stolzenberg 1995a).

Deterrence: Principle of Less Eligibility

A lacking relationship between crime and punishment called for alternative explanations for how to effectively understand, dispense, and manage punishment, and Rusche and Kirchheimer's understanding of the "less eligibility" principle helped provide such an explanation. The less eligibility principle guided the idea that the situation of the unemployed should not be more "eligible" – more "attractive" – than that of the working poor; less eligibility, then, was determined according to the labor market. For instance, high unemployment rates drive wages down, resulting in a working class situation that differs from that in an economy in which workers are scarce and wages are up (Howe 1994; Rusche 1978).

Rusche insisted on and believed in the principle of less eligibility and its reliance on the labor market as defining the real boundaries of punishment. The economic and social value attached to the labor market drives punishment policies targeted toward marginal populations. Therefore, punishment became based on the political economy; this political economy of punishment required that penal reforms be determined by the condition of the lowest socially significant proletarian class which society wants to deter from criminal acts (Howe 1994; Rusche 1978).

All reform efforts, however humanitarian and well-meaning, that ignore less eligibility and instead attempt to improve the conditions of prisoners were condemned to utopianism (De Giorgi 2006; Rusche and Kirchheimer [1939] 1968). The need to deter crime was believed by Rusche and Kirchheimer to be the key to understanding the purpose of punishment, and deterrence was deemed impossible if the living conditions of prisoners were better than those of the lowest social classes. Therefore, the unemployed masses who were believed to tend toward committing crimes out of desperation because of hunger and deprivation can be prevented from doing so only through cruel penalties (Howe 1994).

The rise in unemployment places the working class into a sub proletariat group during economic recession, a placement that results in the extension of those targeted by the criminal justice system. This leads to an increase in prison populations regardless of variations in recorded crime, and the movement may be amplified by criminal justice policies and changes in attitude linked with a prevailing sense of insecurity (Laffargue and Fodefroy 1989).

In a society in which workers are scarce, penal sanctions have a completely different function since they do not have to stop hungry people from satisfying elementary needs because everybody who wants to work can find work. If the lowest social class consists of unskilled workers and not of wretched unemployed workers, then punishment is required to make the unwilling work, and to teach other criminals that they have to content themselves with the income of an honest worker (Rusche 1978).

Rusche-Kirchheimer: Propositions

Punishment and Social Structure's (1968) classic propositions suggest that punishment as such does not exist; only concrete systems of punishment. In addition, the object of investigation is punishment in its specific manifestations, causes of its changes and developments, and grounds for the choice or rejection of specific penal methods in specific historical periods. Every system of production was thought to have punishments that corresponded to its productive relationships. Although the origin and fate of the penal systems are mainly determined by social forces, the most important are economic and fiscal forces (De Giorgi 2006; Rusche and Kirchheimer [1939] 1968).

Penal forms had to be understood in their historical context as economic theory should be supplemented by not only a historical analysis but a particular type of historical analysis. It would be important to study the historical relationship between criminal law, economic history

of class struggle and to utilize these interrelationships to analyze the present prison (Rusche and

Kirchheimer [1939] 1968). As such, the main assumption of the political economy of

punishment is that it is possible to understand the evolution of forms of punishment only if one

separates them from the functions that have been historically assigned to them.

The theoretical landscape in which the political economy of punishment can be situated is

historical materialism (De Giorgi 2006).When there is a "reserve army" penal policy will take

the form of harsh corporal and capital punishments. There is a correspondence between labor

market conditions and penal modes; when an offender's labor is valuable, exploitation is chosen

over capital punishment, and forced labor is the corresponding mode of punishment (Howe 1994;

Rusche and Kirchheimer [1939] 1968).

Rusche's piece presents a historical synopsis where he places the origins of the

penitentiary from the Middle-Ages to the Industrial Revolution. The change from a historical

field to analyzing the present prison condition raised numerous problems such as how to measure

concepts introduced by Rusche and Kirchheimer in contemporary reality since hypotheses were

conceived in a historical perspective. Rusche and Kirchheimer analyzed the historical evolution

of punishment through a period of time that included different punitive systems (De Giorgi

2006).

The Rusche Kirchheimer thesis also failed to sufficiently explain the continued use of

imprisonment in advanced capitalism as capitalism evolved. In contemporary perspectives

research needs to focus on the hegemonic punitive institution of contemporary society, i.e. the

prison. Methodologically, Rusche and Kirchheimer examined the evolution of capitalism through

its various stages of development, whereas now, we must examine one specific stage, the state of

the capitalist economy (De Giorgi 2006).

Subsequent Findings

Since the original pioneering work of Rusche and Kirchheimer in 1939, theoretical links between labor surplus and punishment have seen extensive development, moderated by economic, political and ideological factors. Hypothesis testing became the dominant mode of inquiry for post-Ruschean analyses to test the function of modern punishment. Since the initial work of Rusche and Kirchheimer, theoretical evidence suggests that independent of the effects of crime, unemployment has been found to be significantly related to punishment. Moreover, the relationship is slightly stronger when race-specific measures are used (Chiricos and Delone 1992). Many researchers have since investigated this neo-Marxist Rusche-Kirchheimer claim with aggregate data to see if there is a positive relationship between unemployment and imprisonment rates. The results have been inconclusive.

The first attempt to develop a contemporary perspective on the political economy of punishment was presented in Ivan Jankovic's 1977 article "Labour Market and Imprisonment." Using the Rusche-Kirchheimer thesis, Jankovic departed from the dominant criminological thought of punishment as a function of crime and thus, a reaction from the state to reduce, prevent, and decrease crime. Jankovic translated Rusche and Kirchheimer's ideas into empirical terms where he hypothesized the "severity" and "utility" hypothesis.

The severity hypothesis was that deterioration of economic conditions corresponded to a hardening of penal sanctions whose aim was to deter poor classes from committing crimes. The poorer the masses become, the harsher the punishments have to be to deter them from crime. The conditions of labor surplus not only impoverished the working class but were said to increase the motivation to commit crime; furthermore, it leaves the working class a choice to starve slowly, die speedily, or take what was needed where it was found (Rusche and Kirchheimer [1939] 1968).

The principle of less eligibility requires that the upper margin for the maintenance of prisoners be kept below the living standards of the lowest classes of free people to deter the working class crime (Chiricos and Delone 1992; Greenberg 1993). The second hypothesis, the utility hypothesis, was that this process was also profitable as increased severity of punishment would function to regulate the surplus labor force and to turn it into an industrial reserve army (Jankovic 1977).

> This is a restatement of Rusche and Kirchheimer's "severity" hypothesis: when the economy is bad, punishments are more severe. Unemployment is taken as an index of the state of the economy, and imprisonment as an index of severity of punishment…The second hypothesis to be tested is that increased imprisonment functions to reduce unemployment. This "utility" hypothesis asserts that the effect of changing penal policies is reflected in the conditions of the labor market (Jankovic 1977: 20-21).

Using rates of imprisonment and levels of unemployment as measures, Jankovic's (1977) findings lent support to the Rusche-Kirchheimer severity hypothesis, placing the use of imprisonment and unemployment rates on a solid foundation. In addition, the study demonstrated that the relationship between unemployment and imprisonment was direct, independent of the changes in criminal activity. Jankovic (1977) showed how Rusche-Kirchheimer's thesis would allow an analysis of the continued use of imprisonment in advanced capitalist societies. The study indicated how economic and political considerations negated the bond between crime and punishment (Jankovic 1977). Jankovic found that a rise in unemployment led to increased prison commitments and that a policy of deterrence dictates intensification of punishment in order to combat increased temptation to commit crime (Chiricos and Delone 1992; Jankovic 1977).

Critiques

Several critiques such as the continued use of imprisonment and the complex nature of the function of penality in advanced societies have been leveled at the applications and

elaborations of Rusche-Kirchheimer's thesis (Howe 1994; Spitzer 1975). The Rusche and

Kirchheimer thesis yields questionable results because it has been said to rely on convicted

offender data. D'Alessio and Stolzenberg (1995) investigated the effect of unemployment rates

on pretrial incarceration rates (jail). They found the effect of unemployment rates on pretrial

misdemeanor incarceration to be insignificant. Results of their regression analysis showed that

the unemployment rate is not related to the pretrial incarceration of misdemeanor or felony

defendants. D'Alessio and Stolzenberg (1995) concluded that the Rusche and Kirchheimer thesis

overstates the importance of unemployment in explaining levels of incarceration. They charged

the theory was economically reductionist and should be broadened to incorporate ideological,

political, and religious factors along with economic factors to explain penal policies and

practices (D'Alessio and Stolzenberg 1995a).

Although some studies have failed to find a direct link between crime rates and levels of

imprisonment, Jacobs and Helms (1996) departed from that thought and found that

unemployment was not related to prison admission rates. They also found crime rates to be better

predictors of prison admissions as well as the following factors: 1.) economic inequality, 2.) the

percentage of late adolescents and young adults who were born out of wedlock, 3.) political

strength of Republican party, and 4.) presidential campaigns. The authors found no evidence that

unemployment explains shifts in imprisonment, and they found unemployment to be significant

only when important explanatory variables were omitted (Jacobs and Helms 1996).

Michalowski and Carson's (1999) findings prompted new research and trends in the

American political economy of punishment which focused more on the qualitative perspective.

The qualitative study of statistical correlations between unemployment and imprisonment gave

way to an analysis on social indicators. Mainly, the ethnic structure of the labor market (Myers

and Sabol 1987) and political factors were found to be mediating variables between economy and punishment (Jacobs and Helms 1996).

Extensions

The tendency to see punishment as understandable solely in terms of its direct economic functions is a clear problem for most explanations, as studies have failed to loosen the functionalist interpretation of the relationship between punishment and the economy or failed to realize that capitalist forms of punishment are rarely direct expressions of capitalist interest (Howe 1994; Spitzer 1975).

Additionally, the relationship between the economy and punishment can no longer be a quantitative correlation between unemployment and imprisonment. Rather, the relationship needs to be theorized in more complex sociological terms. Research needs to take into consideration political, social, and ideological factors which could provide a sociological, as well as criminological, meaning.

A key problem with quantitative analyses testing the validity of Rusche and Kirchheimer's thesis is its implicit reductionism; reducing the concept of social structure to the statistics of unemployment and penality to the statistical data on incarceration results in double reductionism and underscores the possibility of analyzing the complex interaction between social, economic, and penal policies. Additionally, it prevents a dynamic, political and social analysis of this interaction (De Giorgi 2006).

Jacobs and Helms (1996) looked at yearly shifts in prison admissions since 1950, with a particular focus on measuring political and economic determinants. Although they found that inequality matters, unemployment was not related to prison admissions (Jacobs and Helms 1996). The authors concluded that the strength of the Republican Party and presidential election

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year helped explain incarceration shifts, although earlier work omitted these theoretically important explanations. For incarceration, the effects of party control provided evidence of the importance of conventional politics in the area of criminal justice policy (Fording 2001).

Chiricos and Bales (1991) deployed an individual-level study to assess the impact of unemployment on incarceration decisions and found that unemployed arrestees were 3.5 times more likely than an employed arrestee to be incarcerated before trial. The study also found that unemployment had a significant, substantial, and independent impact on the decision to incarcerate offenders. The rate of impact of unemployment was strongest for young African American men and violent crimes. Their final conclusion was that sentencing decisions primarily rested on legally relevant variables such as seriousness of offense and prior criminal record; however, offender's employment status still had significant effect (Chiricos and Bales 1991).

Box and Hale (1982:26) developed a "complementary radical position" which asserted that unemployment levels have an effect on the rate and severity of imprisonment over and above changes in crime. They hypothesized that both the frequency and severity of imprisonment will vary positively with the rate of unemployment when the level of crime and the numbers of persons formally available for imprisonment are controlled. They also hypothesized the relationship between unemployment and imprisonment will be strongest for young males (Box and Hale 1982.).

As a consequence, they extended the political economy of punishment to include cultural and ideological factors by specifically suggesting that:

> As the economic crisis deepens, the judiciary becomes increasingly anxious about the possible threat to social order posed by "problem populations" particularly unemployed males rather than females, and unemployed young males rather than unemployed older males, and within the former group, young African American unemployed males…and it responds to this "perception" by increasing the use of custodial sentences, particularly against property offenders, in the belief that such

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a response will deter and incapacitate and thus defuse this threat. (Box and Hale 1982:187)

Rusche-Kirchheimer: Political-Ideological Factors

Greenberg (1980) hypothesized that unemployment and incarceration rates are related by testing his hypothesis on Polish incarceration data. The author considered two distinct periods: the years 1924-1939, when Poland was a capitalist country, and the years 1955-1976, when a system of socialist production was established there. He found a connection between unemployment and imprisonment for the capitalist period but no correlation for the socialist period because of political factors (Greenberg 1980). These results confirmed indirectly that any missing correlation between unemployment and incarceration was due to political-ideological factors which were as important as the economic ones (De Giorgi 2006).

In comparison, Wallace (1980) rejected unemployment rates in favor of labor force participation rates. His analysis of the political economy of punishment suggested there were better methods to improve the efficiency of the Rusche and Kirchheimer thesis. Wallace argued labor force participation was a more theoretically reasonable indicator of labor supply than the typical unemployment rates used by other researchers (Wallace 1980).

Using multiple regression, Wallace hypothesized that prison rates vary inversely with labor supply, falling when labor is scarce and rising where there is a labor surplus and found support (Wallace 1980). However, Box (1987) argued Wallace did not make a strong case for including labor force participation rates and that many people, notably women, will be "voluntarily" unemployed, and not perceived as a threat to capitalist stability in times of economic crisis (Box 1987; Howe 1994):30).

Chiricos and Delone (1992) conducted a meta-analysis of 44 empirical assessments of the relationship between unemployment and punishment. Although there were three different

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measures of punishment and varying levels of aggregation, they found overwhelming support for the Rusche and Kirchheimer thesis. Chiricos and Delone (1992) examined empirical assessments of the relationship between labor surplus and punishment with the objective of assessing under what conditions the relationship is most often positive and significant. In their meta-analysis, they found that 60 percent of 147 measures reported relationships between unemployment and imprisonment were positive and statistically significant.

Not controlling for crime confounds the direct and indirect effects of labor surplus while controlling for crime isolates its direct effects. The authors found that relationships without controls for crime have positive (95 percent) and significant (66 percent) results more often than those with controls for crime that have positive (83 percent) and significant (55 percent) results. The meta-analysis suggests that although labor surplus has an indirect impact on punishment, there is also a clear direct and substantial labor surplus-punishment link independent of crime and criminal behavior. This relationship is slightly stronger when age, race and gender specific measures are employed. However, less than 7 percent of the relationships involved race specific measures. The authors concluded that existing research lagged behind theory (Chiricos and Delone 1992).

Studying Canada and the U.S. from 1945-59 and 1960-1972, Greenberg (1977) found a significant correlation between rates of unemployment and rates of imprisonment, independent of criminality. Greenberg explored the influence of exogenous variables such as the business cycle on punishment practices. He hypothesized that prison rates would increase during periods of unemployment. He found that changes in crime rate seemed unimportant and concluded that changes in commitments to prison can be explained almost entirely by changes in the unemployment rate. In principle he supported the notion that the capitalist business cycle, as well

as class conflict to be directly related to understanding the function of the prison system (Greenberg 1977; Howe 1994).

Interaction of Unemployment and Race

Charges have been advanced (Spitzer 1975) that Rusche and Kirchheimer's thesis is economically reductionist for positing a direct correspondence between economic change and penal development. Opponents argue that the relationship is indirect, at best, and moderated by a number of different structures, processes, and contradictions that make it impossible to figure out the structure of the economic order from a study of punishment or vice versa (Melossi 1989).

Spitzer (1975) forwards the idea that deviants are socially constructed from groups who create specific problems for those who rule. The most important functions of systems of class control is the regulation and management of problem populations who threaten the social relations of production in capitalist societies. They become eligible for management as deviant when they disturb or call into question capitalist order.

To ensure the stability of capitalism, the state is forced to take a direct role in the management of problem populations considered most threatening (Spitzer 1975). Of the two broad groups who make up the surplus population (social junk and dynamite), social dynamite is considered the most threatening. Those categorized as "social dynamite" are characterized as being young, dynamic, and more dangerous than social junk and posing the greatest risk to society. This "dangerous" group is constantly monitored and controlled by the legal system and that is why the prison system accounts for a large disproportionate portion of the most identifiable class of social dynamite-young African American males (Spitzer 1975).

Melossi (1989) has done the most to rescue Rusche-Kirchheimer's model from charges of economism and reductionism. Melossi (1989) addressed a number of historical questions which

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Rusche-Kirchheimer failed to explain such as the persistence of imprisonment when economic

necessity for the institution no longer exists. Focusing on the category of the labor market

obscures the importance of ideology and corresponding penal ideologies because the labor

market cannot explain the continued use of prison (Melossi 1989).

The fact is that the expression situation of the lowest socially significant proletarian class

contributes to a wider interpretation that goes beyond unemployment and the labor market. There

are other aspects that are as important as the position of the proletariat in the labor market. The

social and political dimension are extremely important as it permits researchers to extend the

concept of less eligibility and to situate it at the intersection between labor market, social and

penal policies (De Giorgi 2006).

The first two factors define the situation of the lowest proletarian class, which in turn

draws the borders of punitive practices so the ideological side of the relationship between

economy and penal practice can also emerge. It would be impossible to determine the social

significance of the lowest working class without taking into account ideological and cultural

processes which define the social value of each segment of the labor force (De Giorgi 2006).

Michalowski and Pearson (1990:73) concluded that:

> Undifferentiated, official statistics on unemployment may be inadequate measures
> of the relationship between labor patterns and imprisonment practices…The
> extent to which labor is segmented into different productive systems;
> characterized by markets split along ethnic, racial, or gender lines; or is
> dominated by high-or low-skill jobs may be as important as official levels of
> unemployment in shaping the size and character of the penal apparatus in
> different states. (Michalowski and Pearson 1990)

Chiricos and Bales (1991) examined sentences imposed on adult felons and

misdemeanants to measure the effect of offender's employment status. They found employment

status to be significantly related to the severity of the sentence. Being unemployed increased the

likelihood of incarceration, both for jail pretrial and the imposed sentence especially if the unemployed offender was also young, African American, male, and charged with violent crime-highlighting the importance of the interaction between the race and economic marginality of an offender (Chiricos and Bales 1991).

Noting the call for research to close the gap on theory, Nobiling, Spohn, and Delone (1998) explored the relationship between offender's employment status and sentence severity. They found that unemployment had a direct effect on the decision to incarcerate or not, affected sentence length and interacted with an offender's other characteristics such as young males and African American males. They concluded that certain types of unemployed offenders are perceived as "social dynamite."

Nobiling et al. (1998) found that the typical offender was an unemployed African American male in his mid-to late 20s, who had been previously sentenced to prison for one year or more, was not on probation, was in custody when case was disposed, entered plea of guilty and finally, had public defenders. Although legal variables were strong predictors of the decision to incarcerate extralegal variables also influence the likelihood of incarceration as African Americans and Hispanics faced greater odds of incarceration than Whites (Nobiling, Spohn, and DeLone 1998).

Laffargue and Godefroy (1989) found a direct correlation between unemployment and imprisonment. They hypothesized that during periods of economic crisis some segments of the working class fell into a condition of sub-proletariat, producing an increase in institutional punitiveness. This group of sub-proletariat was perceived by public opinion as a source of crime and as the main cause of public insecurity.

Chiricos and Bales (1991) published one of the first studies using individual-level data

testing the relationship between unemployment and sentence severity and found that

unemployment had a direct impact on likelihood of imprisonment. The effect was strongest if the

offenders were young African American males. Other studies have yielded similar results

(Chiricos and Bales 1991; De Giorgi 2006; Laffargue and Fodefroy 1989). Chiricos and Delone

(1992) looked at estimates that involved young and/or male and/or African American subsamples

to see if the relationship was stronger for such groups than for others. Their data supported the

expectation as sub-categories of social dynamite was almost always positive (94 percent) and

significant two-thirds (63 percent) of the time (Chiricos and Delone 1992).

An Increase in Crime Results in an Increase in Punishment

Neo-Marxist authors Rusche and Kirchheimer argued that economic factors were more

salient predictors of imprisonment than crime rates (Rusche and Kirchheimer [1939] 1968),

suggesting that long-term changes in the form and intensity of state-imposed punishment reflect

the supply and demand of labor. However, alternative theories such as functionalism argue that

society's crime rate determines the rate of imprisonment (Lukes and Scull 1983; Zimring and

Hawkins 1991). Functionalists argue that the reliability of imprisonment as a punishment

practice is the consequence of law and legal processes reacting to the amount of crime taking

place in society (Lukes and Scull 1983). Functional views are often attributed to Durkheim's

belief that punishment strengthens norms and creates social cohesion by reinforcing collective

conscience of the community. In other words, social threat theories attributed to functionalism

state that as society's social fabric is threatened, the state will become more punitive.

Although theories concerning the effect of unemployment on incarceration are broad and

diverse, another distinct perspective theorizes that the relationship is indirect and as the number

of unemployed persons increases, crime rises, and in turn incarceration rates increase. According

to this perspective, the stress of unemployment motivates people to participate in illegal activities. If crime rates increase during periods of high unemployment, subsequently more criminals will be sentenced to prison; however, results of empirical research on this relationship have been mixed (D'Alessio and Stolzenberg 1995a).

Analyses of the unemployment and crime relationship using states, counties, metropolitan statistical areas, or cities in the United States have found consistent estimates of the impact of unemployment on crime. Namely, a one percent change in the unemployment rate is typically found to increase property crime by 1-2 percent but oftentimes there is no systematic impact on violent crime rates (Chamlin and Cochran 2000; Levitt 1996; Levitt 1997). Studies that substitute other measures of the labor market conditions have reached similar conclusions (Levitt 2001).

Punishment Reduces Crime Hypothesis

America has recently placed more people behind bars than in any other decade in its history. Many scholars embracing a rational choice view of crime attribute increasing prison population to rising crime rates (Wilson 1975). The explanation for high incarceration rates and why minorities are disproportionately represented in prison is that they are more involved in (serious) crimes, have more serious prior records and other characteristics warranting prison. Hence, many advocate for the increased use of prisons to reduce crime and deter future criminal activity, especially that of chronic offenders (Wilson 1975). Consequently, prisons would reduce crime by not only isolating or "incapacitating" offenders but also ensuring, based on high recidivism rates, no early releases from prison (Bennett, DiIulio, and Walters 1996).

Support for the hypothesis that incarceration reduces crime is typically based on the "incapacitation" effect, which simply states that criminals who commit crimes cannot do so from prison or jail, at least not on the general public (Kovandzic and Vieraitis 2006). The rationale of

incapacitation is that confining a sufficient number of high volume offenders for a long portion of the active phase of their careers will decrease the volume of crime (Levinson 2002).

The logic of this position is to sentence on the basis of an offender's risk profile, rather than on the severity of the current offense (Sparks and Hope 2000). The aim is not removing the criminogenic social conditions of the individual deviant, but to apply sanctions that would be harsh enough to deter people from committing crimes. Thus selective incapacitation became the new rationality of punishment (Greenwood 1982).

Research estimating the effects of the prison population on crime rates using national or state level data has found large negative impacts of incarceration on homicide rates indicating support for the more prison, less crime hypothesis (Marvel and Moody 1997). However, crime rates, at best, are only somewhat related to the massive explosion of the prison population (Blumstein and Wallman 2000).

State panel studies of imprisonment have found modest effects of state homicide rates regressed on state prison population as roughly 17 index crimes were averted each year for each additional prisoner (Marvel and Moody 1994). Marvel and Moody (1997) concluded that for each one percent increase in prison population, homicide rates declined by roughly 1.47 percent to 1.88 percent; also, there were large negative associations between prison population and other crimes. However, it has been suggested that the U.S. prison buildup reduces the crime rate in its initial states but reaches a point of declining effectiveness (Liedka, Piehl, and Useem 2006).

Liedka et al. (2006) suggests that when prison populations are small, the marginal benefit of incarcerating an additional offender is large because high rate offenders are likely to be caught and convicted. Afterwards, additional prisoners are likely to be drawn from the low-frequency offender population and the incarceration of large numbers of people from particular

neighborhoods may alter social life in a way that reduces the effectiveness of the prison as an instrument of social control.

High levels of incarceration may lead to more crime because of the irreparable damage done to communities and the social network of young men and women. Furthermore, the higher level of imprisonment may weaken the effect of incarceration to lessen crime due to less stigmatization. In other words, as the prison rate exceeds a threshold, additional increases in the prison rate are less effective in causing less crime (Liedka, Piehl, and Useem 2006). Family disruption may increase crime, leading to greater numbers of prisoners, leading to more family disruption, and so on-a vicious cycle is created. In conclusion, many theoretical perspectives have attributed the prison boom with rising crime rates and argue for selective incapacitation. However, no stable correlation has been found between aggregate crime and incarceration.

Race and Punishment

When considering whether or not the criminal justice system is racist, authors have considered whether police target minorities, judges are more punitive, and whether or not corrections officials vary their treatment based on race/ethnicity. Blumstein (1993) argues that it would be naïve to ignore anecdotal evidence of discrimination in the system but racism alone does not account for high minority incarceration rates. It has been argued that the bulk of disproportionate confinement is a consequence of differential involvement by African Americans in the most serious kinds of crimes such as homicide and robbery. Blumstein concluded that prison reflects the result of crimes individuals commit rather than those of the criminals themselves (Blumstein 1993).

Blumstein was criticized for relying heavily on arrest rates because arrest rates are not reliable indicators of criminal activity as approximately one-half of crimes result in arrest

(Levinson 2002; Sabol 1989). The idea that the disparity among African American/White imprisonment could be explained by the racial differences in criminal involvement is common. Additionally, focusing on individual responsibility for criminal behavior, the criminal justice system ignores structural level inequality.

African Americans and Habitual Criminal Laws

Mandatory sentencing refers to the practice of a legislature setting a fixed penalty for the commission of a criminal offense usually involving imposition of a significant minimum penalty and escalating penalties for subsequent offenses. "Three strikes and you're out" statutes are the best-known example of a mandatory sentence which is usually directed at street crimes, violence, drug, and property-related offenses. Mandatory sentencing became popular toward the end of the late twentieth century, primarily as a response to community outrage at particular crimes (Levinson 2002).

There is ample evidence to suggest that three-strikes has had negative impacts on minorities. These laws have led to large increases in the number of minorities, especially African Americans, being sentenced to lengthy terms in prison. Between 1993 and 1995, twenty-four states and the federal government enacted three-strike legislation. The legislation imposed long prison sentences on persistently convicted serious felons which led to substantial increases in the rate of minority incarcerations (Levinson 2002).

Georgia enacted a two-strikes sentencing scheme that imposed life imprisonment for a second drug offense. In 1995, the state used the statute against only one percent of white defendants but against more than 16 percent of eligible African American defendants. It resulted in approximately 98 percent of convicted offenders serving life sentences in Georgia under this provision who were African American (Leadership Conference on Civil Rights 2008).

Under Florida's habitual offender legislation, researchers found that African Americans were more likely to be sentenced as habitual offenders than Whites, even after controlling for differences in criminal history and current offenses (Miller 1996). While African Americans accounted for 7 percent of the state population in California, they were 20 percent of felony arrests, 31 percent of state prisoners, and 43 percent of those imprisoned for a third strike which represents thirteen times the rate of Whites (Miller 1996).

The more economically stratified a society becomes, the more dominant groups enforce coercive measures to guarantee their supremacy (Chambliss and Seidman 1982). The less powerful a group, the more likely its behavior will be designated as a crime and its members designated as criminals and the greater the power difference in favor of authorities, the greater the probability of criminalization of the opposition (Turk 1966).

Legal theorist Donald Black (1976) suggests that as society becomes more complex, it creates more levels of social stratification that in turn results in greater quantity in law. This law (in the form of additional laws and increased sophistication of legal systems) is then used by the dominant subculture to impose restrictions (control) on the subordinate classes, which in turn, leads to disparity between social classes (Black 1976). A majority of research in sentencing has failed to find a definitive and definite relationship between race and sentencing. However, there are examples of sentencing practices that reveal racial discrimination.

In the U.S. Supreme Court case *McCleskey v. Kemp* (1987), attorneys brought attention to whether or not racial considerations could be used in capital sentencing based on an 1861 Georgia statute that allowed a mandatory death sentence for the rape of a white woman by an African American man and a prison sentence ranging from two to twenty years for the same crime committed by a white man; furthermore, the rape of African American women was

punishable only by fine and imprisonment at the discretion of the court. A legislative intent to discriminate between both offenders and victims on the basis of race was clear and at issue in the aforementioned case.

Although the statute was repealed, race influenced rape sentences well into the twentieth century. Data from the Bureau of Justice Statistics from 1930 to 1964 show that African Americans were executed for rape convictions at a rate eight times more than Whites. Four hundred and five African Americans were executed for rape convictions compared to 48 Whites over the same time period, although, the number of African Americans arrested for sex crimes was not 8 times greater than the number of Whites (Mauer 2006).

Net-widening: African Americans and Disparate Sentencing

"Net widening" is the name given to the process of administrative and practical changes resulting in a greater number of individuals being controlled by the criminal justice system. The net of social control is widened to manage the behavior of a greater number of individuals. In the 1980s and 1990s, many politicians and justice system reformers fought to minimize the flexibility of the criminal justice system to enhance deterrence by using longer and more certain sentences by removing judicial discretion and mandated sentences (Levinson 2002).

The prison does not necessarily manage the criminal but rather it controls the working class by creating criminals (Garland 1990b). Therefore, theories of criminal law that develop principles of penal policy from the interests of society as a whole are distortions of reality. Conflict theorists argue that society as a whole does not exist and, in reality, society is faced only with classes, with contradictory, conflicting interests, and every historically given system of

penal policy bears the imprint of the class interests of that class which instigated it (Pashukanis 1978).

The weight of penal discipline, past and present, falls disproportionately on the poorest segment in society. The dialogue of "less eligibility" reminds us that the underclass is thought to be a permanently dysfunctional population, without literacy, without skills, and without hope (Sparks 1996). The underclass is stereotypically thought of as a self-perpetuating, pathological segment of society not integrated into the larger whole. The underclass is also thought of as a culture which fosters violence which is suggestive of being treated as a high-risk group that must be managed for the protection of the larger society (De Giorgi 2006; Feeley and Simon 1994).

Melossi (1994) suggests that the connection established through research is not between an indicator of punishment, i.e. rates of imprisonment, and an indicator of unemployment, based on the (faulty) assumption that imprisonment functions to control a Marxian "industrial reserve army." Rather, a direct connection should be established between increased performance demands applied to the working class and increased penal pressure on the bottom strata of society, i.e. the underclass, as this creates a social whip effect that makes everybody work harder, especially those who are close enough to the bottom to hear the pain of the ones being hit (Melossi 1994).

Punitive measures are excluding whole populations from society by reproducing a cycle of deprivation and marginality which permits their depiction as public threats, and that is why we find our prisons full of poor people, unemployed, and unskilled workers as this is just what the prison was invented for, the confinement of these very categories of people (De Giorgi 2006). As the underclass grows, so does the use of prisons as a means to protect the bourgeoisie at the top of the social and economic hierarchy. Sentencing research finds the highest probability of

incarceration is concentrated among low-status unemployed defendants such as minorities and those living in high unemployment areas (D'Alessio and Stolzenberg 1995a; Spohn and Holleran 2000).

Figure 11, which shows patterns of serious crimes from 1987 to 2005, illustrates that racial involvement in serious crime (African Americans arrested for aggravated assault, robbery, rape, and homicide) has been declining since the early 1990s, and in 2005, the percentages were much lower than in 1987. Racial disparities, however, continue to exist as African American still constitute half of the prison population as the declining involvement of African Americans in serious violent crime has had no effect on racial disparities in prison (Tonry 2008).

Figure 11: Violent Crime Arrest Rates for African Americans

**African American Part I
Uniform Crime Report Offenses**
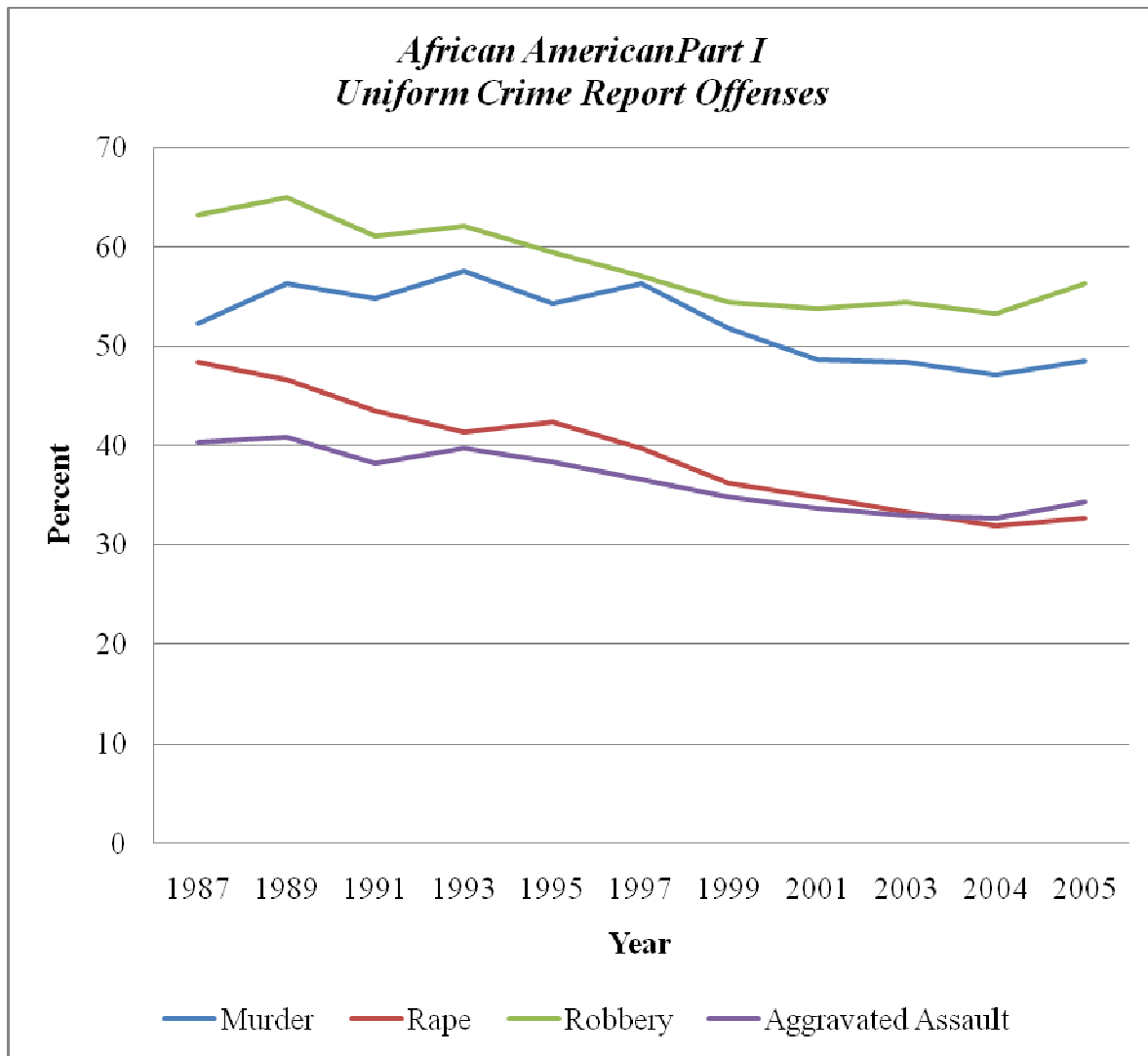
Source: (Tonry 2008)

Unemployment negatively affects sentence severity for groups deemed particularly

dangerous such as males, young males, minority males, and young minority males. Findings

support arguments that race and unemployment interact to create perceptions of "social

dynamite" which lead to harsher sentences. Studies examining race differences in sentencing

found that being employed was associated with greater likelihood of probation. Instead of prison,

employed offenders are sentenced to probation three times as much as the unemployed (Unnever,

Frazier, and Henretta 1980). Unemployment increased the odds of incarceration and length of

sentence if offenders were African American and no effect when offender was White (Chiricos and Bales 1991).

War on Drugs and Punishment

Research addressing racial bias suggests that America's war on crime/drugs is really a disguised attempt to declare war on African Americans (Bluestein 1998; Bush-Baskette 1999; Davey 1998; Mauer 2006; Miller 1996; Tonry 1999). The War on Drugs and three strikes legislation are said to be a result of social and legal intolerance. These laws have resulted in the direct increase of the number of persons under control of the justice system. Drug control policy is most widely associated with growth of incarceration in the last few decades as sentencing enhancements for drug offenses and expansion of laws of possession have disproportionately affected the poor and poor African Americans in urban areas (Tonry 1995).

Explanations for disparate punishment practices have ranged from greater criminal involvement to intentional discrimination by the criminal justice system. There is a substantial amount of evidence to suggest that being minority status, especially African American, is a strong predictor that an offender will be arrested, tried, convicted, and sentenced to confinement or death (Mauer 2006).

In the early 1970s there were virtually no drug offenders under federal supervision but now they represent 60 percent of the inmates (Western, Kleykamp, and Rosenfeld 2003). The War on Drugs may be the main explanation for the disproportionate number of minorities in prison. Law enforcement policies and practices may have led to more control in the inner city rather than the suburbs, which prioritized arrest for low-level drug dealers and street level offenses (Bush-Baskette 1999).

Tonry (1995) concluded that the main reason African American incarceration rates were significantly higher than those for Whites was that African American crime rates for imprisonable offenses were substantially higher than those for Whites; however, even when allowing for higher rates of imprisonable offenses, strong evidence of racial bias was still found to influence the growth of prisons.

Although studies have indicated that African Americans use drugs at the same rate as Whites, their arrest rates for drugs during the height of the drug war were five times higher than the arrest rates of Whites (Donziger 1996). Drug users in the U.S. who are African American constitute 13 percent of the general population; however, African Americans make up 35 percent of arrests, 55 percent of convictions, and 74 percent of all prison sentences for drugs (Mauer 2006).

The crack versus cocaine disparity is the most recent example of Chambliss and Seidman's original 1971 theory of legal process in complex societies. The theory asserts when sanctions are imposed, the most severe sanctions will be imposed on persons in the lowest social class (Chambliss and Seidman 1982

Drug legislation contributed to the significant increase in the number of minorities locked up in prison, cutting across gender, age, and social class. In 1986, Congress enacted an Omnibus Anti-Drug Abuse Act, which includes a mandatory minimum sentence of five years without parole for offenders convicted of selling, possessing with the intent to sell, 500 grams of powder cocaine or 5 grams of crack cocaine (Mauer 2006).). Penalties for using crack cocaine were one hundred times harsher than the penalties for powder cocaine. Possessing of same amount of powder cocaine was a misdemeanor punishable by maximum of one year in jail, although chemically they were the same drug (United States Sentencing Commission 2008).

The penalties were extended in 1988 to offenders possessing or conspiring to possess these substances. States eventually followed suit and enacted comparable provisions. In the first five years of the act, African Americans accounted for more than 80 percent of the increase in drug offenders imprisoned in state and federal facilities, averaging a drug offense imprisonment rate increase of 465 percent for African Americans compared to 111 percent for Whites. By 1995 African Americans were serving most of the mandatory prison sentences (Mauer 2006).

A 1993 study by the U.S. Sentencing Commission showed African Americans accounted for 88 percent of all defendants convicted of crack cocaine distribution and 85 percent of those convicted of simple possession; 10 percent of those convicted were White and 5 percent Latino (Levinson 2002; United States Sentencing Commission 2008). As Figure 12 illustrates, from 1980 to 2004, the number of persons under state custody for drug offenses skyrocketed, sharply increasing in the late 1980 and early 1990s.

Figure 12: Persons Under State Custody, by offense

Persons Under State Custody by Offense, 1980-2004
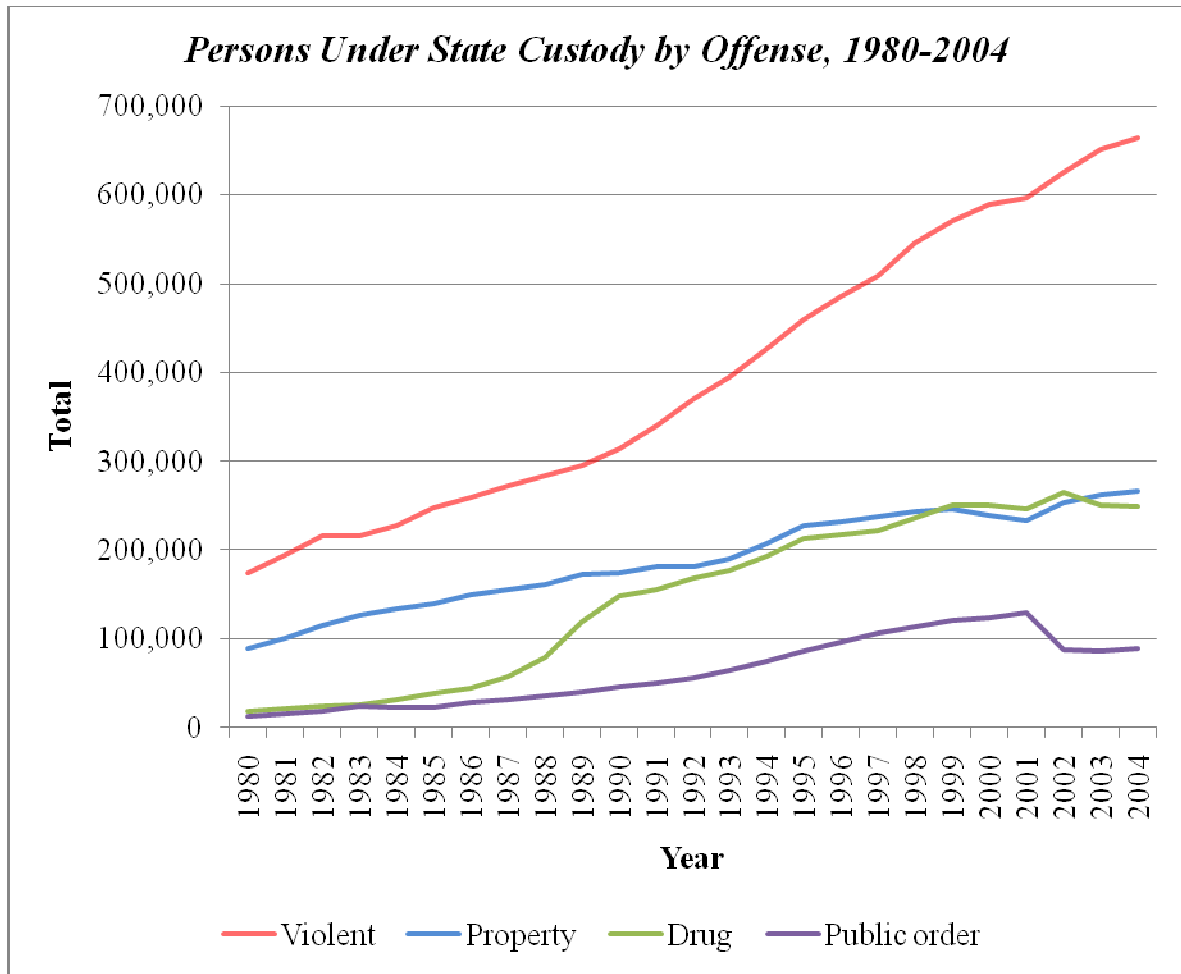
Source: (Bureau of Justice Statistics 2008b)

Chapter 3 will discuss the theoretical framework for the study, key research questions, and hypotheses. Chapter 3 also describes the gaps in the literature on the unemployment-punishment relationship and how the current study will expand the literature.

CHAPTER 3 - THEORETICAL FRAMEWORK

Punishment Rationale

To better understand the nature of punishment, it is necessary to examine its conceptual basis and consider the various theories that have been developed to justify society's infliction of punishment. Rationales for punishment include *deterrence, incapacitation*, *rehabilitation*, and *retribution*.

As with other forms of punishment, the goal of deterrence is to prevent future crime; the idea is that the threat of punishment will cause offenders, and others, to think twice about (re-) committing crimes. Punishment that has deterrence as a goal will theoretically deter people from criminality because they are concerned about the possible consequences of their actions. Specific deterrence focuses on deterring the individual while general deterrence is aimed toward deterring the general public. Although numerous studies on the effectiveness of deterrence have been undertaken, there's no consensus about whether deterrence works. The key is fitting the right punishment to the crime and protecting the general welfare of those affected by the act (Levinson 2002).

The most visible signal of new punishment thinking was the trend towards incapacitation as a rationale for imprisonment. Incapacitation is similar to deterrence in its aim to prevent the offender from committing another crime; however, incapacitation relies on sentencing that acts to reduce or prevent future crime through incarceration.

Treatment, or rehabilitation, assumes criminal behavior is a product of some problem faced by the offender and that treating this symptom will rectify the problem (Levinson 2002). Since the result of punishment should be a change in the offender's values that prevents future criminality, punishment guided by the goal of rehabilitation is tailored to fit the offender's needs,

rather than being determined by a "punishment needs to fit the crime" framework. Thus, rehabilitation involves taking into account the social background of the criminal to best determine the course of rehabilitative action. Rehabilitation had been the dominant rationale for punishment until the 1970s, but fears that a criminal will always be a criminal and that nothing works brought about its demise.

Throughout most of the twentieth century, most states followed indeterminate sentencing practices, where judges had freedom in determining punishment. Instead of giving a set penalty judges were allowed to mete out a minimum and maximum sentence, whereby time served depended on the prisoner's rehabilitation progress, which was monitored by parole boards. Indeterminate sentences were meant to provide motivation for offenders to follow institutional rules and to show a commitment to rehabilitation.

Ironically, both conservatives and liberals attacked the philosophy of indeterminate sentencing, as conservatives argued judges and parole boards were too lenient so they lobbied for mandatory sentencing policies to impose fixed penalties for certain crimes and strict limits on early release from prison. Liberals, on the other hand, argued the large amount of discretion involved in sentencing practices gave judges too much influence and provided an avenue for discriminatory sentences outcomes. Thus, liberals argued against indeterminate sentencing and rehabilitation to avoid being painted as too soft on crime (Pager 2007).

Reliance on rehabilitation, diversion, alternatives to imprisonment, and the role of the community has been replaced by incapacitation (Scull 1977). The assignment of punishment undergirded by deterrence, incapacitation, and rehabilitation takes into account the future role of recidivism. In contrast, retribution is "backward looking" as it punishes the criminal act regardless of its impact on future criminal activity. Society moved from an initial focus on

deterrence (specific and general) to prevent future crime, to reform, rehabilitation, and finally to retribution (Levinson 2002). Retribution is the theory that punishment is justified because it is deserved—not because it will impact future actions—and is based on the notion of an "an eye for an eye." Retributivists are not concerned with social change and look simply at the crime committed; they aim to fit the proper punishment to the crime.

Statement of Key Study Hypotheses

The question guiding research should no longer be whether extralegal variables, such as employment status, affect sentencing, but under what conditions they affect sentencing. The key is to move beyond the point of whether race and unemployment makes a difference. The key question is, does unemployment increase the severity of punishment for African Americans above and beyond the general population (Nobiling, Spohn, and DeLone 1998)? To understand more fully the relationship between unemployment and imprisonment, more research on how they interact with race/ethnicity needs to be done.

In order for proper sociological analysis of environmental influences on social life to emerge, scientists need to move beyond ahistorical and astructural criminological theories, theories that are not grounded in economic theory or basic principles of sociological knowledge. Several theoretical models have described the labor-surplus-to-punishment link in terms of the systemic needs of capitalism. However more theoretical and empirical links between labor surplus and punishment interacting with extralegal factors needs to be established (Chiricos and Delone 1992).

This paper is a theoretical extension of the Rusche-Kirchheimer thesis to account for modern penal developments. Rusche's original hypothesis states that the criminal justice system is inspired by the logic of deterrence and that deterrence is directed at subordinate classes

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because these classes have the tendency to commit the type of crime against which the system reacts more harshly (Rusche 1978).

However, theorists should investigate the nature of the state, ideologies, and class mobilizations and fractions since capitalism is too limited a concept to tell us much about crime and social control systems, including punishment regimes. Punishment should be understood in terms of social formations composed of economic, political, and ideological factors. Marxists have not always felt comfortable considering political and ideological factors as explanations; however, these factors should be necessary if economic reductionism is to be avoided (Greenberg 1980).

The economic structure provides the foundation for ruling all political and social institutions. Marx formulated the proposition that the ideas of the ruling class are in every period the ruling ideas, such that the capitalist classes are the ruling intellectual force (Marx [1867]1967). The ruling class in capitalistic societies imposes its ideologies by legitimizing oppression and exploitation through the expropriation of the consciousness; since labor is expropriated, consciousness must also be expropriated, and the legitimacy of capitalist order is maintained by controlling the consciousness of the population through labor (Quinney 1980).

Institutions such as the law, state, and ideologies are said to be reflections of economic reality. The surplus population created by capitalism is a threat by which the economically powerful use the law and state to protect their interests. For deviance, as problem populations become gradually more problematic, resources of the state are applied in greater proportion to protect capitalism (Spitzer 1975). Spitzer (1975) argues that traditional criminologists embrace perspectives that divert attention away from the impact of the political economy as a whole that is in, but not critical of, contemporary social order.

Critical theory accounts for deviance and deviants by processes through which deviance is subjectively constructed. Conflict theorists argue that society is held together by competition and conflict between inequitable values and interests. Citizens with less power are more likely to be defined and processed as deviants and criminals. Delinquent behavior, then, results from economic conflicts in society that arise from an unfair distribution of wealth and power. A social struggle between the haves and have-nots is created where existing governments and power structures create an atmosphere conducive to crime and bias within our criminal justice systems (Spitzer 1975).

The concepts of inequality and power are vital to any understanding of crime and its control. Critical criminologists have also noted how capitalism enriches some and impoverish others to produce wide economic gaps between social classes. In effect, the state through criminal law and the criminal justice systems operates to legitimate and protect social arrangements.

The focus should be on what is and is not outlawed as a reflection of the power structure in society (Cullen and Agnew 2006). The rich pursue policies that ensure governmental policies favor them. Crime in this context is a political concept, not value free. Many U.S. prisoners are behind bars for non-violent offenses such as crimes against property, public order, or less serious drug offenses. Data show that new confinements in the U.S. may be linked to a shift in crime control policies and a shift in the politics of deviance, rather than to any significant change in the level of criminal activity (De Giorgi 2006).

In explaining the rising and disparate rates of incarceration, it should be apparent the prison explosion is not a straightforward response to crime. In addition to crime, past research and theoretical speculation led me to develop the following theoretical models to explain the

prison surge: 1.) Law and Order Politics, 2.) Political Ideology, 3.) Criminal Threat, 4.) Economic Threat, and 5.) Minority Threat.

Law and Order Politics

There are two types of sentencing structures: determinate and indeterminate. With determinate sentencing, the offender knows exactly what the punishment will be at the time the sentence is imposed by the judge. With indeterminate sentencing, the judge imposes a range of penalties whereby the offender does not know the precise penalty until later. With determinate sentencing, the legislature does not grant the power to release to parole boards while indeterminate sentencing systems grant the authority (Levinson 2002). Determinate sentencing led to "three strikes" and "truth-in-sentencing" laws, laws that mandate longer sentences and subsequently lead to higher prison populations.

The power to sentence rests with the legislature, as it is legislatures that define crimes and punishments. Towards the end of the 1970s, corrections officials reversed its official languages, practices, and strategies toward crime and crime control, a reversal that affected criminal policies and was part of a larger shift in the political climate in the U.S. Also at this time, Republican candidates expanded their appeal to lower-middle class and working class citizens, who do not benefit as much from affluent Republican economic policies, by campaigning on law and order platforms heavily emphasizing punishment and painting Democrats as being soft on crime (Chambliss 1994).

According to the *Sourcebook of Criminal Justice Statistics* (2000), crime rates had been decreasing since the early 1990s for all crimes. The inmate population, however, increased by 528,100 (68.2 percent) between 1990 and 1998, from 773,919 to 1,303,019 (federal and state combined). Rising incarceration rates appeared to result from aggressive prosecutorial practices,

tougher sentencing standards, and intensified criminalization of drug related activity (D'Alessio and Stolzenberg 1995b).

The early 1990s ushered in the use of sentencing guidelines as a way to institute truth-in-sentencing principles to limit or rid discretionary release (e.g., parole) of offenders from prison while making them serve a greater percentage of their court-imposed sentence. The laws were extended to state prisons in 1994 when the Federal government gave financial incentives for state legislation requiring incarceration for 85 percent of a sentence, and by 2000, 40 states adopted these measures (Tonry and Hatlestad 1997).

Over the last 20 years states have struggled to reduce prison populations as legislation enacted in the early 1990s increased prison terms for drug offenders and repeat offenders. Tonry (1995) noted that the percentage of state prison inmates convicted on nonviolent drug offenses jumped from 6 percent in 1979 to nearly 30 percent by 1994. Increased time spent in prison was due to new sentencing philosophies and laws that required offenders to serve more of their sentence and caused an explosion in the amount of spending on Corrections (Reaves 2002).

Implementation of the 1994 Crime Bill placed financial burdens on states to adopt harsher sentencing practices, as well as added billions of dollars for prison construction while little was spent on rehabilitation. Privatization and shrinking state budgets led to many programs such as educational, vocational, and substance abuse treatment being dismantled (De Giorgi 2006).

Direct public expenditure for justice and corrections grew in the same period in which welfare, education, and health spending decreased dramatically. During the years 1982-1999, Corrections grew in the U.S. by 419 percent at the Federal level, by 369 percent at the state level, and by 310 percent at the county level (Bureau of Justice Statistics 2002a). The increases were

most likely resultant of determinate sentencing laws such as mandatory and habitual offender laws (Bureau of Justice Statistics 2008a; Levinson 2002).

President Nixon launched an offensive suggesting an explicit connection between welfare and crime in which there was a culture of dependency with criminogenic effects. It was not until the end of the 1970s, with the election of President Reagan, that law and order became a major campaign issue in U.S. politics. Under President Reagan's "get tough on crime" policies, the prison population enlarged through the 1980s and 1990s.

H_1: *I predict that violent habitual offender laws will be positively related to the incarceration rate*

H_2: *I predict that drug habitual offender laws will be positively related to the incarceration rate*

Political Ideology

Punishment is intertwined with judicial, political, and social institutions whose function is to preserve class relations. To describe the transformations of these institutions, it is necessary to link the ideological forms of class power to the material power that dominates the sphere of production (De Giorgi 2006). Domhoff (2002) provides a foundation for a class-domination theory in the U.S. whereby the corporate community is the dominant class setting policies generally accepted by most citizens.

The power elite are composed of members of the upper class who have taken on leadership roles in the corporate community and policy network. The overall distributive power of the dominant class is based in structural economic power leading to political context whereby elected officials try doing as much as they can to create a favorable climate to avoid being voted out of office in the event of economic downturn. Structural power is improved by the ability to create new policies through a complex policy-planning network (Domhoff 2002).

Domhoff (2002) argues that our two-party system creates a personality-oriented candidate-selection process heavily dependent on large campaign donations. In turn the structural economic power and control of the two parties, along with elaboration of an opinion-shaping network, results in a polity where there is little organized public opinion. There is little organizational base from which to construct alternative public opinion and no openings within the political spectrum to carry an alternative message to the government. The fragmented and constrained system of government created by the Founding Fathers led to government that is easily entered and influenced by wealthy and well-organized private citizens (Domhoff 2002).

Government Ideology

Since 1935, Republican presidents have increased funding for corrections and total federal criminal justice spending. Republican presidents have provided greater resources for local police and state prisons and have imposed longer mandatory sentencing provisions (Caldeira and Cowart 1980). Controlling for the presence of Republican officeholders and Republican presidents is important because they are influential in shaping policy and have launched many policies that have increased incarcerations (Jacobs and Helms 1996). Helms (1996) found that Republican strength led to higher imprisonment rates.

Davey (1998) found evidence suggesting that the political atmosphere created by a state's chief executive impacted the atmosphere down the line of criminal justice professionals. Republican governors significantly increased a state's rate of imprisonment whereby they created a law and order atmosphere that led to explosions of prison populations. Governors who placed less emphasis on punitive law and order campaigns saw prison populations grow slowly. Furthermore, evidence suggests that where a state elected an advocate of punitive polices on crime, there was a rapid increase in the rate of imprisonment, without regard to changes in the

crime rate (Davey 1998). Political variables are significant as democratic control has been found to be negatively related to incarceration (Fording 2001).

H3: I predict that governmental conservative political ideology will be positively related to the incarceration rate

Citizen Ideology

The field of political economy of punishment needs to move beyond functionalist conceptions of the state to consider hegemonic ideologies and movements in public opinions that suggest the relative autonomy of punishment from the state and from economic determinations (Melossi 1988). Melossi suggests: "In periods of economic decline a 'discursive chain' of punitiveness and severity spreads across society, linking the attitude of 'moral panic' expressed by business leaders and 'moral entrepreneurs' to the ways in which citizens, police, courts and correctional authorities perceive behavior as deviant and/or criminal" (1985:183).

Melossi argues that a vocabulary of punitive motives forms the crucial intervening variable between the changing economic indicators and changes in punishment variables. In hard times verbalizations against crime are partly a response to an anti-crime public mood, which in turn is connected to the downswing of the economy (Howe 1994; Melossi 1985). Unemployment levels are one of many expressions of economic crises that involve complex economic, political, and ideological processes.

Durkheim's account of the power of punishment and its general direction comes from psychic reactions felt by a society when their collective consciousness is violated. Although the modern state has the monopoly on exercising penal violence, a wider population feels involved in the process of punishment and supplies the social support and valorization within which state

punishment takes place. So punishment to Durkheim is functional as collective conscience promotes solidarity (Garland 1990a).

The relationship between the economy and imprisonment should not be seen as directly causal, but indirectly connected to the changing moral climate that usually accompanies it, assuming that the attitudes developed by participants in the conflicts of economic life are related to general and historically specific social attitudes. The punitive moral climate emerging during political business cycles of recession permeates public opinion, punitive institutions, intellectuals, the mass media, and political elites; therefore, crime becomes a privileged theme for public discussion. In these periods, moral panics can emerge, diverting public opinion from the deeper causes of insecurity and fear (Melossi 1998).

When the level of tolerance towards deviant behavior is high, only a few people are selected for incapacitation; however, in times of law, order, and zero tolerance, categories of people deemed to deserve imprisonment become much larger. When factors shared by the underprivileged such as socio-economic deprivation, low family income and large family size, frequent unemployment, broken homes and early parental separation, their selective incapacitation is said to develop into the growing army of the American underclass (De Giorgi 2006).

> The mass mediated discourse about crime as a major social problem affecting honest citizens, permits the social construction of some categories of people-the poor, the African American youth, the underclass- as a public enemy against whom a real war must be declared and this war -war on crime-plays a fundamental role by legitimizing in the eyes of the public...by politicizing crime it allowed the American establishment to reassert its own sovereign power by constructing a new legitimization of the State through a series of wars against internal enemies...on the other hand, by representing the poor and the outsides as the main threat to collective well-being, public opinion could be diverted from other sources of insecurity and fear...(De Giorgi 2006:98)

After the Second World War, the U.S. prison population experienced a downward trend that intensified in the 1960s. Factors such as the moral climate characterizing years of the civil rights revolution, expansion of the welfare state, and increasing alternatives to imprisonment each played a role in reducing prison as the main instrument of social control (De Giorgi 2006).

Initiatives coming from politicians were the strongest determinants of public concerns about crime. Using longitudinal data analysis reporting on crimes and media attention, Beckett (1994) demonstrated how political actors and the media are able to shape public opinion. Political factors were found to have independent effects on prison admissions (Beckett 1994). After 1970 politicians could no longer openly appeal to anti-African American sentiments, so code words such as crime were used. Soon afterwards, code words such as the wars on drugs and crime expanded at the expense of minorities paying the high price of disproportionately going to prison, perpetuating the racial and economic inequality (Tonry 2008).

Although the increase in crime was not as dramatic as conservative think tanks proclaimed, the consequences resulted in a public attitude of strong enthusiasm for individual treatment and correction by refusing the idea that there was any causal relation between social marginality and crime (De Giorgi 2006). Unemployment levels may affect the level of community intolerance toward criminal threats, to which judges may respond in sentencing (Greenberg 1977).

Box (1987) argues that, during economic downturns, criminal justice employees rely more on arrest and imprisonment in an attempt to suppress increased public anxiety produced by surplus populations. Additionally, one study found that (holding crime rate constant) fear of crime is closely associated with the percentage of African Americans in cities (Liska, Lawrence, and Sanchirico 1982). As minorities comprised a larger proportion of the population, social

control efforts intensify because minorities threaten the existing distribution of economic

rewards and political power. Minorities are linked with greater criminality and presumably

threaten public safety; such a link increased the fear of crime and efforts to control it (Myers

1990).

H4: I predict that citizen conservative political ideology will be positively related to the

incarceration rate

Criminal Threat

Law has been argued to be a weapon of control by the rich to dominate and oppress the

poor. The poor are not necessarily more involved in crime but rather are more subject to formal

social control. The ruling classes use the criminal justice system to protect and legitimize their

class position in the capitalist system (Quinney 1980). Crime as a socially constructed

phenomenon refers to social circumstances that determine which behaviors are made criminal,

why some people are labeled criminal, and consequences for that label.

Rusche wrote that the history of the penal system is the history of relations between rich

and poor, as punishment seems to be consistently related to economic conditions (Jacobs and

Helms 1996). In place of outdated functionalist interpretations of the base-superstructure and

instrumentalist linking of the prison to the management of the working class for disciplinary

purposes, focusing on intermediate levels between class divisions and penal forms should be the

main focus of operationalizing penal policy.

Melossi (1985) developed a useful grounded labeling theory whereby the political

business cycle impacted definitions of criminality and the changing language used by criminal

justice officials which correspond to the political business cycle (Melossi 1985). Many

sociologists have suggested the criminal justice system exists to control an economic or racial

underclass that threatens existing social arrangements with predatory behaviors. If criminal justice outcomes are shaped by economic and/or racial differences the rate of imprisonment should move in response to these shifts after other determinants are held constant (Melossi 1985).

Microeconomic theory proposes that when the economy is in a period of contraction, unemployment rises. Subsequently, persons who are unemployed are said to have greater incentive to steal and risk less when engaging in crime than those who are employed. Rusche (1978) proposed that crime was a product of economic necessity, deterred only when severity of the punishment exceeded the negative effects of poverty.

While Rusche viewed punishment as a way to deter crime, modern proponents see punishment as controlling a wide range of threats to the social order posed by troubled populations; consequently the level of punishment varies with size of problem populations (Western, Kleykamp, and Rosenfeld 2003). Although theories are plentiful, many await compelling empirical tests of direct measurement of imprisonment risks of marginal populations along with a richer model of criminal offending. Crime rates will increase during periods of higher unemployment, assuming probability of arrest, conviction, and imprisonment remain constant (Greenberg 1977).

Many criminologists have argued fluctuations in imprisonment is a natural response to changes in crime, especially when yearly shifts in crime and imprisonment rates after 1980 (they remained constant, relatively, from 1947 to early 1970s) show that total crime rates peaked.

H_5: *I predict that the violent crime rate will be positively related to the incarceration rate*

H_6: *I predict that the property crime rate will be positively related to the incarceration rate*

H_7: *I predict that the drug crime rate will be positively related to the incarceration rate*

Economic Threat

The expansion of sentencing policy over the last few decades has disproportionately affected disadvantaged populations as legislators write criminal law aimed at containing economic threats. Conflict theorists view law as the result of conflict between the dominant and subordinate classes, whereby the dominant class succeeds in promoting mechanisms of formal social control that favor them. Conflict theory is a macro-level theory that focuses on how social institutions and groups within them interrelate, rather than individual level behavior. However, the goal is explaining how dominant culture might exercise control over subordinate classes through authority of law and power of criminal justice systems (Chambliss and Seidman 1982).

Evidence tends to support an association between social class and punishment outcomes as members of the lower class can expect to be punished more harshly than more affluent defendants (Jacobs and Helms 2001; Pettit and Western 2004). As such, certain groups in society are negatively socially constructed and seen as deserving of punishment and the poor are seen as products of individual moral failure rather than victims of systematic inequality (McCarthy 1991; Schneider and Ingram 1997).

As a result, the scale of punishment increases even if levels of offending are unchanged. This class bias results in the criminalization of poverty, and such criminalization suggests that possession laws punish the possibility of, rather than the actual, criminal victimization (Western, Kleykamp, and Rosenfeld 2003). Chambliss (1964) showed how vagrancy laws were interpreted to suit wealthy landowners wishing to control labor in England. When the Black Plague destroyed half the working population, laws against and punishments for vagrancy increased dramatically. Punishments ranged from an initial 15-day confinement to corporal punishment, including death (Chambliss 1964).

Rusche and Kirchheimer propose that incarceration rates will vary with the unemployment rate and suggest that changes in state-imposed punishment reflect the supply and demand of labor. When unemployment is high, incarceration rates will increase, with the goal of taking excess labor off the market (Greenberg 1977). In contrast to claims that inequality feed the prison surge by increasing crime among the poor, inequality may also directly affect the scale of punishment, independent of rising crime rates.

Where social power and authority are structured upon class lines, punishment tends to reproduce class relations and an unequal social order. In the early 1990s, roughly $91 billion was spent on the criminal justice system, an amount that dwarfed the $41 billion spent on all unemployment benefits and employment related services put together. Many argue that incarceration, unlike social welfare policy, deepens inequality because its effects are increasingly detrimental for young African American and unskilled men, whose incarceration rates are highest and whose market power is weak (D'Alessio and Stolzenberg 1995a).

Fluctuations in the amount of economic stratification lead to subsequent shifts in the number of incarcerations, expanding imprisonment. Exploring inequality, Jacobs and Helms (1996) measured the gap between the poor and middle-income recipient and the gap between incomes of the rich and all other income recipients. They found that U.S. states with the highest levels of inequality were most likely to imprison property offenders (Jacobs and Helms 1996). In general, evidence for the effects of inequality on imprisonment is weak. In fact, states with the highest increases in inequality did not experience the largest increases in incarceration rates (Jacobs and Carmichael 2001).

The growth in income inequality over the last 25 years has been tracked by the growth in prison and jail incarceration rates, as Western et al. (2003) linked the growth of the penal system

to rising inequality and penal policy instead of crime. Penal policy fueled prison populations independent of criminal offending as authors reported age-specific incarceration rates by education, race, and ethnicity were related to the growing dispersion of men's incomes.

Western et al. (2003) state that rising U.S. income inequality eroded the earning capacity of the under-educated population. As their wages fell, growth in the penal system turned prison into status quo for low-skill and minority men that could be traced to the mid-1970s, continuing through the end of the 1990s. Spitzer (1975) argued that "social dynamite" might evoke volatile reactions by legislators perceiving poor and marginal populations as dangerous or unruly. While studying the relationship between the economic inequality of communities and sentencing, Myers (1987) found that income inequality interacted with employment status to predict the severity of a sentence.

H_8: *I predict that the poverty rate will be positively related to the incarceration rate*

H_9: *I predict that the Gini coefficient rate will be positively related to the incarceration rate*

H_{10}: *I predict that the unemployment rate will be positively related to the incarceration rate*

Minority Threat

Some scholars of race argue that race is a historically constructed concept, dating back to the nineteenth century. Prior to that time, race had a meaning similar to culture, referring only to a group's traditions and practices. Afterward, race was associated with supposedly scientific divisions between individuals for political purposes. People were divided into races on the basis of physical characteristics resulting in groups being portrayed as mutually exclusive, leading to classifications that led to racism because the concept was not entirely value free. Specific views of race were used to construct a hierarchy among people where characteristics and qualities

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associated with "Whiteness" were valued more highly than those connected with other groups (Omi and Winant 1994).

Race is a social construct reproduced every day on both structural and individual levels; race signifies and symbolizes social conflicts and interests. The socio-historical process by which racial categories are created, inhabited, transformed, and destroyed has treated people in different ways according to their race, as race continues to signify difference and structure inequality (Omi and Winant 1994). This racial subjection is ideological as everyone learns some combination of the rules of racial classification and becomes inserted in a racialized social structure. Race for everyone becomes a way of comprehending, explaining, and acting in the world (Omi and Winant 1994).

For example, researchers at UCLA conducted an experiment in which they had subjects view television newscasts of crime stories. Some of the stories identified a perpetrator, and some did not. In instances in which no specific reference was made to a suspect, 42 percent of the viewers recalled having seen one. In two thirds of those cases, viewers recalled the suspect as being African American. Disturbingly, intersection of social construction of race, crime, and the impact of media images can be so powerful that 42 percent of subjects who viewed a staged news report of a crime recalled the suspect's race when none was provided; sadly, 90 percent of the false recollections were of African American or Hispanic perpetrators (Gilliam and Iyengar 1997; Valentino 1999).

Wilson (2001) argued that, in the preindustrial and industrial periods of American race relations, the systems of production primarily shaped the patterns of racial stratification. Preindustrial and postindustrial periods were marked by group struggles over economic resources, as different segments of the White population overtly sought to create and solidify

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economic racial domination through various forms of political, judicial, and social discrimination (Wilson 2001).

The role of legal and political systems as an instrument of the elite was used to legitimate, reinforce, or regulate the patterns of race domination. In modern industrial periods, the systems of production and polity have major importance in creating new patterns of race relations and in altering the context of racial strife. Wilson believes that in the modern industrial period, fundamental economic and political changes made economic class positions more important than race in determining African American chances for occupational mobility (Wilson 2001). Hence, many of the traditional racial barriers to upward mobility that existed in the past crumbled under the weight of political, social, and economic changes in the civil rights era, and new barriers created hardships for the African American underclass (Wilson 2001).

The effect of poor, segregated neighborhoods, in which a majority of adults are either unemployed or have dropped-out of the labor force, is altogether devastating as crime and family disruption increase. In describing what accounts for joblessness in the ghetto, Wilson (2001) describes the decreasing demand for low-skilled labor, suburbanization of jobs, social deterioration of ghetto neighborhoods, and negative employer attitudes.

Furthermore, Wilson (2001) argues low skill labor has had more of an adverse effect on African Americans than on Whites because a substantially larger proportion of African Americans in disadvantaged communities are unskilled. Decentralization of employment has negatively impacted African Americans living in central cities as they have less access to employment. Changes in social class, racial, and demographic composition of inner-city neighborhoods, Wilson argued, contributed to the high percentages of joblessness in the community (Wilson 1999).

Inequality and punishment have direct links as the recent growth of the penal system is intimately connected with the decline of urban economies; the growth of the penal system and city police force is driven, not by crime, but by the demise of inner cities as an economically viable institution in the lives of African Americans (Wacquant 2001). Wacquant (2001) argues that prison and inner cities may be similar as: prisoners are employed for low pay and inadequate work conditions; inmates are banned from unions and don't receive overtime benefits; and many are put to work for private companies relying on reduced labor costs.

Wacquant (2001) argues the task of defining, confining, and controlling African Americans in the U.S. has been successfully shouldered by slavery, the Jim Crow system, the urban/hyper ghetto, welfare, and prison. These institutions have served to recruit, organize, and extract labor out of African Americans on the one hand and have demarcated and secluded them on the other (Wacquant 2001). Inner cities separate their populations from mainstream society so that inhabitants can be put to work for low wages (Wacquant 1999).

In effect, social isolation is the result of persistent racial inequality that is born of conscious political decisions such as ghettoizing minorities in high-rise public housing erected in geographically isolated areas. Broad macro-sociological changes such as the massive movement of jobs out of the inner city makes minorities in neighborhoods marked by extreme poverty and social disorganization conducive to crime (Sampson and Wilson 1990).

The breakdown of inner-city African American communities in the latter part of the twentieth century occurred as a result of structural inequalities that left urban African Americans socially isolated from social institutions that create pro-social bonds. When the African American middle class and millions of manufacturing jobs began to leave the inner city, it

resulted in joblessness among young urban males due to absence of attainable, well-paying blue-collar jobs (Sampson and Wilson 1990).

The increasing joblessness led to the breakdown of the traditional family. The flight of the middle class resulted in hopelessness, and the primary mechanism of social control switched from social welfare programs toward punishment (Wilson 1987). U.S. law and policy has produced reductions in life chances for poor African Americans despite the knowledge that racial disparities and the current justice system is unfair (Tonry 2008). The idea that dominant groups are threatened by growth in minority populations has been forwarded as another explanation for high incarceration rates (Blalock 1967).

When income differences between races increase and the potential dangers posed by an allegedly predatory minority underclass become greater, minority threat suggests that imprisonment rates increase (Jacobs and Helms 1996). Myers (1990) examined targets of minority threat, temporal changes in relative size of the African American population, and the rate at which White and African American males were incarcerated and found that declines in the size of African American males and urban African American population significantly affected the rate at which African Americans were incarcerated while having no effect on incarceration rate of Whites.

In summary, minority threat theories explain that imprisonment will be more likely in jurisdictions with the most African Americans or Hispanics. States with the largest African American populations have higher incarceration rates after violent crime and other explanations have been held constant.

H_{11}: *As the percent of African Americans increase, the incarceration rate will increase*

Interaction Effect

The model will also estimate the main and interaction effects. Economic threat theories suggest that the imprisoned population will be greater where economic stratification is most pronounced. Most research linking race, unemployment, and imprisonment trends using the Rusche and Kirchheimer hypothesis suffers from using economic trends (boom and bust) that apply to Americans in general but not African Americans specifically. For example, Pager (2003) examined the harmful effect of criminal history on employment opportunities by sending employers several student job applicants who were matched on all attributes except their criminal records.

Pager (2003) found that of the matched *white job seekers*, applicants without a criminal record received twice as many positive responses as the ex-offenders (34 percent vs. 17 percent). Among matched *African American job seekers*, employers showed interest in 14 percent of applicants without a criminal record compared with 5 percent of applicants with a criminal record (Pager 2007). Pager's study concluded that, holding everything else constant, a criminal record has a large negative effect on employment prospects.

Stunningly, the study also showed that African American job seekers without a criminal record perform worse than white job seekers with a criminal record. A criminal record amplifies racial discrimination in employment and combines to create the prospect of a permanent underclass of ex-offenders who are excluded from the legitimate economy (Pager 2007).

Existence of an immediate relation between penal policies and economic policies in the U.S. suggest that incarceration rates exercise considerable influence on unemployment rates. In the short term, incarceration would reduce unemployment rates by subtracting a substantial portion of the unemployed population from official statistics; however, in the long term the

reverse would happen as unemployment rates would increase because people who have been imprisoned would be more unemployable than others (De Giorgi 2006).

The American incarceration rate plays such a distorting role in the labor market that one study found that the U.S. unemployment rate would be 2 percent higher if prisoners were counted (Western and Beckett 1999). These data become even clearer if we concentrate on the African American population: in this case, the increase would amount to more than seven points. In other words, the mass incarceration of African Americans has reduced unemployment rates among African Americans by almost one third (Western and Beckett 1999).

The empirical relationship between other minority groups and incarceration rates is weak, leaving little doubt that African Americans may have been consciously targeted by the criminal justice system (Greenberg and West 2001; Myers 1990). Some studies of prisons find the incarceration rate of African Americans is seven times higher than that of Whites, and most empirical studies define "social dynamite" in terms of their employment status (Box and Hale 1982), and/or race and ethnicity or some combination of the two (Melossi 1989; Spohn and Holleran 2000). Police may also view poor minorities as suspicious and more involved in crime and may treat them as such (Chambliss 1994; Wilson 1968).

Punishment may interact with race and unemployment negatively, affecting African Americans above and beyond the general population (D'Alessio and Stolzenberg 2002). Research will be extended to include more measures of the interaction of unemployment with race specific measures to increase punishment.

H_{12}: *I predict that the unemployment rate will be positively related to the incarceration rate, as the percent of African Americans increase*

Statement of Control Variables

Although the following variables will not be explained, they will be described and included in the models to control for spuriousness of the results: 1.) Welfare rates, 2.) Religion, 3.) State revenue, and 4.) South.

Welfare Rate

The class composition of prison population is key as the expansion of the penal system has corresponded with substantial downsizing of the welfare state, such that the vertical increase in incarceration has corresponded, in the same period and with the same intensity, to a dramatic reduction in public provisions for poor families, social assistance, and aid to the unemployed (De Giorgi 2006). Capitalism systematically generates a surplus population dependent on fluctuations in economy. The growth of a surplus population builds up pressure for the growth of a welfare system. Welfare is said to control the surplus population politically as the population becomes dependent on the state for services.

An important means by which the state maintains political stability and preserves capitalism is through periodic expansion of the welfare state. Specifically, the state expands relief rolls during disorder and functions to address grievances of the poor and restore legitimacy to the government. When disorder decreases, the state slowly shrinks welfare rolls to keep labor markets competitive as this historical dynamic was shown in the relief explosion beginning in the 1960s (Piven and Cloward 1971; Quinney 1980).

The American business community played an important role in the contraction of the welfare state from 1980-2000 as it represented an ideological swing to the right beginning in the 1980s. Labor market goals and mobilization of the business community would make policy makers reduce welfare generosity throughout the 1980s and 1990s (Fording 2001).

Western and Beckett (2001) found that in the years 1993-1998 there was a 44 percent decrease in the number of American families receiving Aid For Families With Dependent Children (AFDC). They concluded that the increase in penal severity was more pronounced in states where welfare provisions had been reduced the most, i.e., Texas, California, Louisiana, and Arizona. However, studies have found that no relationship existed between number of AFDC and incarceration rates at the national level (Inverarity and Grattet 1989). Colvin (1990) found that the greater the degree of industrial monopolization, the lower the annual rate of new prison commitments and the higher the rate of welfare recipients. Hence, industrial monopolization was greater predictor of rates of imprisonment than crime rates (Colvin 1990).

Fording (2001) found that mass political violence received favorable responses from the state in the form of welfare expansion. Fording concluded that social control explains the trends in welfare and criminal justice policies from 1980-2000 (Fording 2001). Western and Becket compared public intervention in the labor market in the U.S. and Europe and concluded European states adopt public policies aimed to reduce social inequity while the U.S. social policies have been replaced by penal policies. Thus, the management of unemployment and social marginality shifted from the domain of the welfare state to that of the criminal justice system (De Giorgi 2006). European social policy is redistributive, while the employment effects of U.S. incarceration exacerbate inequality. Research showed that tax and transfer policies lifted about half the nonelderly poor out of poverty in European countries during the 1980s, while incarceration in the U.S. had the reverse effect of deepening existing inequalities (D'Alessio and Stolzenberg 1995a).

Religion

Religious beliefs have historically been linked to punishment philosophies and practices (Erikson 1966). Religious conservatives stress retribution, indicated by historical research showing religious views are influenced by punishment and survey research showing that fundamentalist Protestant values are associated with greater support for harsh reactions to crime (Curry 1996). Income inequality is also a powerful predictor of religiosity, and the poor are said to be much more likely to be religious than the rich (Tonry 2008).

In contemporary United States, conservative or fundamentalist Protestantism has been associated with punitive morality (Curry 1996). Accordingly, the perceived wrongfulness of crimes is judged strictly by religious beliefs. Curry (1996) found strong support for a shift toward increased punitiveness in sentencing, linking public perceptions of crime directly to religion. In states where membership in fundamentalist Protestant churches and traditional religious views are most common, public officials face heightened pressures to sentence offenders to prison and increase sentence length. Thus, states with the largest membership in fundamentalist Protestant churches have higher incarceration rates (Jacobs and Carmichael 2001).

State Revenue

State economic capacity could impact incarceration, as per capita state income and per capita state revenue may suggest that wealthy states may be able to afford more prisons; therefore, economic prosperity should be positively related to incarceration. Although Rusche-Kirchheimer did not elaborate on wealth of society with imprisonment rates, Davey (1998) suggests that the expense of prison is a luxury that only wealthy states can afford. The average per capita income of each state could be used as he found a positive correlation between imprisonment increases and the role of financial resources in a state. Wealth may be facilitating

(not causal), as wealth does not cause an increase in imprisonment rate, but availability of financial resources make prison expansion a viable option.

Michalowski and Carlson (1999) also explored the relationship between punishment and unemployment, expecting there to be a relationship between unemployment and incarceration rates with incarceration following indicators of the fiscal condition of the states; however, no such confirmation was found. Fording (2001), however, found that the strongest impacts on incarceration originated from state economic conditions, unemployment, and poverty as they all had strong positive relationships with incarceration.

The South

In 1985, Galster and Scaturo tested the severity hypothesis in the U.S. from 1976-1981 but did not find any relationship between unemployment and penal severity. However, their study examined the U.S. as a whole and did not control for region. When geographical differences are included, the severity hypothesis is strongly confirmed for the Southern States (Galster and Scaturo 1985).

Michalowski and Carlson (1999) explored the relationship between punishment and social structure from 1970-1990. The study tested the severity of punishment and the theory of fiscal crisis, independent of crime rates. They found that the only variable to which incarceration rates seemed to be connected was the geographic, Southern region (Michalowski and Carlson 1999).

Statement of the Causal Model

The results of prior empirical research indicate that areas with relatively high unemployment rates also have high imprisonment rates (Box and Hale 1982; Greenberg 1977; Greenberg and West 2001; and Jankovic 1977). Individual-level research consistently shows a

strong correlation between the likelihood of incarceration and legal variables such as offense seriousness and prior record (Chiricos and Delone 1992). However, other studies show that punishment is also affected by extralegal factors such as a defendant's age, race, and income (Chiricos and Bales 1991). Consideration of such variables by sentencing judges would constitute a direct violation of constitutional due process, equal protection, and civil rights.

Research has found that offenders with several social deficits, for example, offenders who are young and African American, unemployed and African American, or uneducated and African American, are disproportionately incarcerated. Thus, more research needs to be conducted testing direct effects of unemployment on incarceration moderated by extralegal variables by focusing on the specific context (conditions) in which these relationships exist, after controlling for legal factors (Greenberg and West 2001).

The key part of the principle of less eligibility was not reducible to the conditions of the unemployment and imprisonment relationship as was the situation of the marginal proletarian class that defines the external limit to any reform of the penal system. In other words, the borders, within which the principle works, are given by a complex of social factors (De Giorgi 2006; Rusche and Kirchheimer [1939] 1968). As Michalowski and Pearson (1990) and Chiricos and Delone (1992) suggest, efforts to explain the role of the state in controlling surplus and marginal labor is complex and should be extended to include additional socio-economic, politico-cultural factors. Figure 13 below displays the theoretical framework adopted by the study for understanding structures that play pivotal roles in explaining punishment.

Figure 13: Theoretical Model, Main Effects

Law and Order Politics Violent Crime Habitual Offender Drug Laws Drug Crime Habitual Offender Drug Laws	
Political Ideology Citizen Ideology Government Ideology	

THREAT

Criminal Threat Violent Crime Rate Property Crime Rate Drug Crime Rate
Economic Threat Poverty Gini Coefficient Unemployment Rate
Minority Threat Percent African-American

Incarceration Rate

Control Variables Welfare rate Religion State Revenue South

Interaction of Economic and Minority Threat

Previous studies of punishment have shown that the effect of extralegal variables in general and of unemployment in particular, is nonlinear and nonadditive (Chiricos and Bales 1991; Miethe and Moore 1986; Walsh 1987). As such, authors hypothesized that offender's

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employment status might interact with race/ethnicity and have a negative effect on sentence severity for racial/ethnic minorities but not for Whites. Miethe and Moore (1986) found that employment had a significant and positive effect on likelihood of a stayed prison sentence and race-specific models showed employment affects the outcome for both African American and white offenders.

African Americans in particular may be targets of the system rather than minorities in general, as their predictors of incarceration are significant predictors (Greenberg and West 2001; Jacobs and Carmichael 2001). The Rusche and Kirchheimer hypothesis may help explain why African Americans are disproportionately represented in prison populations and why the proportion of a population that is African American is consistently reported to be a positive predictor of imprisonment levels (Michalowski and Pearson 1990; Taggart and Winn 1993; Tonry 1999).]

Theory must illustrate the relationship between specific contradictions, the problems of capitalist development, and production of a deviant class. Spitzer advanced a Marxian interpretation of deviance and control that paid special attention to the maintenance of "problem populations," channeling of these populations into deviant statuses, and the distinctive character of deviant groups (Spitzer 1975).

Among the most important functions of the superstructure in capitalist societies is the regulation and management of problem populations that include dangerous actors and people who "do" pose a threat called "social dynamite." Minorities may expect to receive harsher punishment than Whites if they are currently indigent or unemployed. Thus, judges may consider poor and/or unemployed minorities as "social dynamite" and more dangerous than white offenders, such as the model presented in figure 14 below.

Figure 14: Theoretical Model, Interaction Effect
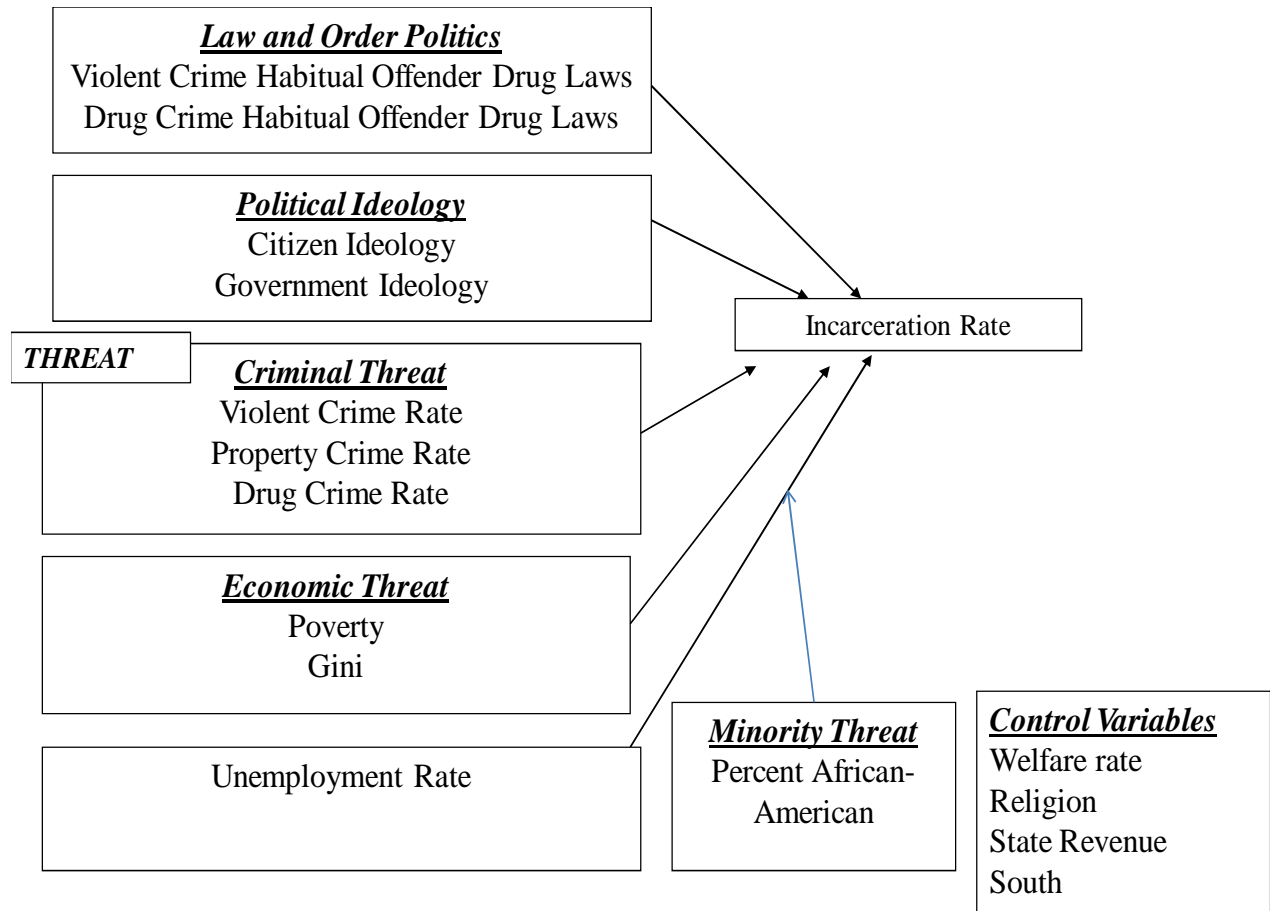
Statement of Key Contributions to the Literature

The present study makes an important contribution to the punishment and unemployment literature by using appropriate time-series hierarchical regression methods to model the main and interaction effects of many macro features on punitive ideology. Although *Punishment and Social Structure* focused on historically specific modes of punishment emerging with capitalism, the central analytical focus of post-Ruschean political economies of punishment is imprisonment (Howe 1994; Rusche 1978).

As prison populations in the U.S. have grown in the face of declining or stable crime

rates, what accounts for the increased use of punishment if not a response to criminal activity? I

examine the expansion of punishment practices in relationship to the labor market, exploring

whether or not crime rates, social, and/or institutional biases are pivotal factors. I will make the

case that prison expansion was neither an outgrowth of unusual crime escalation nor an effective

method of reducing crime.

Many studies at the macro-level have found a positive relationship between crime rates

and imprisonment rates (Greenberg and West 2001; Michalowski and Pearson 1990; Taggart and

Winn 1993). However, the absence of a consistent positive relationship between crime and the

imprisonment rates suggests a need for alternative explanations (Jacobs and Carmichael 2001).

Waging a war on crime and particularly drugs was a very effective method of imprisoning

certain categories of citizens along with other socioeconomic and political factors. Although

many changes in the laws of criminal sentencing may explain the increase in imprisonment and

time served, a systematic empirical test is lacking (Western, Kleykamp, and Rosenfeld 2003).

The current research study will fill the gap in the literature by examining the most

prominent theoretical models of political determinants of incarceration to extract a

comprehensive collection of hypotheses for tests rather than small explanatory segments that are

examined independently. I will conduct empirical tests on a collection of political explanations

of incarceration, testing their ability to explain variation in imprisonment levels across states and

across time within a fully specified institutional model of incarceration.

Examinations of the deterrent effects of incarceration have concluded that increasing

incarceration does not reduce incidences of serious crime, so prison is neither much of a specific

nor a general deterrent to crime (Livingston 1992; Zimring and Hawkins 1973). In fact, crime

may increase (Currie 1985). Furthermore, there has never been a consistent empirical link between increased imprisonment and lower crime rates (Davey 1998; Jacob 1984).

Negative societal perceptions of poor and minority populations as threatening may cause legislatures to write criminal law aimed at containing the threat, increasing police surveillance, and encourage judges to hand out harsh sentences (Spitzer 1975). Criminal law and policy function to regulate and manage problem populations, in addition to controlling crime. Those at the bottom of the social hierarchy are thought to have the potential to refuse to work, steal from the rich, and reject dominant values of hard work and achievement (Spitzer 1975).

A great majority of the literature focuses on single factor explanations, adopting narrow theoretical frameworks that result in underspecified empirical studies (Jacobs and Helms 2001; Tonry 1999). Much of the scientific literature tends to come in one of two forms: national-level studies across time or state-level studies across space (Caldeira and Cowart 1980; Taggart and Winn 1993; Tonry 1999). Both approaches have deficiencies. Using the nation as the unit of analysis may be inappropriate for examining state-level phenomenon (Michalowski and Pearson 1990). Cross-sectional analysis ignores changes across time and chronological cause-effect relationships.

The current research project will explore increasing and disparate levels of incarceration solely at the State level; as well, it will explore shifts in crime policy connecting social and economic disadvantage with criminal justice control. I will expand the political model of incarceration literature by constructing and testing political, as well as socio-cultural, and economic models of incarceration. I propose that as crime rates have decreased or remained stable, the prison industrial complex enlarged primarily due to rising rates of unemployment interacting with race.

In summary, the primary contribution to the literature is specifying the unemployment-imprisonment relationship in which measures of unemployment (and punishment) are race specific. The research is motivated by this question: how do we integrate quantitative indicators (unemployment) with other qualitative factors that interact with the labor market and affect the relationship between unemployment and punishment? It is not so much unemployment itself that produces an increase in penal severity as the interaction between unemployment and socio-demographic variables traditionally considered dangerous to the social order, such as ethnic minorities, and the poor. Finally, chapter 4 will describe the research design, data, and data collection.

CHAPTER 4 - RESEARCH DESIGN

Despite inconclusive evidence, disparity in punishment has been suspected because a disproportionate number of minority inmates are imprisoned. To explore the relationship between social class and race-specific linkages between crime, inequality, and incarceration rates, I analyzed factors from past research related to incarceration rate outcomes.

The prison industrial complex serves the primary purpose of housing convicted felons in state and federal prisons. In addition to housing convicted offenders, prisons are considered holding facilities for the country's undesirable, housing indigents, the mentally ill, and substance abusers. These undesirables are considered detached from and disreputable in local society and may have been arrested because they are considered "offensive" by law enforcement. The purpose of the modern day prison industrial complex is to manage and separate this offensive part of society from the general public (Irwin 2001).

Research designs using aggregate data to investigate explanations for outcomes in the criminal justice system have important advantages. One advantage is linking fundamental theories about the nature of society to important outcomes in the criminal justice system. Additionally, it links sub-disciplines such as stratification and political sociology to explain critical issues in the study of social control. Research on social control with aggregate data gets at questions at the heart of the discipline, which have to do with social order (Jacobs and Carmichael 2001).

In order to assess how punishment practices are influenced by unemployment and the social and political construction of race and class, I conducted secondary data analysis using a nationally state-level representative database from the National Institute of Justice's (NIJ) data resource program. The data were obtained from Interuniversity Consortium for Political and

Social Research (ICPSR) and contains macro-level data on imprisonment in 50 states taken from 1972-2002 (Stemen 2007).

Data and Data Collection

The data were ideal for examining how social, economic, and political systems interact with class and racial/ethnic disparities in society. The data consisted of secondary data set and primary efforts in data collection that involved reading the entire criminal law and procedure (including secondary sources such as law review articles, reports by state-level professional legal organizations, and state reports) sections of each state's 175 codes to locate relevant policy for recording information about provisions of the policy into the data collection instrument (Stemen 2007).

First, the 1972-2002 NIJ data were well suited for my analysis because the data allowed me to clearly specify causal relationships between punishment practices and a variety of factors to assess the order of events that link unemployment to ideological dispositions. Second, the methodological advance of longitudinal data analysis permitted more accurate assessments of causal order differences in punishment than prior work has allowed. Lastly, the NIJ data revealed an ideal status because of the depth and breadth of the data collected. Indeed, few other data sets contained data on such a wide variety of outcome, control, and explanatory variables.

It is important to distinguish independent variables (such as surplus populations) and dependent variables (increase in prison populations) because crime control is a part of social formation that cannot be considered entirely prior to it, either logically or empirically. Conclusions have been drawn that suggest that the low levels of U.S. unemployment in the 1980s and 1990s cannot be attributed to the flexibility of the labor market but to the dramatic increase in incarceration that has taken place since the end of the 1970s. On the other hand, the

penalizing effects of incarceration on employability imply that in order to maintain low unemployment rates, the U.S. should incarcerate even more than they do at present (Howe 1994; Western and Beckett 1999).

Dependent Variable

To analyze the increase in prison population over time, prisoners per hundred thousand were analyzed. Prisoners per hundred thousand is a more comprehensive indicator of total punitive response and more exhaustive than sentence length or admissions rates because it captures the possibility of imprisonment, time served, early releases, and state provisions about parole violation re-incarceration. The outcome variable refers to the growth in state-level incarceration rates between 1972 and 2002 (Stemen 2007).

Independent Variables

State political institutions and ideology may influence state incarceration rates as democratic control of state government is expected to contribute to more lenient sentencing and parole policies, more alternatives to imprisonment, and hence lower incarceration rates (Fording 2001). Republican strength in governmental organizations has also been found to be associated with higher incarceration rates (Jacobs and Carmichael 2001).

Many researchers hypothesize a direct relationship between the level of poverty and incarceration and, consistent with the threat hypothesis for unemployment, states with higher levels of poverty and inequality will be subject to greater potential threat from the lower classes and lead to higher incarceration rates. Research has linked contemporary levels of incarceration with income inequality, the size of unemployed population, and the relative size and economic position of minority populations. Multiple threats posed by the size and economic position of

minority groups asserts that increased levels of threat, whether political, economic, or status in nature, generate tougher social control responses.

Declining African American populations may ease the political threat African Americans pose to the ruling class while also moderating economic competition between the races. The central premise is that repressive action against African Americans will intensify as the economic gap between African Americans and Whites narrow and, by extension, the level of interracial economic competition increase, especially economic competition between lower-class Whites and African Americans (De Giorgi 2006).

Finally, the Reagan election and race-welfare crime nexus brought new rhetoric, i.e., war on crime and war on drugs, which dominated public discourse that led to outdated legislation and overtly discriminatory penal policies largely targeting African American communities (De Giorgi 2006). Since African Americans make up a disproportionate number of inmates, the percentage of each state's citizen population that is African American leads to higher incarceration rates for African Americans. Davey (1998) found states with the highest imprisonment increases had 12 percent higher percentage of African Americans in their general population.

Key explanatory variables used in the model included policy variables containing information on the sentencing structure such as determinate sentencing, capturing two and three strikes law, as well as citizen ideology and governmental political ideology. Critical threat variables in the model include violent crime rate, the property crime rate, and the drug arrest rate. Other key explanatory threat variables in the model will include the unemployment rate, GINI income coefficient, percent of population below the poverty level, and percent of population that is African American. Key control variables are corrections expenditures per 100,000 residents,

public welfare, percent adherents to fundamentalist religion, and states in the southern region of

the U.S. (Stemen 2007). The variables incorporated into the model are described in Table 1

below:

Table 1: Description of Variables

Variable	Measure	Lag
Dependent		
Incarceration rate	People serving at least a one-year sentence per 100,000 population	
Independent		
Control Variables		
Corrections Expenditure	Direct Expenditure (U.S. dollars) on Corrections	1 yr. lag
Welfare rate	Expenditures in Public Welfare per 100,000 population	1 yr. lag
Religion	Percent of state adherent to fundamentalist religion	
South	Dummy variable 1=States in the Southern part of the U.S.	
Explanatory variables		
Violent Crime Habitual Offender Laws	Dummy variable where 1=violent crime habitual sentencing law	
Drug Crime Habitual Offender Laws	Dummy variable where 1=drug crime habitual sentencing law	
Citizen Liberal Ideology	Citizen Ideology Scale-Higher Scores=More Liberal	
Government Liberal Ideology	Goverrnment Ideology Scale-Higher Scores=More Liberal	
Violent crime rate	Homicide, rape, robbery, and assualts per 100,000 population	1 yr. lag
Property crime rate	Burlary, larceny, and motor vehicle thefts per 100,000 population	1 yr. lag
Drug crime rate	Drug arrests per 100,000 population	3 yr. lag
Poverty rate	Percent of population below the poverty line	1 yr. lag
Gini Coefficient	Gini Coefficient for families	
Unemployment rate	Official number of unemployed persons per 100,000 population	1 yr. lag
Percent African American	Percent of population that is African American	1 yr. lag

To examine the influence of unemployment on punishment moderated by extra-legal factors, how effects in the rates of punishment changes over time, and the interaction effects, Statistical Package for the Social Sciences (SPSS) was used to analyze the time-series hierarchical regression model. In performing the time-series hierarchical multiple regression, I was interested in whether adding one or more predictor variables to existing regression equations would significantly increase predictability of the R^2 value. The difference in squared multiple correlations was the amount of incremental explained variance due to the predictor variables (Jaccard and Turrisi 2003). I employed a distributed lagged model (in case the relationship with dependent variable might not respond immediately to a specific increase in the independent variables) that relates current dependent variables to past values of the independent variables. In other words, in considering the relationship between incarceration rates and unemployment, I used past levels of the lagged variables (see Table 1) to estimate the relationship (Ostrom 1978).

Current and past punishment practices may be stronger for poor and minority populations. The suspicion that an interaction may exist in the aforementioned data set arose from apriori information and theorizing on the Rusche-Kirchheimer thesis so it is appropriate to estimate the interaction effect in the model (Aiken and West 1991). Jaccard, Turrisi, and Wan (1990) state that there are three frequently used strategies for testing interaction effects and the most common strategy is to use multiple regression procedures.

The strategy entails forming the multiplicative term, X_1X_2, which is said to encompass the interaction effect, and calculate two R^2 values. If the difference between the two R^2 values is statistically significant then an interaction effect exists (Jaccard, Turrisi, and Wan 1990). The R^2 values should be significant, as well as the F test for the equation to assume that an interaction

effect is present and reject the null hypothesis noting that a bilinear interaction is present (Jaccard, Turrisi, and Wan 1990).

Specification

Except for the political ideology measure (which assigns higher scores to more liberal states), the coefficients on all explanatory variables should be positive. The following time-series hierarchical regression model will be estimated to test study hypotheses:

Main Model

$$Y_t = a + b_1X_{1t} + b_2X_{2t} + b_3X_{3t-1} + b_4X_{4t-1} + b_5X_{5t} + b_6X_{6t} + b_7X_{7t} + b_8X_{8t} + b_9X_{9t-1} + b_{10}X_{10t-1} + b_{11}X_{11t-3} + b_{12}X_{12t-1} + b_{13}X_{13t} + b_{14}X_{14t-1} + b_{15}X_{15t-1} + e_t$$

Where:

Y_t = Incarceration Rate

a = Intercept

b_1X_{1t} = Violent Crime-Habitual Offender Laws

b_2X_{2t} = Drug Crime-Habitual Offender Laws

b_3X_{3t-1} = Corrections Expenditure

b_4X_{4t-1} = Public Welfare Expenditure

b_5X_{5t} = Percent Adherent to Fundamentalist Religion

b_6X_{6t} = South

b_7X_{7t} = Citizen Liberal Ideology

b_8X_{8t} = Government Liberal Ideology

b_9X_{9t-1} = Violent Crime Rate

$b_{10}X_{10t-1}$ = Property Crime Rate

$b_{11}X_{11t-3}$ = Drug Crime Rate

$b_{12}X_{12t-1}$ = Poverty Rate

$b_{13}X_{13t}$ = Gini Coefficient

$b_{14}X_{14t-1}$ = Unemployment Rate

$b_{15}X_{15t-1}$ = Percent African American

e_t = Error term (serial correlation)

Interaction Effects Model: Unemployment

$$Y_t = a + b_1X_{1t} + b_2X_{2t} + b_3X_{3t-1} + b_4X_{4t-1} + b_5X_{5t} + b_6X_{6t} + b_7X_{7t} + b_8X_{8t} + b_9X_{9t-1} + b_{10}X_{10t-1} + b_{11}X_{11t-3} + b_{12}X_{12t-1} + b_{13}X_{13t} + b_{14}X_{14t-1} + b_{15}X_{15t-1} + b_{16}X_{16t-1} + e_t$$

Where:

$b_{16}X_{16t-1}$ = Percent African American*Unemployment Rate

Finally, in chapter 5 that follows, I will describe the data and findings from the research design.

CHAPTER 5 - DATA ANALYSIS

This chapter focuses on results of analyses of the effects of several independent variables on incarceration rates. Specifically, in this chapter I report results of the time-series hierarchical linear regression block models that examine the degree to which many independent variables influence the rates of incarceration. All of the results presented in this chapter are based on models estimated to address the general question posed in the present research: Does unemployment influence punishment?

Descriptive Results

Prior to discussing the findings of hypothesis testing on the relationship between incarceration rates and unemployment rates, a brief examination of descriptive statistics is provided. Table 2 below reports the descriptive information (continuous variables) for variables included in the models that examine causal influence incarceration rates.

Table 2: Summary of Descriptive Statistics (continuous variables)

Variables	*MEAN*	*SD*	N	Minimum	Maximum
INCARCERATION RATE	218.01	147.48	550	21.00	794.00
CORRECTIONS EXPENDITURE	521.63	903.16	550	8.96	7044.85
PUBLIC WELFARE	51990.81	28846.31	550	11354.00	173080
RELIGION	11.01	10.20	550	0.50	36.70
CITIZEN LIBERAL IDEOLOGY	47.44	15.47	550	7.48	89.57
GOVERNMENT LIBERAL IDEOLOGY	49.47	23.12	550	0	97.91
VIOLENT CRIME RATE	436.53	235.90	550	38.10	1207.20
PROPERTY CRIME RATE	4153.49	1299.96	550	839.00	7941.40
DRUG CRIME RATE	367.18	215.64	550	55.72	2123.07
POVERTY RATE	13.03	4.26	550	2.90	33.86
GINI COEFFICIENT	0.38	0.03	550	0.31	0.47
UNEMPLOYMENT RATE	6.06	2.08	550	2.20	18.00
PERCENT AFRICAN AMERICAN	9.46	9.20	550	0.20	36.80

Note. The following variables were centered to reduce multi-collinearity:
1. Gini Coefficient, mean=0
2. Unemployment, mean=0
3. Percent African American, mean=0

Incarceration rate: The average incarceration rate across all states was 218 per 100,000. The minimum was 21 per 100,000, and the maximum was 794 per 100,000. States with the lowest incarceration rates were North Dakota, Vermont, New Hampshire, Massachusetts, and Minnesota, respectively, in the early to late 1970s. States with the highest incarceration rates were Louisiana, Texas, Mississippi, Oklahoma, Alabama, and South Carolina (all Southern states), respectively, in the mid to late 1990s.

Corrections Expenditure: The average corrections expenditures per 100,000 residents was $522. The minimum was nine and the maximum was $7,045 (constant U.S. dollars). States with the lowest corrections expenditure, respectively, were North Dakota, Wyoming and South Dakota. States with the highest corrections expenditure, respectively, were California, New York, Texas, and Florida from the mid to late 1990s to 2002.

Public Welfare: The average expenditure in public per 100,000 residents was $51,991. The minimum was $11,354 and the maximum was $173,080 (constant U.S. dollars). States with the lowest expenditures in public welfare, respectively, were Arizona, South Carolina, Indiana, Florida, and Wyoming during the 1970s. States with the highest expenditures in public welfare, respectively, were New York, Alaska, Rhode Island, Maine, and Vermont during the late 1990s.

Percent Adherents to Fundamentalist Religion: The average percent of states adherent to a fundamentalist religion was eleven. The minimum percent was one-half of one percent and the maximum was 37 percent. States with the lowest percent adherent to a fundamentalist religion, respectively, were Rhode Island, New Hampshire, Vermont, Massachusetts, and Connecticut. States with the highest percent adherent to fundamentalist religion were, respectively, Mississippi, Oklahoma, Alabama, Arkansas, and Tennessee (again Southern states).

Citizen Liberal Ideology (higher scores=more liberal): The average citizen liberal ideology score was 47. The minimum score was seven and the maximum score was 90.

Government Liberal Ideology (higher scores=more liberal): The average government liberal ideology score was 49. The minimum score was 0 and the maximum score was 98.

Violent Crime Rate: The average violent crime rate was 437 per 100,000. The minimum was 38 and the maximum was 1,207. States with the lowest violent crime rates were North Dakota, Vermont, and New Hampshire, respectively. States with the highest violent crime rates were Florida, New York, and California.

Property Crime Rate: The average property crime rate was 4,153 per 100,000. The minimum was 839 and the maximum was 7,941. States with the highest property crime rates were Nevada, Florida, Arizona, Texas, and Hawaii, respectively. States with the lowest property crime rates were Mississippi, West VirGinia, North Dakota, South Dakota, and Maine (no pattern to note).

Drug Crime Rate: The average drug crime rate was 367. The minimum was 55 and the maximum was 2,123 per 100,000. Starting in the mid 1980s to late 1990s, although there was no distinctive pattern, states with the highest drug arrest rates were Illinois, New York, Maryland, California, and Kentucky, respectively. States with the lowest drug arrest rates were Montana, North Dakota, West VirGinia, Vermont, and Iowa.

Poverty Rate: The percent of population living below poverty had a mean of 13 percent, where the minimum percent was three and with a maximum of 34 percent. States with the highest poverty rates included Mississippi, Arkansas, New Mexico, Louisiana, and Alabama respectively. States with the lowest poverty rates included Connecticut, New Hampshire, Delaware, Rhode Island, and Alaska.

Gini Coefficient: The average Gini income distribution coefficient, which typicall range from 1.0 to 0.0 was 0.4. The minimum Gini income distribution coefficient was 0.3 and the maximum was 0.5. States with the highest income inequality were New York, California, Louisiana, Texas, and Mississippi. States with the lowest income inequality were New Hampshire, Indiana, Wisconsin, Maine, and Michigan.

Unemployment Rate: The average unemployment rate was 6 percent. The minimum unemployment rate was 2 percent and the maximum 18 percent. States with the highest unemployment rates included West VirGinia, Michigan, Alabama, Louisiana, and Ohio. States, although there was no distinctive pattern, with the lowest unemployment rates included Iowa, Minnesota, Hawaii, Nebraska, and South Dakota.

Percent African American: The average percentage of a population that was African Americans was 9.0 percent. The minimum percent of a population that was African American was 0.2 percent and the maximum was 37.0 percent. States with the highest percent of the population that was African Americans included Mississippi, Louisiana, South Carolina, Georgia, and Alabama, respectively. States with the lowest percent of the population that was African American were Vermont, Montana, Maine, South Dakota, and Idaho, respectively.

Table 3 below shows percent distribution of dummy variables from the impact of state sentencing policies on incarceration report. The habitual offender laws (two-strikes, three-strikes) targeting violent and drug offenses show that 27 percent of states had laws targeting violent crime and five percent targeting drug crimes respectively. Additionally, Table 3 shows that 32 percent of the states were in the South.

Table 3: Descriptive Statistics for dummy variables used in the models

Variables	Definition	percent reporting 0	1
STATES WITH VIOLENT CRIME-HABITUAL OFFENDER LAWS	1=yes, 0=no	73	27
STATES WITH DRUG CRIME-HABITUAL OFFENDER LAWS	1=yes, 0=no	95	5
STATES IN THE SOUTHERN REGION	1=yes, 0=no	68	32

Correlations Between Independent Variables

To asses the strength and significance of the correlation between independent variables, table 4 below was displays the Pearson's r test for statistical significance. The findings show that fourteen of the sixteen independent variables had a significant relationship with the dependent variable, incarceration rate. The two variables that were not significant were violent and drug habitual offender laws. The bivariate findings also indicate that although the main independent variable was significant, contrary to the Rusche and Kirchheimer thesis, the correlation was negative and weak in magnitude (r=-.14). The drug crime rate also had a negative correlation with the incarceration rate. Other significant variables were: corrections expenditure; welfare rate; religion; percent in southern region; citizen political ideology; government political ideology; violent crime rate; property crime rate; drug crime rate; poverty rate; Gini coefficient; unemployment rate; and percent African American.

Table 4: Bivariate Correlations Between Variables

Variable(s)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1 INCARCERATION RATE	1	0.40***	0.44***	0.30***	0.34***	0	0.02	-0.18***	-0.1***	0.52***	0.25***	-0.10**	0.13***	0.72***	-0.14***	0.45***	0.21***
2 CORRECTIONS EXPENDITURE		1	0.43***	-0.10**	0	0.01	0.06	0.13***	0	0.50***	0.18***	-0.10***	0.01	0.46***	-0.01	0.18***	0.01
3 WELFARE RATE			1	-0.2***	-0.20***	0.01	-0.01	0.40***	0.20***	0.22***	0	-0.10*	-0.20***	0.48***	-0.17***	-0.02	0.01
4 RELIGION				1	0.73***	0	-0.01	-0.55***	-0.20***	0.13***	-0.11***	0	0.65***	0.40***	0.07	0.61***	0.27***
5 SOUTH					1	0	-0.04	-0.39***	0	0.24***	-0.06	-0.1	0.52***	0.40***	0.08*	0.72***	0.21***
6 VIOLENT CRIME-HABITUAL OFFENDER LAWS						1	0.23***	0.04	0	0	-0.01	0	0	-0.03	0.05	-0.04	-0.10**
7 DRUG CRIME-HABITUAL OFFENDER LAWS							1	0.02	0.1	0	0	-0.20***	0.02	0.02	0.02	-0.03	-0.01
8 CITIZEN POLITICAL IDEOLOGY								1	0.6***	0	-0.01	0	-0.40***	-0.12***	0.04	-0.30***	-0.14***
9 GOVERNMENT POLITICAL IDEOLOGY									1	0.1***	0.12***	0	-0.10***	-0.02	0.22***	-0.04	-0.03
10 VIOLENT CRIME RATE										1	0.61***	-0.10**	0.14***	0.45***	0.16***	0.48***	0
11 PROPERTY CRIME RATE											1	0	-0.10***	0.08*	0.22***	0.03	-0.06
12 DRUG CRIME RATE												1	-0.10*	-0.16***	0*	-0.08	0.02
13 POVERTY RATE													1	0.43***	0.37***	0.44***	0.24***
14 GINI COEFFICIENT														1	-0.13***	0.43***	0.18***
15 UNEMPLOYMENT RATE															1	0.10**	0.04
16 PERCENT AFRICAN AMERICAN																1	0.42***
17 GINI COEFFICIENT*PERCENT BLACK																	1

The other negative correlation with the dependent variable was the drug crime rate. The significant correlations ranged from a low of .10 (government political ideology and drug crime rate) to a high of .72 (Gini coefficient).

Time-Series Hierarchical Regression Results

Time-series hierarchical results of determinants of increasing incarceration rates from 1972 to 2002 are described in two sections, the first section deals with the main effects on incarceration rates and the second section deals with interaction effects on incarceration rates. To assess the degree to which significant effects of certain variables and the amount of explained variation associated with significant effects are a function of certain variables, I move on to report a series of multivariate analyses that examine the effects of unemployment rates on incarceration rates outcomes. Tables 4 through 10 report the results for a series of time-series hierarchical standard linear regression models that estimate the effects of the explanatory and control variables on incarceration rates.

Model 1 shows the results of law and order politics on and the effects of the control variables on incarceration rates. Model 2 shows the effects of the law and order politics, political ideology, and the control variables on incarceration rates. Model 3 shows the effects of the law and order politics, political ideology, criminal threat, and the control variables on incarceration rates. Model 4 shows the effects of the law and order politics, political ideology, criminal threat, economic threat, and the control variables on incarceration rates. Model 5 shows the effects of the law and order politics, political ideology, criminal threat, economic threat, minority threat, and the control variables on incarceration rates.

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Key Findings

The analysis of the determinants of punishment was conducted using seven time-series hierarchical regression models. A panel data set from 1972-2002 was used to assess the relationship between the dependent and independent variables. The models assessed the determinants of increased incarceration rates by assessing law and order politics, political ideology, criminal threat, economic threat, and minority threat. After examining the theoretical models, the results are summarized as follows:

Model I: Law and Order Politics

Table 5 below reports the results for the first time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors is associated with incarceration rates. The F Value was 73.34, $p < .001$ suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability of law and order politics influencing incarceration rates. Thus, the null hypothesis was rejected and at least one independent variable has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.45$, shows the model as a whole is a good fit explaining 45 percent of the variance. When looking at whether or not states with habitual offender laws differed from states without them, it appears that neither violent habitual offender laws nor drug habitual offender laws had independent significant effects and thus, were not a significant predictor of incarceration rates. However, the results from the significant model as a whole show that states with violent and drug habitual offender laws have lower incarceration rates than states without them.

Table 5: Time-Series Analysis of Habitual Offender Laws On Incarceration Rates

Independent Variable	B	Beta	t
CORRECTIONS EXPENDITURE	0.04	0.25	6.89***
WELFARE RATE	0.00	0.43	11.90***
RELIGION	3.53	0.24	5.14***
SOUTH	75.90	0.24	5.07***
VIOLENT CRIME-HABITUAL OFFENDER LAWS	-4.15	-0.01	-0.40
DRUG CRIME-HABITUAL OFFENDER LAWS	15.57	0.02	0.68
N=550			

Note. R^2= .448, F(2, 543)=73.34, *$p \leq$.05, **$p \leq$.01, ***$p \leq$.001

Variables to capture the law and order dimension were violent and drug habitual offender laws. Overall, the final model suggests that states with violent crime habitual offender laws compared to states without habitual offender laws had higher incarceration rates. Violent crime habitual offender laws were not a significant factor in higher incarceration rates. In contrast, states with drug crime habitual offender laws had higher incarceration rates, and this was not a significant factor for increased incarceration rates. Based on the statistical test of the b coefficient (t = , $p<0.001$) for the independent variables, "violent and drug crime habitual offender laws," the null hypothesis that the slope or b coefficient was equal to 0 (zero) was not rejected. The research hypothesis that there was a relationship between "violent and drug crime habitual offender laws" and incarceration rates was not supported. Overall, the hypothesis that *the violent and drug habitual offender laws will be positively related to incarceration rates* was not supported by the study.

Model II: Political Ideology

Table 6 below reports the results for the second time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors and political ideology are associated with incarceration rates. The F (2, 541), 24.39, p < .001 suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability of law and order politics and political ideology influencing incarceration rates. Thus, the null hypothesis can be rejected and at least one independent variable has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.49$ shows the model as a whole is a good fit explaining 49 percent of the variance. The R^2 change was significant and represented an increase of .046 percent from the first model (see Table 12). Significant predictors of incarceration rates in the second model were citizen liberal ideology and the control variables of corrections expenditure, public welfare expenditures, percent of state adherent to a fundamentalist religion, and southern states.

Table 6: Time-Series Analysis of Political Ideology On Incarceration Rates

Independent Variable	*B*	Beta	*t*
CORRECTIONS EXPENDITURE	0.03	0.23	6.60***
WELFARE RATE	0.00	0.52	13.90***
RELIGION	1.52	0.11	2.08*
SOUTH	86.50	0.27	5.91***
VIOLENT CRIME-HABITUAL OFFENDER LAWS	-4.96	-0.01	-0.50
DRUG CRIME-HABITUAL OFFENDER LAWS	23.98	0.03	1.09
CITIZEN LIBERAL IDEOLOGY	-2.04	-0.21	-40***
GOVERNMENT LIBERAL IDEOLOGY	-0.44	-0.07	-1.60
N=550			

Note. R²= .493, F(2, 541)=24.39, *p≤.05, **p≤.01, ***p≤.001

Model II: Political Ideology

Table 6 below reports the results for the second time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors and political ideology are associated with incarceration rates. The F (2, 541), 24.39, p < .001 suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability of law and order politics and political ideology influencing incarceration rates. Thus, the null hypothesis can be rejected and at least one independent variable has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.49$ shows the model as a whole is a good fit explaining 49 percent of the variance. The R^2 change was significant and represented an increase of .046 percent from the first model (see Table 12). Significant predictors of incarceration rates in the second model were citizen liberal ideology and the control variables of corrections expenditure, public welfare expenditures, percent of state adherent to a fundamentalist religion, and southern states.

Table 6: Time-Series Analysis of Political Ideology On Incarceration Rates

Independent Variable	*B*	Beta	*t*
CORRECTIONS EXPENDITURE	0.03	0.23	6.60***
WELFARE RATE	0.00	0.52	13.90***
RELIGION	1.52	0.11	2.08*
SOUTH	86.50	0.27	5.91***
VIOLENT CRIME-HABITUAL OFFENDER LAWS	-4.96	-0.01	-0.50
DRUG CRIME-HABITUAL OFFENDER LAWS	23.98	0.03	1.09
CITIZEN LIBERAL IDEOLOGY	-2.04	-0.21	-40***
GOVERNMENT LIBERAL IDEOLOGY	-0.44	-0.07	-1.60
N=550			

Note. R²= .493, F(2, 541)=24.39, *p≤.05, **p≤.01, ***p≤.001

The variables intended to test for political ideology were citizen and government liberal ideology. Overall, the final model suggests that citizen liberal ideology was significantly related to lower incarceration levels. Additionally, government liberal ideology was significantly related to lower incarceration levels. States where citizens and governments identified as liberal had lower incarceration rates. Based on the statistical test of the b coefficient (t = , p<0.001) for the independent variable "citizen and government liberal ideology," the null hypothesis that the slope or b coefficient was equal to 0 (zero) was rejected. The research hypothesis that there was a relationship between both "citizen and government liberal ideology" and "incarceration rates" was supported. As expected, the hypothesis that citizen *conservative political ideology will be positively related to the incarceration rate* was supported by the study. Additionally, the hypothesis that government *conservative political ideology will be positively related to the incarceration rate* was supported by the study.

Model III: Criminal Threat

Table 7 below reports the results for the third time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors, political ideology and criminal threat are associated with incarceration rates. The $F_{(3, 538)}$ 34.62, $p < .001$ suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability that law and order politics, political ideology, and criminal threat have on influencing incarceration rates. Thus, the null hypothesis can be rejected, and has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.58$ shows the model as a whole is a good fit explaining 58 percent of the variance. The R^2 change was significant and represented an increase of .082

percent from the second model (see Table 12). Significant predictors of incarceration rates in the third model were citizen liberal ideology, government liberal ideology, violent crime rates, property crime rates and the control variables of corrections expenditure, public welfare expenditures, percent of state adherent to a fundamentalist religion, and southern states.

Table 7: Time-Series Analysis of Criminal Threat On Incarceration Rates

Independent Variable	*B*	Beta	*t*
CORRECTIONS EXPENDITURE	0.01	0.09	2.48*
WELFARE RATE	0.00	0.51	14.70***
RELIGION	2.11	0.15	3.09***
SOUTH	75.06	0.24	5.41***
VIOLENT CRIME-HABITUAL OFFENDER LAWS	-4.33	-0.01	-0.40
DRUG CRIME-HABITUAL OFFENDER LAWS	33.17	0.05	1.61
CITIZEN LIBERAL IDEOLOGY	-1.10	-0.12	-2.30*
GOVERNMENT LIBERAL IDEOLOGY	-1.02	-0.16	-3.90***
VIOLENT CRIME RATE	0.13	0.21	4.61***
PROPERTY CRIME RATE	0.01	0.15	3.85***
DRUG CRIME RATE	0.00	0.01	0.19
N=550			
Note. R^2= .575, $F_{(3, 538)}$=34.62, *p≤.05, **p≤.01, ***p≤.001			

To gauge the significance of crime on punishment, violent, property, and drug crime rates were measured. Violent crime, property crime, and drug crime arrest rates all had positive effects on the incarceration rate; however, only violent and property crime were significantly related to higher incarceration rates. Drug arrest rates were not significantly related to higher incarceration rates. Based on the statistical test of the b coefficient (t = , p<0.001) for the independent variable of "violent and property crime rates," the null hypothesis that the slope or b coefficient was equal to 0 (zero) was rejected. The research hypothesis that there was a relationship between "violent and property crime" and "incarceration rates" was supported. The prediction that *the violent and property crime rate will be positively related to the incarceration rate* was supported by the

study's indication that violent and property crime indeed has a significant and direct effect on rising incarceration rates. The prediction that *the drug crime rate will be positively related to the incarceration rate,* however, was not supported.

Model IV: Economic Threat

Table 8 below reports the results for the fourth time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors, political ideology, criminal threat, and economic threat are associated with incarceration rates. The $F_{(3, 535)}$ 59.14, $p < .001$ suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability that law and order politics, political ideology, criminal threat, and economic threat have on influencing incarceration rates. Thus, the null hypothesis can be rejected and at least one independent variable has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.68$, shows the model as a whole is a good fit explaining 68 percent of the variance. The R^2 change was significant and represented an increase of .106 percent from the third model (see Table 12). Significant predictors of incarceration rates in the fourth model were citizen liberal ideology, government liberal ideology, violent crime rates, property crime rates, poverty rate, Gini coefficient (inequality) and the control variables of public welfare expenditures, percent of state adherent to a fundamentalist religion, and southern states. The strongest predictors of incarceration rates in the model was inequality (Gini coefficient) with a beta weight of .56.

Table 8: Time-Series Analysis of Economic Threat On Incarceration Rates

Independent Variable	*B*	Beta	*t*
CORRECTIONS EXPENDITURE	-0	-0.01	-0.40
WELFARE RATE	0.00	0.22	5.85***
RELIGION	1.81	0.13	2.74*
SOUTH	45.07	0.14	3.66***
VIOLENT CRIME-HABITUAL OFFENDER LAWS	-0.10	-0	-0
DRUG CRIME-HABITUAL OFFENDER LAWS	26.37	0.04	1.47
CITIZEN LIBERAL IDEOLOGY	-1.06	-0.11	-2.60*
GOVERNMENT LIBERAL IDEOLOGY	-0.83	-0.13	-3.60***
VIOLENT CRIME RATE	0.11	0.18	4.39***
PROPERTY CRIME RATE	0.01	0.09	2.48*
DRUG CRIME RATE	0.01	0.02	0.94
POVERTY RATE	-10.80	-0.31	-7.40***
GINI COEFFICIENT	2675.00	0.56	12.30***
UNEMPLOYMENT RATE	3.27	0.05	1.43
N=550			

Note. R^2= .681, $F_{(3, 535)}$=59.14, *p≤.05, **p≤.01, ***p≤.001

The economic threat dimension was captured by the poverty rate, unemployment rate, and the Gini coefficient. Earlier studies had found that increased unemployment led to increased punishment, independent of crime rates. The main independent variable, unemployment rates, had a positive influence on incarceration rates but was not, as I had hypothesized, a significant predictor. Additionally, the poverty rate did not factor significantly in the direction I predicted. In fact, poverty rates had a significant *negative* influence on incarceration rates. The negative poverty rate was an intriguing finding, suggesting the need for additional exploratory analysis designed to explain its relationship with punishment. The most important and unexpected finding was that the Gini coefficient or inequality index was positive and significant, and throughout all the models it had the strongest impact on incarceration rates. Based on the statistical test of the b coefficient (t = , p<0.001) for the independent variables "poverty rate and Gini coefficient," the null hypothesis that the slope or b coefficient was equal to 0 (zero) was rejected. The research

hypothesis that the *Gini coefficient rate will be positively related to the incarceration rate* was supported. Poverty rates were negatively related to incarceration rates and the main independent variable, unemployment, was not significantly related to higher incarceration rates. Therefore, the prediction that *the poverty and unemployment rate will be positively related to the incarceration rate* was not supported.

Model V: Minority Threat

Table 9 below reports the results for the fifth time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors, political ideology, criminal threat, economic threat, and minority threat are associated with incarceration rates. The $F_{(1, 534)}$ 11.61, $p < .001$ suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability that law and order politics, political ideology, criminal threat, economic threat, and minority threat have on influencing incarceration rates. Thus, the null hypothesis can be rejected and at least one independent variable has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.688$ shows the model as a whole is a good fit explaining 69 percent of the variance. The R^2 change was significant and represented an increase of .007 percent from the fourth model (see Table 12). Significant predictors of incarceration rates in the fifth model were citizen liberal ideology, government liberal ideology, violent crime rates, property crime rates, poverty rate, Gini coefficient (inequality), percent of population that was African American and the control variables of public welfare expenditures, percent of state adherent to a fundamentalist religion, and southern states.

Table 9: Time-Series Analysis of Minority Threat On Incarceration Rates

Independent Variable	*B*	Beta	*t*
CORRECTIONS EXPENDITURE	-0	-0.01	-0.40
WELFARE RATE	0.00	0.22	5.81***
RELIGION	1.31	0.09	1.97**
SOUTH	23.61	0.07	1.72
VIOLENT CRIME-HABITUAL OFFENDER LAWS	0.67	0	0.08
DRUG CRIME-HABITUAL OFFENDER LAWS	25.94	0.04	1.46
CITIZEN LIBERAL IDEOLOGY	-1.12	-0.12	-2.70**
GOVERNMENT LIBERAL IDEOLOGY	-0.77	-0.12	-3.40***
VIOLENT CRIME RATE	0.06	0.11	2.41*
PROPERTY CRIME RATE	0.01	0.12	3.24***
DRUG CRIME RATE	0.01	0.03	1.03
POVERTY RATE	-10.60	-0.31	-7.30***
GINI COEFFICIENT	2702	0.56	12.50***
UNEMPLOYMENT RATE	2.94	0.04	1.30
PERCENT AFRICAN AMERICAN	2.30	0.14	3.41***
Durbin-Watson = 2.01			
N=550			

Note. R^2= .688, $F_{(1, 534)}$=11.61, *$p \leq .05$, **$p \leq .01$, ***$p \leq .001$

Based on the statistical test of the b coefficient (t = , p<0.001) for the independent variable "percent African American," the null hypothesis that the slope or b coefficient was equal to 0 (zero) was rejected. The research hypothesis that there was a relationship between "percent African American" and "incarceration rates" was supported. As predicted, states with higher percentages of African Americans had a positive and significant effect on increasing incarceration rates; therefore, the prediction that *as the percent of African Americans increase, the incarceration rate will increase* was supported.

Although the higher presence of African Americans had a positive and significant effect on increasing incarceration rates and unemployment was positive but not significant, I ran an interaction model to test whether the relationship was conditional. In other words, to test whether

the relationship between unemployment and punishment affected African Americans differently, additional interaction effects were tested on the Gini coefficient.

Interaction Effects

In this section, I report the results for interaction model that address the second research question posed in the current study: Do unemployment rates interact with race to influence incarceration rates? Nobiling et al. (1998) explored the possibility of interaction between unemployment and African American males and found the impact of unemployment was significant and strongest for young African American males. The results of their analysis support the argument that unemployment status interacts with other offender characteristics to produce harsher sentences for certain subgroups of the offender population when looking at African Americans (Nobiling, Spohn, and DeLone 1998).

The model examined in this section will report how the percentage of African Americans in a state interacts with unemployment rates to effect incarceration rates.

Table 10 below reports the results for the sixth time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors, political ideology, criminal threat, economic threat, minority threat, as well as whether or not interaction effects (race and unemployment) are associated with incarceration rates. The $F_{(1,533)}$ 3.14, $p < .001$ suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability that law and order politics, political ideology, criminal threat, economic threat, minority threat, and whether interaction effects influence incarceration rates. The null hypothesis can be rejected and has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.69$ shows the model as a whole is a good fit explaining 69 percent of the variance. The R^2 change represented an increase of .002 percent from the fifth model. Significant predictors of incarceration rates in the sixth model were citizen liberal ideology, government liberal ideology, violent crime rates, property crime rates, poverty rate, Gini coefficient (inequality), percent of population that was African American and the control variables of public welfare expenditures and percent of state adherent to a fundamentalist religion. The creation of the interaction effect between percent of the population that was African American and unemployment slightly raised the R^2 value but was not significant.

Table 10: Time-Series Analysis-Interaction of Unemployment * Percent African American

Independent Variable	B	Beta	t
CORRECTIONS EXPENDITURE	-0	-0.02	-0.50
WELFARE RATE	0.00	0.22	5.82***
RELIGION	1.39	0.10	2.08*
SOUTH	18.75	0.06	1.34
VIOLENT CRIME-HABITUAL OFFENDER LAWS	1.26	0	0.15
DRUG CRIME-HABITUAL OFFENDER LAWS	29.22	0.04	1.64
CITIZEN LIBERAL IDEOLOGY	-1.10	-0.11	-2.70**
GOVERNMENT LIBERAL IDEOLOGY	-0.80	-0.13	-3.50***
VIOLENT CRIME RATE	0.06	0.10	2.18*
PROPERTY CRIME RATE	0.01	0.12	3.33***
DRUG CRIME RATE	0.01	0.03	1.07
POVERTY RATE	-10.40	-0.30	-7.20***
GINI COEFFICIENT	2718	0.57	12.60***
UNEMPLOYMENT RATE	3.02	0.04	1.34
PERCENT AFRICAN AMERICAN	2.54	0.16	3.69***
PERCENT AFRICAN AMERICAN*UNEMPLOYMENT	-0.33	-0.05	-1.80
Durbin-Watson = 2.01			
N=550			
Note. R^2= .690, F(1, 533)=3.14, *p≤.05, **p≤.01, ***p≤.001			

The partial slope for unemployment was not significant. The prediction that *the unemployment rate will be positively related to the incarceration rate, as the percent of African Americans increase* was not supported which may be suggestive that the form of the relationship

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between incarceration rates and unemployment rates may not be linear (in fact in may be curvilinear) and been mis-specified. Additionally, due to form of the relationship between incarceration rate and the interaction variable (percent of population that is African American*unemployment rate) is not linear (in fact in may be curvilinear), has a negative slope (sign) and may be mis-specified as well.

The strongest predictor of incarceration rates in the model was inequality (Gini coefficient) with a beta weight equaled .56. The percent of a state's population that was African American is positively and significantly related to higher incarceration rates. This indicates that although percent African American is more likely to have higher incarceration rates, this effect varies across states so that the estimated gap between percent African American may be substantially smaller in some states than in other states.

Model VI: Gini Coefficient and Percent African American Interaction

An additional interaction model will be estimated to assess whether, and the degree to which, the Gini coefficient variable interacts with race to positively and significantly impact incarceration rates. Although unemployment rates were not significant, another explanation may be that an interaction effect exists between the Gini coefficient and incarceration rate. If the theory holds true, I predict that the change in the expected value of *incarceration rates* associated with a small increase in *Gini-coefficient* depends on the value of percent African American in the population (Berry 1993).

Specification of Additional Interaction Effects Model on Inequality

$$Y_t = a + b_1 X_{1t} + b_2 X_{2t} + b_3 X_{3t-1} + b_4 X_{4t-1} + b_5 X_{5t} + b_6 X_{6t} + b_7 X_{7t} + b_8 X_{8t} + b_9 X_{9t-1} + b_{10} X_{10t-1} + b_{11} X_{11t-3} + b_{12} X_{12t-1} + b_{13} X_{13t} + b_{14} X_{14t-1} + b_{15} X_{15t-1} + b_{16} X_{16t-1} + e_t$$

Where:

$b_{16}X_{16t-1}$ = Percent African American*Gini Coefficient

Table 11 below reports the results for the seventh time-series hierarchical linear regression model estimated in order to assess whether the block of independent variables measuring law and order political factors, political ideology, criminal threat, economic threat, minority threat, as well as whether or not interaction effects (race and Gini coefficient) are associated with incarceration rates. The $F(1, 533)$ 75.56, $p < .001$ suggests the model being used to explain variation in incarceration rates is robust. This implies that the regressors jointly have a statistically significant impact on the probability that law and order politics, political ideology, criminal threat, economic threat, minority threat, and whether interaction effects influence incarceration rates. The null hypothesis can be rejected and at least one independent variable has a non-zero effect on incarceration rates.

The goodness of fit $R^2 = 0.69$ shows the model as a whole is a good fit explaining 69 percent of the variance. The R^2 change was significant and represented an increase of .004 percent. Significant predictors of incarceration rates in the seventh model were citizen liberal ideology, government liberal ideology, violent crime rates, property crime rates, poverty rate, Gini coefficient (inequality) and the control variables of public welfare expenditures, percent of state adherent to a fundamentalist religion, and percent of states in the South. Interestingly, the creation of the interaction effect between percent of the population that was African American and the Gini coefficient slightly raised the R^2 value and was significant as well, indicating the presence of an interaction (see Table 12). Percent African American and habitual offender laws for drug crimes were not significant.

Table 11: Time-Series Analysis-Interaction of Gini Coefficient * Percent African American

Independent Variable	*B*	Beta	*t*
CORRECTIONS EXPENDITURE	-0	-0.02	-0.5
WELFARE RATE	0.00	0.21	5.68***
RELIGION	1.36	0.09	2.05*
SOUTH	32.90	0.1	2.37*
VIOLENT CRIME-HABITUAL OFFENDER LAWS	3.14	0.01	0.38
DRUG CRIME-HABITUAL OFFENDER LAWS	25.34	0.04	1.44
CITIZEN LIBERAL IDEOLOGY	-1.05	-0.11	-2.6**
GOVERNMENT LIBERAL IDEOLOGY	-0.81	-0.13	-3.6***
VIOLENT CRIME RATE	0.09	0.16	3.37***
PROPERTY CRIME RATE	0.01	0.1	2.68**
DRUG CRIME RATE	0.01	0.02	0.84
POVERTY RATE	-11	-0.32	-7.6***
GINI COEFFICIENT	2663	0.55	12.4***
UNEMPLOYMENT RATE	2.93	0.04	1.3
PERCENT AFRICAN AMERICAN	1.10	0.07	1.44
GINI *PERCENT AFRICAN AMERICAN	46.60	0.09	3.27***
Durbin-Watson=2.01			
N=550			

Note. R^2= .694, $F_{(1, 533)}$=75.56, *p≤.05, **p≤.01, ***p≤.001

After running an interaction effect on unemployment and percent of African Americans, there was a negative and none significant relationship between unemployment and percent of African Americans on higher incarceration rates. This suggests that the Rusche and Kirchheimer thesis is not sufficient for explaining either the relationship between unemployment and incarceration for either general population or disparate incarceration rates; however, since the Gini coefficient was positive, significant and of all the variables, had the strongest impact, I decided to run an additional model to test for interaction effects between inequality and percent African American to explain the rising and disparate incarceration rates.

The Gini coefficient was incorporated into the model as a proxy for social inequality. Gini is computed from the distribution of aggregate income. It is constructed by first dividing the population into five groups. The lowest and the highest (quintile) are added and then this is

divided by the population. The total is divided by the residential population and multiplied by 100,000 in order to create a standardized, per capita inequality statistic. The higher the value of the Gini coefficient, the greater the amount of inequality in a society. The Gini coefficient has been available since 1947; however, for African Americans the statistic has been available only since 1966 (D'Alessio 1993).

It was theorized that the gap between the top and bottom (quintiles) would lead to harsher punishment to maintain that status quo. In addition, the Gini coefficient was multiplied by race to test differential effects. After running the interaction effect, the model showed that inequality matters. As families have rising rates of disparate incomes over time, incarceration rates rise for the general population. Additionally, the disparity between African American and Whites income had a differential effect.

States with higher income inequality had higher incarceration rates that negatively impact African Americans above and beyond the general population. Thus, as unemployment trends have ebbed and flowed, incarceration rates continued to rise regardless of market conditions. Inequality, however, continued to rise over the last few decades similar to the pattern reflected in the incarceration rates. Hence, unemployment is not as relevant as it was earlier in American history, and unequal income distribution explains both rising and disparate rates of incarceration. The hypothesis that *that the Gini coefficient rate will be positively related to the incarceration rate, as the percent of African Americans increase* was supported by the study. The evidence from the research study tends to suggest that punishment is primarily a function of income inequality, supporting Reiman's (1998) notion that *The Rich Get Richer and the Poor Get Prison* (Reiman 1998).

Standard multiple regression estimates the relationship amongst independent variables and a dependent variable, while hierarchical regression is used to interpret the relationship between a set of independent variables and the dependent variable, controlling for the impact of a different set of independent variables on the dependent variable. In hierarchical regression, independent variables are entered into the equation in a sequence of blocks that may have one or more variables.

The R^2 change (the increase when the predictors variables are added to the equation) for additional blocks of variable was interpreted rather than the overall R^2 for the model. Support for the hierarchical hypothesis would be expected to require statistical significance for the addition of each block of variables. As Table 12 below indicates, the null hypothesis that for the addition of each block of variables to the analysis was equal to zero was rejected. The variables (Models I through VI) had a significant relationship to the dependent variable, after controlling for the relationship of each block of variables on the dependent variable.

Table 12: R² Change Statistics

Model	R Square	Change Statistics				
		R Square Change	F Change	df1	df2	Sig. F Change
1	0.44	0.448***	73.34	6	543	0
2	0.49	0.046***	24.39	2	541	0
3	0.57	0.082***	34.62	3	538	0
4	0.68	0.106***	59.13	3	535	0
5	0.68	0.007**	11.61	1	534	0.001
6	0.69	0.004***	3.14	1	533	0

A Closer Look at the Effect of the Unemployment Rate on the Incarceration Rate

The accuracy of the specification of a model is judged by how well the regression model reflects underlying theory. In this case, the Rusche and Kirchheimer hypothesis was the underlying theoretical justification used to estimate the regression models. Although the Pearson's r correlation revealed that the unemployment rate was significantly related to the incarceration rate, the direction of the relationship was negative and the magnitude of the correlation was weak. This finding is in contradiction to the Rusche and Kirchheimer thesis which hypothesizes a strong, positive correlation. When multivariate, time-series hierarchical regression was used and other independent variables were statistically controlled, the direction of the relationship between the unemployment rate and incarceration rate changed from negative to positive as posited by the Rusche and Kirchheimer thesis. However, the relationship became statistically insignificant. An important question is whether the lack of statistical significance is attributable to the violation of one or more theoretical assumptions of the regression model rather than the Rusche and Kirchheimer thesis being invalid for the time period examined?

Testing for a Nonlinear Relationship

One possible explanation for the lack of statistical significance is that the relationship between the unemployment rate and incarceration rate is nonlinear. The regression model assumes a linear relationship where the change in the expected value of *Y* associated with a one unit increase in *X* should be the same for all values of *X* (McClendon 1994). This was assumed to be the case for the effect of the unemployment rate in the regression models estimated above. Independent variables are nonlinearly related to the dependent variable if the strength of the relationship (as measured by the slope) varies depending on the value of the independent variable *X* (Berry 1993). Thus, the mis-specification of the relationship between the unemployment rate

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and incarceration rate as being linear when it is actually non-linear could account for the lack of statistical significance in the regression models.

In order to rule out this possibility, the final regression model was re-estimated specifying a nonlinear relationship between the unemployment rate and incarceration rate. An examination of the partial regression residual plot for the unemployment rate that was drawn from the final regression model suggested the possibility of a nonmonotonic, nonlinear relationship where the sign of the slope for the unemployment rate changed direction from negative to positive at a specific "threshold" value of the unemployment rate (i.e. is curvilinear).

In order to test for this form of nonlinearity, the regression model was re-specified using a power polynomial function for the unemployment rate (McClendon 1994). The unemployment rate was squared and added as an additional independent variable to the regression model which also included the unsquared unemployment rate. If this form of nonlinear relationship represented a better fit to the data, then the sign of the slope for the unsquared term should be negative, the sign of the slope for the squared term should be positive, both slopes should be statistically significant, and the R^2 for the regression model should increase significantly. The result of this test is shown in Table 13 below. It was found that neither slope was significant and the increase in the R^2 for the regression model was negligible. This suggests that the lack of significance for the relationship between the unemployment rate and incarceration rate was not due its functional form being incorrectly specified as linear when it should be nonlinear.

Table 13: Test for a Curvilinear Effect of the Unemployment Rate on the Incarceration Rate

Independent Variable	B	Beta	t	
CORRECTIONS EXPENDITURE	-0	-0	-0.4	0.7
WELFARE RATE	0	0.21	5.68***	0
RELIGION	1.4	0.1	2.11***	0
SOUTH	31.9	0.1	2.3***	0
VIOLENT CRIME-HABITUAL OFFENDER LAWS	3.28	0.01	0.4	0.7
DRUG CRIME-HABITUAL OFFENDER LAWS	23.8	0.03	1.36	0.2
CITIZEN POLITICAL IDEOLOGY	-1.1	-0.1	-2.6***	0
GOVERNMENT POLITICAL IDEOLOGY	-0.8	-0.1	-3.5***	0
VIOLENT CRIME RATE	0.1	0.16	3.46***	0
PROPERTY CRIME RATE	0.01	0.11	2.87***	0
DRUG CRIME RATE	0.01	0.02	0.88	0.4
POVERTY RATE	-11	-0.3	-7.5***	0
GINI COEFFICIENT	2629	0.55	12.2***	0
UNEMPLOYMENT RATE	0.65	0.01	0.24	0.8
PERCENT AFRICAN AMERICAN	1.11	0.07	1.45	0.1
GINI COEFFICIENT*PERCENT AFRICAN AMERICAN	47	0.1	3.31***	0
UNEMPLOYMENT RATE SQUARED	0.77	0.05	1.63	0.1
Durbin-Watson=2.01				
N=550				

Note. R^2= .695, F(17, 532)=71.49, *p≤.05, **p≤.01, ***p≤.001

Examining For Problems With Multicollinearity

A second possible explanation for the insignificant effect of the unemployment rate on the incarceration rate could be due to high multicollinearity among the independent variables. In order to promote correct inferences from regression analysis, it is desirable that slope estimates be unbiased and efficient. Under the condition of high multicollinearity, where large bivariate and/or multivariate correlations exist between independent variables, slopes remain unbiased. However, they become less efficient, allowing a wider range of possible slope estimates. The standard error estimates for the highly correlated independent variables in the regression model

become inflated, affecting inferences based on the t-test for the slope, which is computed by the slope divided by its standard error estimate (b/s_b). Highly inflated standard error estimates can possibly lead to Type II errors where a slope appears to lack statistical significance, when it actually does not (Berry and Feldman 1985). In order to rule out this explanation, collinearity diagnostics were computed. First, the bivariate correlations between the unemployment rate and the other independent variables were examined (See Table 4 above). The largest bivariate correlation was found between the unemployment rate and poverty rate, but was only moderate in magnitude ($r = .37$, $p < .001$). In addition, variance inflation factor (VIF) and tolerance coefficients were computed for each independent variable. These diagnostics are displayed in Table 14. These statistics indicate that high multicollinearity was not a problem in the regression model. Therefore, the lack of statistical significance for the unemployment rate cannot also not be attributed to this problem.

Table 14: Collinearity Statistics

Final Model	Variable(s)	Collinearity Statistics	
		Tolerance	VIF
	CORRECTIONS EXPENDITURE	0.54949139	1.819865
	WELFARE RATE	0.42386408	2.359247
	RELIGION	0.27191769	3.677583
	SOUTH	0.29688192	3.368343
	VIOLENT CRIME-HABITUAL OFFENDER LAWS	0.92141768	1.085284
	DRUG CRIME-HABITUAL OFFENDER LAWS	0.89807167	1.113497
	CITIZEN POLITICAL IDEOLOGY	0.31558701	3.168698
	GOVERNMENT POLITICAL IDEOLOGY	0.4565574	2.190305
	VIOLENT CRIME RATE	0.2613209	3.826713
	PROPERTY CRIME RATE	0.43032406	2.32383
	DRUG CRIME RATE	0.93675416	1.067516
	POVERTY RATE	0.32997204	3.03056
	GINI COEFFICIENT	0.28800065	3.472214
	UNEMPLOYMENT RATE	0.56885511	1.757917
	PERCENT AFRICAN AMERICAN	0.2523061	3.96344
	GINI COEFFICIENT* PERCENT AFRICAN AMERICAN	0.68881477	1.451769

Chapter 6 will analyze and discuss key findings from the theoretical framework, limitations, future policy implications, and the study's contributions to the literature.

CHAPTER 6 - DISCUSSION AND CONCLUSIONS

The purpose of this dissertation was to apply and extend the neo-Marxian Rusche and Kirchheimer thesis for the aim of understanding and/or explaining the phenomenon of rising and disparate incarceration rates in recent decades. Providing insights into the social, economic, and political influences on the United States' rising incarceration rates, this study focused primarily on the role unemployment rates play in determining these rates; however, greater synthesis between competing perspectives is needed, as the data reveals that a complex set of factors contribute to incarceration rates.

Early chapters reviewed past findings and examined theoretical foundations for understanding rising and disparate incarceration rates. In this final chapter, I will discuss the general conclusions, the limitations of this research, and ways in which future research may gain further understanding of the role unemployment plays in punishment. Again, the aim of this research was to explore whether unemployment rates increase incarceration rates and whether or not unemployment interacted with race to affect punishment as well as additional extra-legal issues.

Another goal of the research was to explain why African Americans are disproportionately represented in prison populations and why the proportion of a population that is African American is consistently reported to be a positive predictor of imprisonment levels (Michalowski and Pearson 1990; Taggart and Winn 1993; Tonry 1999). Although incarceration rates rose for the general population over the last few decades, rates for African Americans were more than seven times the rate of Whites (Parker 2008), which underscores the importance of why theory and research continuously need to address two key research questions: 1.) Why have

our incarceration rates rose exponentially over the last few decades and, 2.) Why is there such significant disparateness in the rates of incarceration for African Americans?

Does unemployment explain rising and disparate incarceration rates? The most basic answer, given the results presented herein, is generally no; however, several important observations warrant attention. The present study provides strong evidence that rising income inequality among the general population, as well as rising income inequality between African Americans and Whites are the main determinants of the incarceration rate. Thus, the study supports the notion that there is a strong relationship between socioeconomic inequality and punishment that affects African Americans differently.

As Table 15 illustrates below, important influences on rising and disparate incarceration rates were citizen and governmental conservative ideology, violent and property crime, income inequality, as well as the income inequality moderated by the percent of African Americans in the state.

Table 15: Summary of Results of Hypotheses

Hypotheses	Results	
	Supported	Not Supported
H_1: *I predict that violent habitual offender laws will be positively related to the incarceration rate*		X
H_2: *I predict that drug habitual offender laws will be positively related to the incarceration rate*		X
H_3: *I predict that governmental conservative political ideology will be positively related to the incarceration rate*	X	
H_4: *I predict that citizen conservative political ideology will be positively related to the incarceration rate*	X	

Hypotheses (continued)	Results	
	Supported	Not Supported
H5: I predict that the violent crime rate will be positively related to the incarceration rate	X	
H6: I predict that the property crime rate will be positively related to the incarceration rate	X	
H7: I predict that the drug crime rate will be positively related to the incarceration rate		X
H8: I predict that the poverty rate will be positively related to the incarceration rate		X
H9: I predict that the Gini coefficient rate will be positively related to the incarceration rate	X	
H10: I predict that the unemployment rate will be positively related to the incarceration rate		X
H11: As the percent of African Americans increase, the incarceration rate will increase		X
H12: I predict that the unemployment rate will be positively related to the incarceration rate, as the percent of African Americans		X
H13: I predict that the unemployment rate will be positively related to the incarceration rate, as the percent of African Americans	X	

Discussion

The percent African American, and the Gini coefficient exerts a large, positive, and statistically significant on incarceration rates. Unexpected but interesting results was that unemployment, although positive was not significant and the poverty rate was negative but statistically significantly related to the incarceration rates. My conclusion is that race and inequality matters. Inequality exerts a strong, positive, and statistically significant effect on incarceration rates, and this relationship negatively impacts African Americans, causing

disparate rates of incarceration. Solutions to rising and disparate incarceration rates lie in closing the income gap as well as addressing social perceptions of race and "working class."

The research study was primarily limited in two ways. First, it was unable to measure the underclass and the informal economy as the unemployment rate does not capture that part of the population. Additionally, the underclass may be those who are permanently unemployed because they cannot or will not ever get a job. Official measures do little to capture the dimensions of problem populations so central to these studies. Although 96 percent of the findings between unemployment and punishment are based on official measures of unemployment, it is an underestimate of the amount of labor (Perlos 1988; Sorrentino 1979).

Second, one of the key elements of the unemployment-punishment hypothesis is that unemployment has a direct effect on incarceration rates, and including measures for crime in the model was important so direct effects could be isolated. However, there are limitations to crime data, as the data do not reflect the exact amount of crime taking place and may be more an indicator of police activity than actual crime committed. Models that can capture the gap between official indicators and the true amount of crime would generate more robust results.

I thought it would be important to explore or controvert ideology suggesting crime rates are the main determinants of incarceration rates by challenging conventional wisdom and testing popular beliefs. I also sought to evaluate policies and practices in order to investigate how regulations that govern sentencing policy affected incarceration rates. After looking at overall factors leading to the rise in incarceration, research has demonstrated that changes in criminal justice policy, rather than changes in crime rates, have also been contributors to the rise in state prison populations. Perhaps the greatest strength in this project is the finding that structural level inequality is the root cause of rising and disparate incarceration rates.

Estimates of the deterrent effects of prison population on crime rates using regression analysis have been based on either national or state level data and have found large negative impacts of incarceration on homicide rates; this indicates support for the more prison, less crime hypothesis. Research estimates the crime declines due to the incapacitation effect was a 37 percent decrease in violent crime and 30 percent decrease in property crime from 1991 to 2003 (Mauer 2006). A 1percent increase in prison population causes homicide rates to decline by roughly 1.47 percent to 1.88 percent, as well as have large negative associations between prison population and other crimes (Marvel and Moody 1997). State panel studies of imprisonment have found more modest effects as regressed state homicide rates on state prison population results in roughly 17 index crimes averted each year for each additional prisoner (Marvel and Moody 1994).

Liedka et al. (2006) concluded that U.S. prison buildup reduced the crime rate in its initial stages but reached the point of declining effectiveness. Liedka et al. (2006) suggests that when prison populations are small, the marginal benefit of incarcerating an additional offender is large because high-rate offenders are likely to be caught and convicted. However, afterwards additional prisoners are likely to be drawn from the low-frequency offender population (Liedka, Piehl, and Useem 2006).

Lastly, prison may exacerbate inequality for individual offenders, their family, and the community at large. Offenders may experience more alienation, have deteriorated family relations, and the removal from regular employment may combine to reduce successful reintegration back into the community. The impact of imprisonment stretches beyond the 2.1 million people incarcerated as another 13 million citizens have felony convictions, and 47 million have criminal records (Mauer 2006).

This impacts the millions of families with incarcerated loved ones, and family disruption may increase crime, which leads to greater numbers of prisoners and subsequently leads to more family disruption; therefore, a never-ending cycle is created (Mauer 2006). To the extent that other structural factors remain the same, i.e., inequality, racism, and strong political differences in how to solve the problem, nothing will change. Punishment philosophies have changed dramatically over the last 100 years but successful reintegration has always remained a goal in society; however, limitations on work, education, family, and civic duties impede a successful transition back into mainstream society for many ex-offenders (Bushway, Shawn D. and Gary Sweeten. 2007).

Sadly, there is no political consensus on a course of action to reduce inequality, as the U.S. has strong opponents against policy responses suggesting that rising income inequality is a natural result of market forces that will fix itself at some future point in time. The policy implications include the need for policy makers to weigh the costs and benefits of our seemingly overreliance on mass incarceration. Are prisons effective tools in the fight against crime? The incarceration-reduces-crime thesis, or incapacitation effect, states that criminals who commit crimes cannot do so from prison or jail. Understanding the tradeoff between the incapacitation effect and prison as a tool that exacerbates inequality will be the key to solving increasing and disparate punishment practices moving forward.

Conclusions

Many theories have been advanced to explain the prison explosion, such as increasing crime rates, changing public attitudes toward crime and criminals, economic trends, minority threats, and political conservatism (Zimring 2007). This last section is intended to reiterate the main findings of this research but also to stress the importance of the issue. Though the

unemployment rate had no significant effect on incarceration rates, I can't conclude that unemployment is irrelevant to punishment.

Though the Rusche-Kirchheimer thesis was not supported by this project's findings, non-significant findings deserve attention. The research herein suggests that periods of high unemployment may correlate to increases in numbers of persons at home and on the streets. Since habitual criminals are chronically unemployed, changes in the unemployment rate would have little impact on them; likewise, the stress of unemployment would have little impact on law-abiding citizens. This coupled with the idea that, as self-report studies show, most people have committed minor law violations but only a few commit the largest proportion of serious crimes, suggests that theory should distinguish between large numbers of people who would gladly work but can't find it from the chronically unemployed.

An additional implication of this research concerns poverty as a predictor of incarceration rates, particularly the rates for minorities. Though unemployment was relatively low for minorities throughout the last few decades, employment does not equate to sufficient or adequate wages. Still, though, poverty was negative, implying that alternative explanations are needed for why it seems that all too often poverty is said to equate to a life of crime and eventual imprisonment. One important consideration in exploring the relationship between poverty and eventual incarceration may be a distinction between poverty and *concentrated* poverty. Research has found that African Americans suffer from concentrated effects of poverty more than do Whites. Krivo and Peterson (1996) found that while 70 percent of poor non-Hispanic whites lived in non-poverty areas in ten large U.S. cities in 1980, only 16 percent of poor African Americans did. Less than seven percent of poor Whites lived in areas of extreme poverty, while 38 percent of poor African Americans lived in such neighborhoods (Krivo and Peterson 1996).

Criminologists have also attempted to link poverty and crime to racial inequality in urban areas by suggesting African Americans are much more likely to reside in neighborhoods where there is a concentration of severe poverty and broken homes, showing that concentrated disadvantage is related to neighborhood violence (Sampson and Wilson 1995; Sampson, Raudenbush, and Earls 1997). A study by Krivo and Peterson (1996) revealed that, when looking the intersection of race and class, violent crime rates were considerably higher in the neighborhoods of high disadvantage, regardless of race. Although African American rates were higher, the differences were not statistically significant. As a result, they concluded that it wasn't race but rather differences in disadvantage that explain the overwhelming portion of the difference in crime (Krivo and Peterson 1996). These realities underscore the importance of the need for more research centered on the relationships between poverty, inequality, crime, and incarceration rates.

A potential relationship between concentrated poverty—or, more accurately, inequality—crime, and imprisonment rates notwithstanding, the criminalization of poverty is another issue that deserves further exploration as ill-founded. In fact, self-report studies have consistently revealed that delinquency was not concentrated among lower-class as middle class delinquency was just as common (Elliot 1994). Furthermore, looking at rates of violent offending by race, it was found that African American males engage in serious violent offending at higher rates, but not dramatically. By age 18, 40 percent of African American males reported at least one instance of offending, compared to 30 percent of white males. By age 27, it was 48 percent for African American males compared to 38 percent for white males, such that by age 27, the ratio of African Americans and Whites who had ever engaged in violent offending is about 5:4(Elliot 1994; Elliott, Huizinga, and Morse December 1986). For lower class males, the differences were

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smaller, around 7:6. Elliot concluded that if these rates are considered a crude indicator of some predisposition to violence, little could be explained by race or class (Elliot 1994; Elliot 1994; Elliott, Huizinga, and Morse December 1986; Elliott, Huizinga, and Morse December 1986).

Over the last century, the existence of high levels of crime and disorder among the most economically deprived classes has been a common argument in social science research. The widespread belief is that dangerous classes of people living in poor, deteriorating neighborhoods in cities are responsible for most of the crime and deviance, especially street crime, because the lower classes are disproportionately represented in official statistics (Shaw, Clifford and Henry D. McKay 1942). The relationship between poverty and crime has been found to be particularly strong for violent crime such as homicide (Wolfgang and Ferracuti 1967)

Although many have posited a direct relationship between poverty, crime, and incarceration, in fact, states with higher level of inequality, not poverty, lead to higher rates. Similar to Rusche's call to break the supposed linkage between crime and punishment, I submit the need to break the supposed link between poverty and criminality, the assumption that the poor are criminals. The significant, negative finding on the relationship between poverty and incarceration rates supports the notion that "impoverished" should not be seen as commensurate with "criminal."

Disparity in punishment means that individuals who commit the same or similar offenses receive different sentences upon conviction. The current study finds that these punishment decisions are influenced by both legal and extralegal factors. Although findings from this study do not fully support the Rusche-Kirchheimer thesis, it can be argued that the relationship of labor surplus to punishment is not as contradictory or elusive as many have suggested.

My overall conclusion suggests that results from this study do not support the Rusche and Kirchheimer thesis. Perhaps the thesis had merit pre-1970s but postmodern times find support for other indicators of rising and disparate incarceration rates, such as income inequality or alternative measures for capturing the unemployed instead of the official unemployment rate. Long term and structural unemployment may provide key answers to capturing trends in the unemployment sector as the percentage of the unemployed workers who are out of work for 27 or more weeks has been continually widening. Additionally, an increasing number of minorities are experiencing increasingly long spells of unemployment even during economic expansions, which suggests an emerging problem of mismatching in the labor market.

It may be argued that the most important finding of this research, however, rests on its strong connection to inequality similar to findings from Jacobs and Helms (1996) and Western, Kleykamp, and Rosenfeld (2003). Poverty was negatively related to incarceration and income inequality was positively related but their significant findings stress the importance of absolute versus relative (income inequality) poverty. Thus, the findings from this research indicate that relative, not absolute poverty, is more strongly related to incarceration trends and more research investigating the impact of inequality on rising and disparate incarceration rates needs to be conducted. Finally, future research and theory should be aimed at capturing the more salient features inherent in inequality and punishment based on race and class in particular social contexts and time periods by testing for interactions. Evidence from this research rejects all monocausal explanations for rising and disparate incarceration rates, suggesting that several factors have been at play.

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