McMahon's "regime" model also warrants conceptual clarification. For example, he is careful to note that justices are not mere agents of political parties (p. 40), an acknowledgment that is characteristic of partisan entrenchment models (e.g., Jack Balkin and Sanford Levinson, "Understanding the Constitutional Revolution," *Faculty Scholarship Series,* Paper 249, 2001). Thus, questions are raised pertaining to McMahon's invocation of "Mr. Dooley's" famous aphorism that the Court follows the "election returns" (p. 10). Certainly, a developmental line can be traced from Nixon to *Milliken* v. *Bradley* (1974), the decision that used a "racial balancing" formulation to reject a busing remedy in the Detroit metropolitan area. However, the author leaves unpursued his gesture to the operation of what I call "legal" forms, ideological-historical forms of thought that can be distinguished from strategic/instrumental rationality (see, e.g., Pamela Brandwein, "Law and American Political Development," *Annual Review of Law and Social Science* 7 [2011]: 187–216).

Moreover, regime models tend to suffer from one-way conceptions of influence, namely, from the dominant regime to the Court. When *Nixon's Court* is read alongside Steven Teles' account of the rise of legal conservatism (*The Rise of the Conservative Legal Movement,* 2008), there is the possibility that those arrows likewise run in the other direction. As we learn from McMahon, Nixon sought "strict constructionists" and he defined the term loosely, including within its ambit jurists like Blackmun, who later authored the majority opinion in *Roe* v. *Wade* (1973). From Teles we learn that conservative lawyers and jurists later developed originalism in part as a response to the perceived deficits of strict construction, made manifest by Nixon's appointments. It thus appears that the Court exerts some (relatively) independent influence on subsequent development. The need for such clarifications emerges, ironically, because McMahon's expert reexamination of Nixon's judicial legacy provides such an abundance of rich material.

The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America. By Khalil Gibran Muhammad. Cambridge, MA: Harvard University Press, 2010. 392p. $37.00.
doi:10.1017/S1537592712002265

— Vesla M. Weaver, *Yale University*

It is the rare piece of scholarship that invokes a feeling that our current moment is not so different from our racial past. Khalil Muhammad's book does exactly that. By describing in incredible depth the "ideological currency of black criminality" (p. 3) throughout the nation's history, the author provides readers with a new vision through the lens of the past.

The power of *The Condemnation of Blackness* is in giving contemporary debates—about Trayvon Martin, the black underclass, and the extraordinarily high rates of black contact with criminal justice—a fuller historical context. The book does not, as Michelle Alexander and other scholars do, argue that attention to black crime is the latest in the sordid saga of racial oppression. Instead, it concerns the vitality of the debates about black crime to the quest for racial equality across its inglorious history—and to a central construct in its major disappointments.

Muhammad argues that black criminality rhetoric is not just a trope but a long-standing ideology governing race relations and equality discourse. Forged in the Progressive era, black criminality became a mainstay of normative debates about the place of blacks in America. The author demonstrates that the linking of crime to race was one of the main pillars upholding racial inequality and an unwavering justification for not extending aid to black communities. At key moments in our nation's history, this focus on black crime helped both to define blackness and to maintain its racial pariah status.

Muhammad presents his readers with a fascinating history of the ways in which black crime discourse emerges and evolves and becomes central to questions over blacks' "fitness for citizenship." The main characters in the account are white and black intellectuals (W. E. B. Du Bois, Walter White, and Mary White Ovington are among the most prominent) and social reformers (Jane Addams), with a few other elites and politicians peppered throughout.

What does this intellectual and urban history offer the study of racial politics and American political development? Among the many things that should be praised about this book, two contributions stand out as particularly important for political scientists. First, we cannot understand the evolution of the modern racial order without this history. Black crime became a central topic in discussions over the amount of access blacks should have in order to enjoy political and economic fruits. Calls for blacks to receive education or have political rights were almost always met with opposition couched largely in terms of black crime. Opponents of inclusion argued that antilynching legislation would reward black crime and that public education would turn blacks into offenders. Indeed, most forms of discriminatory treatment and mob violence against blacks were justified through appeals to black criminality and the need for its suppression. Even progressives and the settlement movement denied aid to black communities based on criminogenic logics.

At first glance, we might assume a treatment of black crime from 1890 to 1940, and in particular, the author's description of the use of modern social scientific method and statistics to bolster and legitimate a focus on black crime to be quite specific. And yet, his is a much broader story about the processes of racialization and assimilation and how racial otherness was constructed through crime discourse. By comparing discussions of violence and vice

among white ethnics in the urban North to that of black northern newcomers, Muhammad shows how the former were gradually brought into the white mainstream. While social scientists and reformers discussed the problem of white ethnic crime as attributable to miserable social conditions, they promulgated the idea that black crime had to do with moral inferiority and racial tendencies. Crime statistics between the races were later used to emphasize the assimilability of the former and the separateness of the latter.

Within the emerging literature on the carceral state by scholars of American political development, Muhammad goes farther than any account I have seen to examine the role of black elites as well as white racial *liberals* in the urban North, a welcome break from standard accounts that place much of the emphasis (and blame) on white racial "law and order" conservatives and the Jim Crow South. His account shows how black intellectuals and antiracist activists like Du Bois, Ida B. Wells, and Kelly Miller sought to break apart the racialization of crime and diminish its impact on the furthering of black exclusion. The black intellectuals challenging the argument that blacks were more criminally inclined were ignored, while those black elites that argued for the need to stop vice in their communities were propped up. Readers are given a new and rich account of the role of progressives, social reformers, and early feminists in adopting and legitimizing the black crime rhetoric. Muhammed is quite adept at underlining the nuance of the various positions in the debate and the way the discourse evolved, even while old themes were reintroduced in new guises. In addition to unearthing the role of black elites and white racial liberals, Muhammad shows us how this discourse was aided and undergirded by statistical advances and modern social science. Black inferiority was demonstrated through "objective" and race-neutral crime statistics, helped along when biological and social Darwinist racial logics were challenged.

As with most groundbreaking work, the account is a victim of its own success. The conclusion misses an opportunity to connect this history to contemporary racial politics. Throughout the book we get hints that this history is important because it explains something about mass incarceration, black urban crime discourse, and even the state of black America today, but the connection is never given a full-throated articulation. *Condemnation* suggests not that black crime discourse was one of many ongoing debates about the status and future of blacks but that it is *the* prevailing paradigm, one that had incredible staying power, outlasting the vestiges of Jim Crow and other discredited racial orders. The black crime debate emerges largely untouched, a resilient feature of modern debates over blacks' character, culture, and progress, even while Muhammad argues that this link was not inevitable. As one of the last-standing racial discourses of an earlier time, one that continues to be central to debates about urban blacks and one that continues to constrain their inclusion, the black crime debate will leave readers wondering what explains its resilience, its success from challenge, and why it still has currency in black and white, liberal and conservative, circles. Indeed, many of the passages from elites in the 1930s and 1940s sound strikingly similar to the ways in which black crime is deployed today.

As a political scientist, I often questioned the overwhelming focus on intellectual writings and statistical pamphlets to the exclusion of political speeches, memos, and debates in city halls and state legislatures. More importantly, in this book readers can fully glimpse how statistics shaped debates and discussion but not how the nature of the discourse actually resulted in different policy designs, outcomes, and trajectories, missing an important measure of a discourse's success. Finally, debates are only tracked at the elite level, leaving us to wonder about the agency and challenges by ordinary blacks.

Such concerns are the starting place for more research. Muhammad's book lays the important groundwork for future scholarship in American political development, urban politics, and racial politics.

Who Cares? Public Ambivalence and Government Activism from the New Deal to the Second Gilded Age. By Katherine S. Newman and Elisabeth S. Jacobs. Princeton: Princeton University Press, 2010. 248p. $28.95.
doi:10.1017/S1537592712002277

— Tracy Roof, *University of Richmond*

In *Who Cares?* sociologist Katherine Newman and policy analyst Elisabeth Jacobs argue that public attitudes toward government assistance to the poor and disadvantaged have been remarkably consistent since the 1930s, despite the shifting ideological balance in American politics. Using analysis of public opinion polls from the 1930s through the 2000s, letters written by members of the public to the president and administration officials during the presidencies of Franklin D. Roosevelt, Lyndon Johnson, and Richard Nixon, and various secondary sources, the authors document the public's enduring reservations and qualified support for government efforts to help the less fortunate. In doing so, Newman and Jacobs seek to dispel several myths promoted by popular commentators, if not widely held by scholars. The first is the belief that the New Deal and Great Society were a response to the public's embrace of an expansive welfare state—a belief that they suggest has been fostered by the nostalgia of present-day progressives for a golden age of generosity to the poor and faith in government that never existed. The second is the belief that the conservative electoral victories from Ronald Reagan to George W. Bush reflected the public's desire to roll back the welfare state. The authors argue that conservatives were not responding to public opinion,