Public Opinion Quarterly, pp. 1–4

BOOK REVIEW

Mark Peffley and Jon Hurwitz. *Justice in America: The Separate Realities of Blacks and Whites.* New York: Cambridge University Press. 2010. 276 pp. $85.00 (cloth). $25.99 (paper).

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There are two criminal justice systems in America. In *Justice in America: The Separate Realities of Blacks and Whites*, Mark Peffley and Jon Hurwitz provide the most comprehensive, groundbreaking account of these two perceptual worlds. Employing an original survey of both blacks and whites and a series of ingenious survey experiments, they find a cavernous gap in the experiences and beliefs of citizens when it comes to criminal justice. In fact, their analysis shows that the sources of this gap are different than previously assumed and their consequences more dire. Their study is especially important given that political scientists have been slow to pay attention to rising incarceration rates and that the criminal justice system has become an important site of government intervention in Americans' lives.

Among blacks, there is deep and widespread doubt that agents and institutions of criminal justice will carry out justice in a racially neutral and fair way. Blacks are not only most worried about being victimized themselves, but also worried about being unfairly targeted and harshly treated by the very system that is supposed to protect them from crime. This paradox means that they are "simultaneously the most dependent upon and the most distrustful of the justice system" (p. 15). Blacks are much more likely than whites—on the order of 40 points—to believe accusations of discriminatory police stops of blacks, courts' harsher sentences for blacks, and lack of care for crimes against minorities. Whites, in contrast, are largely unaware of racial discrimination against minorities in the criminal justice system. In addition, the races "could not be more polarized" in their beliefs about why more black men wind up in jail; whites are much more likely to see blacks themselves as responsible for their disadvantaged status in the criminal justice system, attributing the reason for disproportionate black incarceration to blacks' criminality and lack of respect for authority rather than to an unfair justice system. Blacks are also much more likely to report having had an involuntary personal encounter with the police and much more likely to report being stopped without reason and mistreated in these encounters.

Finding substantial racial differences in encounters and perceptions of policing and punishment is certainly not new; however, *Justice in America* goes further and delves deeper and with more compelling evidence than any other book to date in documenting these distinct "perceptual worlds."

But the real contribution of the book is not just in describing perceptions but in marshaling an argument about the consequences of those perceptions. These polarized reference points about the fairness of the criminal justice system in America comprise the background on which virtually every other judgment about the criminal justice system rests. Building on Tom Tyler's theory of procedural justice, Peffley and Hurwitz find that blacks generalize unfair personal encounters to their evaluations of the criminal justice system as a whole and to the seriousness of discrimination against their communities. Rather than being an isolated occurrence, for many blacks unfair encounters "can be especially toxic because such experiences communicate strong signals to group members that their group is neither respected nor valued. . .when Blacks are treated unfairly because of their race they are likely to impugn the fairness of the wider system" (p. 55). Thus, not only do blacks have much less faith that the criminal justice system is fair to their racial group, blacks who have felt firsthand the sting of an involuntary encounter with police in which they were mistreated see discrimination as a blight on their communities.

Justice in America offers a unique contribution in sidestepping the endlessly debated question of whether whites' criminal justice attitudes are rooted in racial prejudice, instead constructing a nuanced argument about the underlying causes of discrepant perceptions. Instead of modeling the role of racial prejudice and stereotypes of blacks on various criminal justice policy measures, so customary in this literature, Peffley and Hurwitz argue that fairness beliefs are the *source* of widely divergent attitudes. Attitudes about crime and what should be done about crime hinge mainly on whether a person believes the system is fair and equal in its treatment. The perceptions of whites stem from their strong belief that the system is fair and colorblind, whereas the perceptions of blacks stem from a pervasive suspicion that the criminal justice system is rife with unfairness, discrimination, and brutality. In a striking set of findings using creative survey experiments, the authors find that these distinct fairness judgments lead blacks and whites to respond very differently to identical information and situations. For example, in an experiment where subjects are exposed to information about a potential incident of police brutality, people who believe the system is unfair are much less likely to trust the police to investigate the charge, were more punitive toward the guilty policeman, and were less likely to believe a search is reasonable. Moreover, only when whites are "'hit between the eyes' with a case of likely racial discrimination by a police officer" do they punish the officer.

These findings alone would make for a substantial contribution to what scholars of public opinion know about the sources of divergent attitudes, but Peffley and Hurwitz don't end there. The findings in chapter 5 clinch the argument. Here they find that these divergent fairness perceptions and dispositional versus

structural explanations for higher black contact with the criminal justice system drive policy priorities. People who believe that blacks are responsible for higher black punishment because they are more involved in crime are much more likely to support reducing crime by using the full force of law and building prisons and much more supportive of the death penalty and three-strikes sentences (independent of views of reasons for crime more generally). Peffley and Hurwitz move beyond the typical focus on the death penalty and examine a range of policy choices (three strikes, preventing crime through poverty reduction or building prisons, trying juveniles as adults, increased sentences for drugs, or providing more job opportunities, among others).

At this point, Peffley and Hurwitz anticipate one of the questions lurking in readers' minds: What if whites just need to be reminded that the criminal justice system is not colorblind? Perhaps if more information were available to whites about racially unfair practices in the criminal justice system, the racial gap in perceptions would narrow. In the most shocking finding of the book, Peffley and Hurwitz show that when whites are exposed to an argument about the racial unfairness of the death penalty or "three strikes" penalties, they actually become more likely to support those policies, doubling the race gap. Counter to expectations, blacks and whites polarize in this condition, and especially so when the person introducing the argument is black. According to the authors, this is because the belief that the system is fair and colorblind is so deeply rooted: "It allows many Whites to be morally offended by staggering rates of Black incarceration because they are seen as further evidence of Black proclivities toward crime. The mere suggestion that the system is racially unfair creates an indignant response among many Whites, who take it as an article of faith that the system is largely colorblind" (p. 198).

Although the book makes a number of serious contributions to the emergent political science literature on punishment in America, to the study of public opinion, and to our understanding of racial politics, there are three areas of the book that require more elaboration. First, at times the striking findings call out for greater attention to historical context. Though Peffley and Hurwitz note early on that "African Americans have had fundamentally different experiences with the justice system during the entirety of their existence in the United States," that history is hardly explored beyond this mention. Although the events of Jena, Louisiana; the courtroom during the O. J. Simpson trial; the brutal beating of Rodney King; the sodomizing of Abner Louima; and the slaying of Sean Bell, Amadou Diallo, and others at the hands of police do surface and indeed provide the book's opening motivation, readers may find themselves wondering to what extent the views of blacks are predicated not just on personal encounters but on a pervasive and longstanding racial narrative about mistreatment at the hands of the state. That is, how much of blacks' understanding of criminal justice comes from their personal experience and how much from a shared framework of racial bias in systems of surveillance and punishment, rooted in history?

Second, though readers will be impressed with the sheer number of important findings, original arguments, and creative experimental manipulations, there is a tendency to conflate predictor variables with mechanisms and confuse the source of beliefs with individual-level determinants. Whereas Peffley and Hurwitz's models do much to uncover the individual characteristics associated with certain beliefs about the justice system (education, race, ideology, and living in low-crime areas, among others), these alone do not explain why people arrive at such divergent beliefs about fairness in criminal justice. Knowing that people with more education and who are black are more likely to see the system as unfair tells us what types of people hold certain views but not *why* they do. Though readers will confront an array of different models, types of analysis, and experimental treatments, the authors never really get to the bottom of what drives fairness assessments. To do that, the book might have benefited from in-depth qualitative interviews, focus groups, or a deliberative polling strategy. Similarly, at times, there is confusion about whether personal encounters drive the adoption of new beliefs or reinforce existing narratives.

Third, there are just a few places where the authors take liberties with their interpretation of the data. For example, in their analysis of the survey experiment described above, they say that whites become more supportive of the death penalty if they attribute black incarceration to blacks themselves, but only in the condition where a racial argument about the death penalty is offered. For blacks, however, opposition to the death penalty in all conditions has to do with their belief in the causes of blacks' higher rates of punishment. Another way to interpret this is that whites' support for the death penalty does not have to do with black attributions, except when a racial frame is present. For another example, the authors interpret the movement toward greater punitiveness of those whites who receive an implicitly racialized frame about "inner-city criminals" as a substantial increase in punitiveness; in truth, it's only four points from a very high support level for the preventive approach (antipoverty programs).

These are quibbles in a book that offers an impressive array of original analysis and findings. As with any impressive book, this one lays a foundation that scholars can build on. Scholars might extend this research by analyzing Latino perceptions of justice, especially given their high and climbing rates of incarceration and given the fact that many are now being stopped by police on immigration status (under Section 287g, which allows police to stop and ask Latinos for their immigration papers). Second, perceptions of unfairness may give rise to broader beliefs about the way government acts toward its citizens in a range of areas, not just the criminal justice system. How does the belief that criminal justice is unfair color perceptions of government or broader perceptions of racial unfairness in America? Finally, scholars might investigate whether the sources of this gap—fairness judgments—are the same or different from other public opinion gaps in beliefs about equality.

doi: 10.1093/poq/nfr030