



GUEST LECTURE

**DETERMINANTS OF PENAL POLICY:
THE INFLUENCE OF FRONTIER VALUES AND RACE
RELATIONS ON AMERICAN CRIMINAL JUSTICE**

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MPI-CSL, Seminar Room F113,
Fürstenbergstraße 19, 79100 Freiburg

Determinants of Penal Policy: The influence of frontier values and race relations on American criminal justice

American criminal laws and criminal justice systems are harsher, more punitive, more afflicted by racial disparities and injustices, more indifferent to suffering, and less respectful of human dignity than those of other Western countries. The explanations usually offered—rising crime rates in the 1970s and 1980s, public anger and anxiety, crime control politics, neoliberal economic and social policies—are fundamentally incomplete. The deeper explanations are four features of American history and culture that shaped values, attitudes, and beliefs and produced a political culture in which suffering is fatalistically accepted and policy makers are largely indifferent to individual injustices. The four elements are the history of American race relations, the evolution of Protestant fundamentalism, local election of judges and prosecutors, and the continuing influence of political and social values that emerged during three centuries of Western expansion. The last, encapsulated in Frederick Jackson Turner’s “frontier thesis,” is interwoven with the other three. Together, they explain long-term characteristics of American criminal justice and the extraordinary severity of penal policies and practices since the 1970.

Professor Michael Tonry was formerly professor of law and public policy and director of the Institute of Criminology at Cambridge University and held long-term appointments at the Universities of Minnesota and Lausanne and the Netherlands Institute for the Study of Crime and Law Enforcement. He has written books on racial issues (*Malign Neglect* [OUP 1995], *Punishing Race* [OUP 2011]), American sentencing policy (*Sentencing Matters* [OUP 1996], *Sentencing Fragments* [OUP 2016]), crime control policy (*Thinking about Crime: Sense and Sensibility in American Penal Culture* [OUP 2004] and *Punishment and Politics: Evidence and Emulation in the Making of English Crime Control Policy* [Willan 2004]), and punishment philosophy (*Retributivism has a Past. Has It a Future?* [OUP 2011], and *Doing Justice, Preventing Crime* [OUP 2020]). He founded and continues to edit *Crime and Justice—A Review of Research* and is the founder and series editor of *Oxford University Press’s Studies in Crime and Public Policy* and *Oxford Handbooks in Criminology and Criminal Justice*.