License to Kill:
A Theoretical Critique of "Stand Your Ground"
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Introduction

On February 25, 2012, Trayvon Martin, an unarmed 17 year old African-American teenager wearing a "hoodie" was shot and killed in Sanford, Florida as he walked to his father's home from the store. He was shot by a neighborhood watch captain, George Zimmerman, who had a confrontation with Martin after calling the police dispatch because he thought the youth looked suspicious. There had been a recent string of burglaries in the neighborhood, and Zimmerman has claimed that his actions were in self-defense because he felt threatened and Martin appeared to be "up to no good." Unfortunately, Zimmerman had not heeded the advice from the dispatch officer to avoid a confrontation. Zimmerman's claim of self-defense implicates Florida's relatively recent "Stand Your Ground" law, a legal change that replaced the traditional retreat rule.

The Trayvon Martin case is certainly a tragedy; if it is emblematic, it also represents a policy failure.[1] That is our concern. The logic of this paper lies in four law-and-society propositions, ranging from general to specific (unfortunately, we cannot develop them completely here given space limits, but we can lay out the basics). First, law orders interactions between participants by authorizing some behaviors and withholding legitimacy from others. That is, law structures who has authority to do what. Second, by assigning statuses and expectations to the roles in which the parties have, larger race-related norms about crime and deference can increase or decrease the likelihood of what Turk (1969) referred to as "normative legal conflict" during these interactions. Third, Florida's switch from a "retreat" rule in potential self-defense situations to a "Stand Your Ground" standard authorized different role expectations. And fourth, by extending Turk's (1969) theory of normative legal conflict, we can understand why that policy change increases the probability of violence in interactions that implicate self-defense.

Conflict is inherent within authority relations. Turk (1969), in particular, has focused attention on the interaction between legal norms and societal norms of deference to authority—norms that go beyond those behaviors authorized by law. Lanza Kaduce and Greenleaf (2000) have demonstrated that age and race dimensions of societal norms of deference here in the United States affect conflict between police and citizens in field encounters. That finding fits with a broader research literature on Black typification of crime, or the extent to which individuals view crime as a predominantly Black phenomenon (Chiricos, Welch, & Gertz, 2004). Scholars continue to investigate how the social control of crime is influenced by extralegal

factors (Eitle, D'Alessio, & Stolzenberg, 2002). We argue that official agents of social control are not alone in letting race factor into their decision-making about crime and criminality; citizens too will use race to help define the authority structure and determine the basis for treatment in small structured group interactions. George Zimmerman, serving as citizen, acknowledged watch captain, and self-appointed guardian described Martin as "very suspicious." Recall that Zimmerman had a history of reporting people who he deemed to look out of place. While any young man walking down the street alone in a hoodie may have been suspicious to some, we suggest that the American phenomenon of Black typification of crime amplifies the likelihood that a Black teenage male wearing a hoodie will be viewed as threatening.

The Trayvon Martin case prompts us to explore features of authority, law, and racial implications of norms of deference and typification of crime in field encounters between citizens, at least one of whom is suspicious of the other's activities. Turk's theory is primarily concerned with law enforcers. The fact that Zimmerman was informally operating in that role on neighborhood patrol initially suggested the potential relevance of extending Turk to this analysis. This paper extends Turk's theoretical framework on normative-legal conflict to interactions in which threat occurs. The essential argument is premised on how the logic of "Stand Your Ground" restructures interactions; how it authorizes actions that previously were proscribed. In other words, the new law extends legitimacy and gives authority to act in ways that were previously illegitimate. The basic argument is that the traditional rule laid out a relatively clear expectation of retreat when feasible—a rule that minimized conflict—whereas the "Stand Your Ground" standard gives a new, but imprecise, status to citizens where expectations are less certain and are more dependent on subjective processes for assessing features of threat. In this culture, we should not be surprised that those subjective calculations invite racial considerations. In particular, we argue that "Stand Your Ground" will increase overt conflict between parties, especially in cross-race interactions. Rather than expanding self-protection, the new standard muddles statuses and role expectations and will lead to more conflict. If our theorizing is correct, the Martin case will not be an isolated tragedy.

The "Stand Your Ground" Law

Florida's "Stand Your Ground" law was a legislative enactment to replace the common law retreat rule for self-defense. The common law approach had erected an expectation that a party to a threatening interaction occurring outside the home (or castle) leave or retreat from the situation when it was reasonable to do so. In some ways, this was a "bright line" rule[2] for citizens, most of whom were unschooled in the finer points of law. They did not have to read the situation correctly in that they did not have to interpret the threat in terms of the legal "reasonable person" standard (i.e., whether a reasonable person would construe it as a threat). Subjectively, if they sensed threat (even for illegitimate racialized reasons) and could leave, they were to do so. The legal obligation imposed in the interaction occurred at the onset—retreat if you can. Conflict could be de-escalated because of flight, which was given priority over fight. Any legal questions about whether it was reasonable to perceive a threat or the degree of that threat (which would dictate the level of force that could be used in self-defense) were precluded because of the retreat. Therefore, not only was the conflict in the interaction de-escalated, but the conflict over how to apply features of self-defense law was obviated.

The "Stand Your Ground" legislation removed the retreat requirement outside the home and blurred the bright line for what citizens may or may not do for self-defense in interactions that present a level of threat. The relevant section of the Florida statutes (FS 776.013(3) reads:

> A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat, and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another to prevent the commission of a forcible felony.

How "Stand Your Ground" Complicates Threatening Situations

The "Stand Your Ground" standard now requires citizens to assess accurately four things from the perspective of a reasonable person (the objective standard) rather than from their own subjective read of events. First, they need to make sure they are not engaged in an unlawful activity (so aggressive drunks at bars may have some grounds for concern). Second, they need to interpret how a reasonable person would characterize whether an "attack" is unfolding. Third, they need to assess from the perspective of the reasonable person the level of force that is warranted given the nature of the attack. Fourth, citizens should consider that deadly force is authorized only if a reasonable person would conclude it was necessary to prevent death or great bodily harm and to prevent the commission of a forcible felony. Florida statutes (FS 776.08) defines forcible felony as:" treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual." In other words, the authorization of deadly force in self-defense is legally prescribed. It requires the citizen to accurately read the events in two ways: the citizen has to gauge the serious nature of the threat accurately and the citizen has to understand the legal distinctions for categories of felonies.

There are two other legal complexities in Florida's law that warrants attention. First, FS 776.041 limits the use of force by a citizen who is an "aggressor." This applies to both people who may be attempting or committing or escaping from a crime that is a forcible felony and, more importantly for current purposes, to someone who initially provokes the use of force. In other words, a citizen who approaches someone in a provocative way may be the initial assailant. In that scenario, the "aggressor" has a duty to retreat or to withdraw from physical contact, clearly communicating that intent. Second, Florida law offers a kind of protection to those who assert "Stand Your Ground." The person is NOT to be arrested until the government has ample evidence to contradict the claim of self-defense. Hence, Zimmerman was not arrested in the immediate wake of the shooting, despite the lead investigator's desire to do so.

The bottom line is that the old retreat rule precludes a cacophony of complexities in the interaction, legal complexities that give opportunities to explode under the "Stand Your Ground" standard. The Trayvon Martin tragedy illustrates how much can go wrong in the interaction and how legal resolution itself becomes complicated—from police investigation and decisions about

arrest (or not) to charging to pretrial hearings to trial. What retreat would have precluded, "Stand Your Ground" confounds.

Applying Turk and His Extension to "Stand Your Ground"

Turk's (1969) theory of normative-legal conflict lays out ways in which relationships are structured that hold different probabilities for lurking conflict between interacting parties to become overt. Law can erect a kind of authority structure between those who interact that can alter that likelihood. This is especially true in circumstances where citizens, like Mr. Zimmerman, have assumed the role of neighborhood protector. Unfortunately, "Stand Your Ground" increases the probability of violence.

Sophistication of Interactants

One of Turk's arguments is that the level of sophistication that parties bring to the interaction can reduce conflict. We argue that in simpler interactions, less sophistication is required than in more complex ones. Therefore, conflict can also be reduced when law simplifies the structure of interactions (as in retreat rather than "Stand Your Ground").

The only subjective assessment under the traditional "retreat" rule dealt with a sense of threat and the ability to withdraw. It is significant in the Trayvon Martin case that Zimmerman sensed enough threat of some kind to call dispatch, but that he did not heed the dispatcher's advice to avoid an encounter, although he clearly could have. There was an approach and a confrontation. We cannot get into Mr. Zimmerman's head, but we can infer from his behavior that he did not think he had to retreat, consistent with Florida's "Stand Your Ground" standard. Because Mr. Zimmerman did not avail himself of retreat early on, the fit of the black letter law with unclear evidence makes it harder to resolve the case. How did the confrontation occur? Did Mr. Zimmerman approach Trayvon Martin? Was it threatening? Could Zimmerman have been perceived as an "aggressor"? If so, would that have been a reasonable perception? How did Trayvon Martin react? Who used force first and what level of force was used? How did it escalate to gunfire?

The Trayvon Martin tragedy exposes a sad irony. Were the police doing the law enforcing, there would have been better structure and checks to reduce the likelihood of gunfire. Police are trained in how to make approaches in the field. They recognize legal distinctions between voluntary interactions, articulated grounds of suspicion for a brief detention under the *Terry v. Ohio* (1968) doctrine, and arrest situations.[3] Police are screened to eliminate overt racists; they are trained in diversity; their field encounters are reviewed and supervised. Police are trained in the use of force and have clear policy guidelines for it. They understand that any use of their weapon will be reviewed. None of these checks are in place with citizen enforcers. According to Turk's analysis, police should have more sophistication in encounters than do citizen enforcers, something that should reduce overt conflict.

Issues with Deference

A second argument in Turk's (1969) theory of normative-legal conflict is premised on deference to authority. He argues that law structures interactions in ways that set up authority relationships and expects deference to those arrangements. But law has to compete with larger social norms, and the expectations of law will be more likely to give way in some kinds of interactions. Sometimes this will reduce conflict; in other circumstances it can increase conflict. Lanza Kaduce and Greenleaf showed that Black law enforcers (who have been given positional authority by law) are in weaker structural positions than are others because social norms are weaker in regard to deferring to minorities. Lanza-Kaduce and Greenleaf found White citizens were less likely to defer to Black officers; the rate of conflict was higher in those cross-race structured interactions even after controlling for many other factors. Conflict was lowest when the social norms of deference reinforced the positional authority of officers (i.e., White police officers had positional authority and social authorization but Black officers only had positional authority).

Under the retreat rule, most subjective processes (including those regarding race) are precluded unless retreat is not feasible. The retreat rule minimized subjective racial considerations because retreat was the formal expectation; under "Stand Your Ground" race can be incorporated into considerations of the nature of the threat, its projected degree of harm, and perceived benefits of using force. How did the Zimmerman-Martin confrontation occur? Did racial typification influence Mr. Zimmerman's perception of suspicion and threat? Did Zimmerman approach Trayvon Martin? Did Zimmerman feel "authorized" to do so because of norms of deference (an older male expects a Black youth to defer)?

We raise the question of how our cross-race norms of deference play out in interactions where threat is perceived by at least one of the parties. Will those social norms increase what Turk refers to as "overt conflict?" Should we expect enough Whites to perceive greater threats from young, Black males to increase violence in their interactions, especially now that the "Stand Your Ground" expectations have been formalized in law? Will the rate of violence be higher in some contexts? To the extent that the "Stand Your Ground" formal expectations reinforce traditional social norms about self-reliance and defense for some subgroups in the U.S. (e.g., males and Southerners) will we see the escalation of violence occurring disproportionately in some contexts (e.g., where Southern White males deal with young, Black males)?

The Role of Racial Attitudes

Scheingold (1984) has argued that the images of crime conveyed in a society may be as important to study as the actual pattern of crime. Those images speak to the norms and social orientations of society at large and the individuals interacting in that society. Davis (2012) noted that by the late 1980s, media "accounts and political rhetoric began making crime synonymous with Black, and conversely Black synonymous with crime" (Chiricos, Hogan, & Gertz, 1997; Mears, Mancini, & Stewart, 2009). Researchers observed a virtual crime news script in which the "criminalblackman" (Russell-Brown, 2009) was portrayed as a violent offender willing to victimize anyone within his reach (Mears & Stewart, 2010). This typification had been observed

among law enforcers as well. Skolnick (1966, p. 45-46) introduced the notion of the "symbolic assailant" as he tried to understand the "working personality" of police officers.

> The policeman, because his work requires him to be occupied continually with potential violence, develops a perceptual shorthand to identify certain kinds of people as symbolic assailants, that is as persons who use gesture, language, and attire that the policeman has come to recognize as a prelude to violence. This does not mean that violence by the symbolic assailant is necessarily predictable. … Like the animals of the experimental psychologist, the policeman finds the threat of random damage more compelling than predetermined and inevitable punishment.

That accentuated concern lies at the heart of racial profiling in law enforcement. There is no reason to think that profiling in citizen watches and patrols would be less salient. Was Trayvon Martin a symbolic assailant to Zimmerman? Will "Stand Your Ground" invite conflict?

Black Typification of Crime

Understanding the dimensions of threat is integral to a proper understanding of society's social control mechanisms and both their intended and unintended outcomes. As such, the Black typification of crime phenomenon is useful in analyzing the perceived threat posed by young Black males like Trayvon Martin to watch captains like George Zimmerman. Black typification of crime describes the extent to which an individual views crime as a Black occurrence, i.e., how much a person equates participation in crime with being Black (Chiricos et al., 2004). Scholars have argued that Black typification of crime is partially responsible for the punitive criminal justice policy that spread around the United States in the late 1980's (Chiricos et al., 2004; Unnever & Cullen, 2007). We propose that Black typification of crime also "enables" vigilante-style mindsets. Did it factor into the events that led George Zimmerman to suspect, follow, and eventually shoot an unarmed young man? If the retreat rule were law, would Zimmerman have felt less empowered to pursue Martin?

Linking Black males with crime is nothing new. During the last three decades in particular, media accounts and political rhetoric have helped perpetuate the notion that crime is a Black problem (Chiricos et al., 1997; Mears et al., 2009). The "criminalblack man" then became the image of threat—the super predator (Russell-Brown, 2009). Thus, without doing anything to indicate criminality, Martin was a "criminalblack man." Turk (1969:100) anticipated this prospect,

> …criminal status may be ascribed to a person because of real or fancied attributes, because of what they are rather than what they do, and justified reference to real or imagined or fabricated behavior…; criminality is a definition applied by individuals with the power to do so, according to illegal and extra-legal, as well as legal criteria.

While we cannot know the exact sequence of events that culminated in Martin's shooting, we can raise questions. Did Zimmerman see himself—and his neighborhood—as being under siege by Black males?

Since the shooting, there has been much debate in the media about Zimmerman's racial or ethnic status (e.g., he is half-Latino; he has African ancestry)—and thus his (in)ability to have racially stereotyped Martin. However, any focus on Zimmerman's minority status is theoretically misguided. The main concepts of symbolic racism theory (which will be discussed in a later section) and comparative conflict theory, among others, explicate the reasons *all* racial and ethnic groups will stereotype Black s in similar ways—including Black s themselves (Buckler & Unnever, 2008; Kinder & Sears, 1981; Sears, 1988; Sears & Henry, 2003). Zimmerman being a minority is of no consequence to his treatment of Martin, as belief in the "criminalblackman" transcends race and ethnicity.

Threat

Although the "criminalblackman" represents an intersection of threat types, the nature of threat can be diverse; it can be political, economic, racial, criminal, or some combination of all of these (Liska, 1992). It has even been argued that these facets of threat are inextricably linked (Blalock, 1967). Conflict theorists assert that racial/ethnic minorities, people with lower socio-economic status, and youth are generally perceived as the greatest threats; Trayvon Martin was the convergence of all of these. Cultural norms can confound the notion of threat (indeed something that seems to have happened in the Martin tragedy). People and groups can misinterpret cultural signifiers of subordinate groups—in this case Blacks. Certain styles of dress, certain gestures, and even particular postures that are simply displays of African American cultural identity are often used as indicators of criminal threat (Armour, 2000). It is therefore no wonder that the "appropriateness" or influence of Trayvon Martin's hoodie (despite the fact that it was raining outside) has been the subject of so much debate. Both sides of the political spectrum have been complicit in criminalizing Black cultural displays. A popular example is of a liberal pundit who proclaimed that Trayvon Martin should have known better than to walk around at night in a hoodie (Daniels, 2012). Comments like these are powerful on four different fronts. In one sense, they are prime examples of the ubiquity of cultural threat. Further, these kinds of comments demonstrate how Black men are not afforded the presumption of innocence. Similarly, these comments provide further breadth to the understanding of Black typification of crime. But perhaps most importantly, these comments expose the type of victim-blaming that has become characteristic of so many cross-racial tragedies with Black victims.

With the "Stand Your Ground" law, a perception of an impending "attack" is almost the gateway to using force to defend one's self. Given the historical development and the current racial climate of the United States, what is calculated as a threat is likely to involve some anti-Black sentiments (Armour, 2000; Kinder & Sears, 1996). Be it the Black typification of crime or the conflation of African American culture with criminal threat, criminality is so strongly linked to Blackness that Zimmerman's actions are not only consistent with theoretical expectations but also common sense expectations. Sadly, deadly repercussions can result from having legal permission to treat an individual as a criminal without due process.

Symbolic Racism Theory

Racism is often rendered invisible because it is so deeply engrained in social institutions and the consciousness of all people (Feagin et al., 2001; Unnever & Cullen, 2007). This inconspicuousness is the main premise behind symbolic racism theory (Kinder & Sears, 1981; Kinder & Sanders, 1996).

> Symbolic racism involves four primary concepts: 1) a belief that discrimination and prejudice no longer exists in any meaningful way; 2) a belief that Black s' failure to advance in society is because they are unwilling to work hard enough; 3) a belief that Black s are asking for too much too quickly; and 4) a belief that Black s have gotten more than they deserve (Sears & Henry, 2003; Henry & Sears, 2002). Concisely, symbolic racism stems from an adherence to traditional American moral values and "anti-Black affect" … (Green, Staerkle, & Sears, 2006; Sears & Henry, 2003). One could say that symbolic racism fuses anti-Black affect with traditional moral values to conclude that Black s are culturally inferior rather than biologically inferior (Buckler et al., 2009). … Anti-Black affect has been described as a largely unconscious, nearly automatic type of prejudice (Sears & Henry, 2003). It often shows in the forms of fear, evasion, an embracement of separatism; disdain, discomfort; disgust, or perhaps just dislike (Sears, 1988 p70 taken from Sears & Henry, 2003; Davis, 2012).

The upshot of symbolic racism for "Stand Your Ground" is that cultural beliefs among many Americans not only militate against deference to Blacks but combine with strong negative emotions that include fear, disdain, discomfort—all cues relevant to the perception of threat and which may trigger the use of force, now seemingly authorized by a "neutral" "Stand Your Ground" law. The theory posits that people maintain these beliefs while deluding themselves that they are "colorblind;" they think they act fairly and neutrally to all. Despite denial, a symbol that often triggers the affect and reaction is the "criminalblackman" so that Whites and other nonwhite minorities (including Latinos) can share the cultural belief system (Buckler et al., 2009). In other words, the ethnicity of Zimmerman in the Trayvon Martin tragedy does not diminish the potential role of race in that case or in how "Stand Your Ground" will play out in threat contexts. Symbolic racism predicts that Black s will be more likely viewed as threats— they will more likely be symbolic assailants against whom force would more often be deemed necessary by the person who perceives threat but no longer has to retreat from it. Symbolic racism posits that others' cultural beliefs towards Black s may be non-deferential and even overtly conflict-oriented.

Conclusion and Policy Implications

Lanza Kaduce and Greenleaf (2000) established that race is not the only cultural or social dimension at work in threat interactions. Social norms about age and deference also matter. The young are not owed the same deference as are the older. Lanza Kaduce and Greenleaf (2000) also raise the prospect of gender-linked norms. In his exposition, Turk (1969) emphasized the

importance of allowing both parties in a structured interaction to "save face," to be able to de-escalate the potential conflict and keep it from becoming overt. One interesting feature of the retreat rule is that it obligated the party with the stronger legal standing (the person who was being threatened) to de-escalate. It reinforced the social norm to avoid violence by giving it legal status. In so doing retreat may have contradicted norms of masculinity, particularly values like "manning up" or standing up for oneself. The gender-linked nature of norms of deference warrants study as well.

Keeping in line with Turk's (1969) predictions, we suspect that the combination of Black, young, and male enhances the likelihood of perceived threat—they are the perceptual shorthand of the symbolic assailant. Trayvon Martin in his hoodie exemplifies that image. When that profile is juxtaposed with a citizen, especially in an enforcement role, who is nonBlack, older (but not old) and male, we hypothesize that the likelihood of standing one's ground and using force in the face of perceived threat goes up. The combination is structural; we do not know which interactions will result in violence but we can predict that the rate of those interactions will be higher than interactions structured in different ways. Theoretically, "Stand Your Ground" can be predicted to aggravate the structural arrangements in ways that will increase the rate of conflict over and beyond that produced by the retreat rule.

Policy is at its best when informed by theory, and we think even this brief theoretical critique provides reason to reconsider policies and practices. We reject the notion that society has moved to a place of colorblindness and recognize that law can structure relations to make the role of race less likely to intrude (e.g., Merton [1949] reminded us that the behavior of fair-weather liberals and timid bigots would change with civil rights laws. Proposed legal changes and current legal practices should be examined through the prism of race given its role in this country. Law can be structured to reduce the impact of racism. The "Stand Your Ground" law allows racial typficiations to affect interactions with tragic consequences. Florida's legal structure compounds the problem when it gives "immunity" from immediate arrest to those who use force, especially lethal force, in interactions where retreat would have precluded the violence. We firmly support a retreat from "Stand Your Ground" and a return to the retreat standard. We also remind the advocates of community involvement in crime control of the importance of sophistication, training, and screening in citizen participation. Being Black is not cause for suspicion; being Black does not connote threat. Seeing a "criminalblackman" is not sufficient to take the law into one's own hands.

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References

Armour, J. D. (1997). *Negrophobia and reasonable racism.* New York and London: New York University Press.

Blalock, H. M. (1967). *Toward a theory of minority-group relations*. New York: Wiley.

Buckler, K., & Unnever, J. D. (2008). Racial and ethnic perceptions of injustice: Testing the core hypotheses of comparative conflict theory. *Journal of Criminal Justice, 36*(3), 270-278.

Chiricos, T., Hogan, M., & Gertz, M. (1997). Racial composition of neighborhood and fear of crime. *Criminology*, *35*(1), 107-131.

Chiricos, T., Welch, K., & Gertz, M. (2004). Racial typification of crime and support for punitive measures. *Criminology, 42*(2), 359-390.

Daniels, L. (2012, March 23). *Time news feed.* Retrieved March 25, 2013, from *Time*: http://newsfeed.time.com/2012/03/23/you-cannot-rehabilitate-the-hoodie-geraldo-rivera-places-blame-on-trayvon-martins-attire/

Davis, A. (2012). *Understanding racial typification of crime and punitive policy preference in a colorblind era.* Unpublished master's project, University of Florida, Gainesville, FL

Eitle, D., D'Alessio, S. J., & Stolzenberg, L. (2002). Racial threat and social control: A test of the political, economic, and threat of Black crime hypotheses. *Social Forces, 81*(2), 557-576.

Feagin, J. (2001). The Continuing Significance of Race. *The American Civil Rights Movement: Readings & Interpretations*. New York: McGraw-Hill.

Green, E. G. T., Staerkle, C., & Sears D. O., (2006). Symbolic racism and Whites' attitudes toward punitive and preventive crime policies. *Law and Human Behavior*, 30:435–454

Henry, P. J., & Sears, D. O. (2002). *The Symbolic racism 2000 scale. Political Psychology*, *23,* 253–283.

Kinder, D. R., & Sanders, L. M. (1996). *Divided by color: Racial politics and democratic ideals*. Chicago: University of Chicago Press.

Kinder, D. R., & Sears, D. O. (1981). Prejudice and politics: Symbolic racism versus racial threats to the good life. *Journal of Personality and Social Psychology*, 40, 414-431.

Lanza-Kaduce, L., & Greenleaf, R. G. (2000). Age and race deference reversals: Extending Turk on police-citizen conflict. (cover story). *Journal Of Research In Crime & Delinquency*, *37*(2), 221-236.

Liska, A. (1992). *Social threat and social control.* State University of New York Press.

Mears, D. P., Mancini, C., & Stewart, E. A. (2009). Whites' concern about crime: The effects of interracial contact. *Journal of Research in Crime and Delinquency, 46*(4), 524-552.

Mears, D. P., & Stewart, E. A. (2010). Interracial contact and fear of crime. *Journal Of Criminal Justice*, *38*(1), 34-41.

Merton, R.K. (1949) Discrimination and the American creed. In R.M. MacIver (Ed.), *Discrimination and National Welfare.* 77-145. New York: Harper.

Russell-Brown, K. (2009). *The color of crime*. (2nd ed.). New York: New York University Press.

Scheingold, S.A. (1984). *Politics of Law & Order: Street Crime & Public Policy*.

Sears, D. O. (1988). Symbolic racism. In P. A. Katz & D. A. Taylor (Eds.), *Eliminating racism: Profiles in controversy*. 53-84. New York: Plenum.

Sears, D. O., & Henry, P. J. (2003). The origins of symbolic racism. *Journal of Personality and Social Psychology*. 85, 259–275.

Skolnick, J.H (1966). *Justice without trial: Law enforcement in a democratic society*, New York: John Wiley.

Terry v. Ohio, 392 U.S. 1 (1968)

Turk, A. (1969). *Criminality and the legal order*. Chicago: Rand McNally and Company.

NOTES

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[1] Since the Martin shooting, we have seen similar race-linked tragedies.

[2] The term is borrowed from court cases where justices are concerned with announcing clear, easily implemented procedures for police.

[3] *Terry v. Ohio* (1968) was a landmark decision by the United States Supreme Court which held that a police officer may briefly detain a suspect on the street and frisk him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person could be armed and dangerous.