

**Targeted Laws and Their Effects on Social Groups**

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Laws that are explicitly designed to obstruct the interests of one or more social groups, also known as targeted laws, have been present throughout the history of the United States and the use of such laws has primarily been to benefit the interests of one or more legally favored social groups by attacking and/or extorting another, disfavored group. This principle seems obvious when one considers the institution of Jim Crow laws, defined by Dr. David Pilgrim of Ferris State University (2012) as "...the racial caste system which operated primarily, but not exclusively in southern and border states, between 1877 and the mid-1960s". However, the utilization of targeted laws is sadly not a thing of the past nor only confined to racial groups and as such, targeted laws continue to have a negative effect on social groups today.

To illustrate, examples of targeted laws can be observed both in existing as well as proposed laws in the United States today. For instance, one Arkansas Senate Bill passed earlier this year (S. 387, 2013) calls for the limiting of body art procedures, seeking to restrict one such procedure known as "scarification". As the bill defines it, scarification "means injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration." The bill would also seek to prohibit the procedure of subdermal implanting, meaning "the insertion of an object under the skin of a live human being for ornamentation or decoration."

Such prohibitions and restrictions qualify as targeted laws in that they target body artists and those who desire to receive body art whilst continuing to provide benefits (in this case, the benefit of negligence) to other artistic social groups. This disparity might be further supplemented by another Arkansas Senate Bill (S. 388, 2013) which would allow for not only a licensing fee but also an annual fee for performing body art:

"The department [of Health] shall levy and collect an annual fee of one hundred fifty dollars (\$150) per facility for issuance of a license to an establishment that performs body art. . . . The department shall levy and collect an annual fee of one hundred dollars (\$100) per artist for issuance of a license to an artist who performs body art."

On a greater level, another law, this one proposed by a Virginian senator, (S. 962, 2009) would require the following:

"[W]hen a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion, the mother or someone acting on her behalf [shall], within 24 hours, report the fetal death, location of the remains, and identity of the mother to the local or state police or sheriff's department of the city or county where the fetal death occurred. The bill also specifies that no one shall remove, destroy, or otherwise dispose of any remains without the express authorization of law-enforcement officials or the medical examiner, and that a violation of this section is a Class 1 misdemeanor".

This proposed law qualifies as a targeted law in that, if in practice, it expressly targets pregnant women, forcing them to, within 24 hours of experiencing a traumatic event without the presence of a medical professional, to report to the police or else face the possibility of "a sentence of up to 12 months in jail (and \$2,500 fine)", according to the bill's Fiscal Impact Statement (2009). The law also makes no mention of consequences for anyone inducing a miscarriage.

The aforementioned examples make it easy to see that targeted laws, at least on paper, can still be argued to exist in American society. This assertion leads to two other major points to address. Namely, the role of targeted laws in practice and their effects on the social groups to which they provide obstruction. On the first point, the first major question to be asked is "what is the difference between targeted laws on paper and targeted laws in practice?"

The suggested answer would be "The less meaningful the paper, the more brutal and more targeted the practice." To illustrate, as Michelle Alexander (2010) argues in her book *The New Jim Crow*, the War on Drugs on paper "...is aimed at ridding the nation of drug 'kingpins' or

big-time dealers..... [and] is principally concerned with dangerous drugs" (p. 60). However, Alexander argues that in reality the War on Drugs is a system of mass incarceration that "...specifically targets people of color and then relegates them to a second-class status analogous to Jim Crow" (p. 61).

This is accomplished through multiple methods including political disenfranchisement, racially biased arrest and conviction, and stigmatization of the convict class. Alexander explains that "[f]ew legal rules meaningfully constrain the police in the War on Drugs...[and] [t]he absence of significant constraints on the exercise of police discretion is a key feature of the drug war's design" (p. 61). She summarizes this concept and puts it in context as such:

"Because there is no meaningful check on the exercise of police discretion, racial biases are granted free rein. In fact, police are allowed to rely on race as a factor in selecting whom to stop and search (even though people of color are no more likely to be guilty of drug crimes than whites)—effectively guaranteeing that those who are swept into the system are primarily black and brown" (p. 185).

Alexander's argument, in turn, leads to the next question. "What is the effect of targeted laws upon the obstructed social groups?" Alexander argues in her book that the targeted system of mass incarceration has in fact brought about an era of mass incarceration that results in a methodical stigmatization of black men "...and the social construction of the 'criminalblackman'—whether they have ever been to prison or not" (p. 199).

In effect, Alexander argues that an enforcement of targeted laws such as those found in the War on Drugs system results in stigmatization, whereby individual members of a social group may be treated as outcasts or second-class citizens and/or subjected to heavy scrutiny by legal authorities. In such a system, increased social control may be something that a public supports whether they are consciously opposed to said targeted group or not.

Research by Michael Campbell and Heather Schoenfeld would seem to support this idea.

In their study, Campbell and Schoenfeld (2013) argue that,

"In the United States, public support for increased social control is intimately linked to the politics of racial resentment. The United States' unique history of categorization, political subjugation, and empowerment along lines of race, and cultural beliefs about racial categories structures political competition, political institutions, and policy choices and implementation...[Past] research suggests that conservative rhetoric around "welfare cheats" and "drug pushers" was effective in part because it tapped into racial resentment in order to explain away the declining social and economic position of the white working class" (1381).

Furthermore, efforts to prevent crime through methods such as child education may in fact succeed only in making things worse in such a system. As Franklin Zimring (1997) argues in his paper, *The Doom of a Good Intention*, "[s]ocial competence comes from empowerment programs open to all children and from programs where children are expected to succeed" (45).

Zimring explains that the main problem with crime control education is the inherent stigmatization:

"Efficient crime control singles out children at risk, while efficient education and youth development welcome all kids to the front door. Crime control programs regard their targets as at least potential risks while educational and developmental programs look on the bright side of the human potential in their custody. The problem with calling a program crime prevention is that it *becomes* a program of crime prevention, operating without the optimism and trust that make education work. The negative labels and social stigma of crime prevention social services cannot be neutralized by good intentions or brave words" (45).

In summation, targeted laws, whereby select social groups are subjected to obstructive legislation and enforcement, as Alexander, Campbell, and Schoenfeld argue, results in a system of disparity, stigmatization, and a perpetuity of crime. In the United States, this is especially true for laws targeted on the basis of race, specifically, against African-Americans. Thankfully, people are aware of this concept, and it is the view of this student that as long as there are people willing to fight, there is always hope for a brighter future.

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