

Paul Krugman: 'Stand Your Ground' Laws Increase Incarceration by Reducing It

Jacob Sullum | March 26, 2012



Walter Olson notes *New York Times* columnist Paul Krugman's bizarre argument that "stand your ground" self-defense laws, which are promoted by the American Legislative Exchange Council (ALEC), advance the interests of the private prison industry (an ALEC supporter) by putting more people behind bars. Which might make sense, except that the effect of these laws is to keep people out of prison by preventing their prosecution or conviction in cases where they are attacked and "meet force with force," even when there might have been a way to retreat. In fact, critics of "stand your ground" laws argue that they keep people out of the criminal justice system who belong in it (such as George Zimmerman). So how does Krugman arrive at his counterintuitive conclusion? Here is the closest he comes to an explanation*:

Where does the encouragement of vigilante (in)justice fit into this picture? In part it's the same old story — the long-standing exploitation of public fears, especially those associated with racial tension, to promote a pro-corporate, pro-wealthy agenda. It's

neither an accident nor a surprise that the National Rifle Association and ALEC have been close allies all along.

And ALEC, even more than other movement-conservative organizations, is clearly playing a long game. Its legislative templates aren't just about generating immediate benefits to the organization's corporate sponsors; they're about creating a political climate that will favor even more corporation-friendly legislation in the future.

Did I mention that ALEC has played a key role in promoting bills that make it hard for the poor and ethnic minorities to vote?

Yet that's not all; you have to think about the interests of the penal-industrial complex — prison operators, bail-bond companies and more. (The American Bail Coalition has publicly described ALEC as its "life preserver.") This complex has a financial stake in anything that sends more people into the courts and the prisons, whether it's exaggerated fear of racial minorities or Arizona's draconian immigration law, a law that followed an ALEC template almost verbatim.

Krugman's point seems to be that encouraging people to shoot young black men they consider suspicious, which is what he thinks "stand your ground" laws do, feeds the same "public fears" that reinforce tough-on-crime policies. So even though the laws' direct impact is to reduce incarceration, their indirect, long-term effect is to increase incarceration. That seems like a bit of a stretch, especially since the "stand your ground" defense is available to everyone who gets into a violent confrontation and meets the law's criteria, regardless of race. *The New York Times* [reports/complains](#) that Florida's law "is increasingly used by gang members fighting gang members" and by "drug dealers battling drug dealers." Given the demographics of the drug offenders who tend to get busted, it seems safe to assume at least some of these defendants are black. If so, the law that Krugman says eventually puts more black people in jail begins by shielding them from prosecution.

*Since a commenter accuses me of pushing a "willful misreading of the column, supported by misleading ellipses," I have restored what I snipped. It does not help Krugman. If anything, his [column](#) makes even less sense when read in full.