chapter one

Conceptualising ‘race’ and crime: racialisation and criminalisation

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Biological and cultural racism

The terms ‘race’ and ‘crime’ probably already sit quite easily (or uneasily) together in the reader’s mind, if not as a natural association, then at least as an understandable one. This book is about the different ways in which this association has prevailed in some of the thinking, attitudes and activities found in modern societies towards the problem of crime and the issue of race. Talking about race and crime in the same breath invites a number of pitfalls. The most glaring of these is that the notion of ‘race’ does not have any scientific validity. Classifying or distinguishing humans by the races to which they are said to belong is completely arbitrary because all human groups have a common biological ancestry (Cavalli-Sforza 2001; Olson 2002). It is not possible to argue on current evidence that the distinctive behaviours of a group have a biological origin. Most of the groups to which we belong have nothing to do with biology and everything to do with culture (Rose et al. 1984; Montagu 1997; Diamond 1999; Jones 2000; Lewontin 2000). Of course, groups are distinctive in appearance and
these distinguishing features are used socially to sort people into categories according to the colour of their skin or the shape of their eyes. Any propensity to interpret these differences in biological terms and draw conclusions about their ancestry is the root of racism. Further, not only are these physical categories deemed to constitute different races, they are often said to be of a different ‘quality’ from one another, so that some are inferior while others are superior. The immense consequences that ensue from this social activity are described in this book.

Some writers argue that there has been a shift in the ways people think about race, from the belief that race is grounded in biology to the belief that race is based in cultural difference or descent. For example, some people believe that it is ‘natural’ that people will want to live among ‘their own kind’ (Barker 1981; Goldberg 1993; Solomos and Back 1996). Cultural or ‘new racism’ is distinctive to the contemporary period in which ‘manifestations of race are coded in a language which aims to circumvent accusations of racism. In the case of new racism, race is coded as culture’ (Solomos and Back 1996: 19). Whether racial groups are taken to be constituted through biology or culture, what is common to racism is that it promotes persistent exclusion or actually excludes people from entitlements by virtue of their being deemed members of different racial groups. In ascribing supposed racial characteristics to individuals said to belong to a group different from their own, racists ‘explain’ racial differences as natural, inevitable and therefore unchangeable. These characteristics are then evaluated negatively to justify unequal treatment of the defined group (Goldberg 1993; Cashmore 1996). Such beliefs can become embodied in social practices and institutions, including those that are concerned with the problem of crime.

Race and ethnicity

Just as race is often confused with culture, so it is often confused with ethnicity, so that race, culture and ethnicity are used interchangeably. In its benign sense ‘ethnicity’ refers to a group possessing some degree of coherence and solidarity based on an awareness of common origins and interests. However, ethnic groups can be seen by their members or by others as homogeneous, self-perpetuating, defensive and unchanging, and many groups who organise themselves, or are described by others, as an ethnic group are often regarded as a ‘race’ (Cashmore 1996). Similar to cultural difference, ethnic difference can become a coded way of talking and thinking about race.

Whether coded or not, some people continue to believe in the existence of races, while the explicit promotion of racism in public speech and actions is usually considered socially unacceptable and as promoting racial hatred, and in some jurisdictions is illegal. Because of such censure racists
aim to circumvent accusations of racism, usually through declaring themselves ‘victims’ of the presence of vilified groups. As Chapter 5 shows, violent racists rationalise their behaviour by inverting the meaning of racism so as to accuse their real victims of racism, thus enabling themselves to be seen as the victims. Most racists believe that they have been victimised in some way, as can be observed at different points in this book.

Criminalisation and racialisation

The key conceptual framework that informs much of this book relies on an understanding of processes of ‘criminalisation’ and ‘racialisation’ and their relationship. Criminalisation refers to the process whereby some groups receive more attention from, and are more likely to come into contact with, the police and the criminal justice system because of some imputed or ascribed characteristic of criminality. Racialisation refers to those instances where social relations between people have been structured by attributing meaning to biological and/or cultural characteristics, as a result of which individuals may be assigned to a social group – a general category of persons – which is said to reproduce itself biologically and/or culturally (Miles and Brown 2003). This process defines and then confines and constructs different groups, usually through assigning negatively evaluated attributes such as ‘criminality’ or ‘inferiority’. For example, when criminalisation and racialisation work together, ‘the couplet Black youth can be employed in racist discourse to signify criminality’ (Keith 1993: 234), and then terms like ‘crime’ and ‘riot’ become racially loaded. Racialisation and criminalisation are socially constructed through processes of interaction between groups and can be embodied in institutional practices.

The problem of ‘racism’

The term ‘racism’ is often used in discussions of crime and criminal justice to refer to different and discriminatory treatment of individuals and groups by the police and criminal justice system on grounds of their supposed racial background. The term will appear many times in this book, but a note of caution needs to be sounded from the beginning about how racism is understood. Some writers have used the concept of racism to refer to all beliefs, actions and institutional processes that discriminate against and subordinate ‘black’ or ‘Asian’ people. There are a number of well-known problems with this all-encompassing unitary definition. According to Miles and Brown (2003), this concept of racism can ignore social class and gender divisions and conflict within both the ‘white’ and ‘black’ populations;
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it *assumes* what should be demonstrated in every particular instance (white racism); it ignores intentional or explicit expressions of racism as indicators of the presence or absence of racism, which is a particular problem when allegations of racism in institutions are made; it limits the range of historical instances of racism, for example, racism against Jewish, Irish, Gypsies and other racialised groups such as the ‘unfit’ and ‘criminals’; it suggests that racism is the prerogative of ‘white’ people, seen as a homogeneous and totally dominant group, and as a necessary consequence of what white people do to black people and those from other minority ethnic groups; it obscures the complexities and distinctions between belief and action, the intended and unintended consequences of action. For example, police officers may hold racist views but this does not necessarily mean that they will act on those beliefs in their operational duties. Finally, it implies that ‘white’ people lack the capacity to understand, analyse and explain racism. Overall, as Miles and Brown (2003: 80) argue,

systematic comparative analysis is essential: it is necessary to demonstrate that ‘black’ people collectively are treated in a certain manner or experience a particular disadvantage, and that the same treatment and disadvantage are not experienced by any other group.

The book follows this injunction as far as is possible.

Having sounded this note of caution, racism can and does promote exclusion or actually exclude people from material and other resources, from public space and from justice, by marking out, creating and maintaining different distinct bounded groups. The expression of racism is a response to varying material and cultural circumstances over time and in different contexts. It has many dimensions and is historically and spatially specific. Racism in its ‘pure’, omnipresent and isolated form is relatively rare and usually involves territorial exclusion, ‘ethnic cleansing’ or even extermination (Bauman 1989). Those who express racism and those who are its victims are located in and interact with wider social relations and ideologies such as existing economic and political relations. For example, race and racism as ideologies can mask other forms of power such as social class. The problem of racism requires the simultaneous explanation of a particular instance of exclusion and its relationship with a multiplicity of other forms of exclusion. For example, studies, whether of disproportionate offending and victimisation or of discrimination by the police and criminal justice system, invariably compare white and black and minority ethnic groups to discover differences in treatment, but this in itself tells us very little unless we take into account other factors such as social class, demography, area, gender, family, school and employment processes. In many cases these other factors may override or cancel out the influence of race or ethnicity. In other instances the influence of race or ethnicity may be present among all these other factors. This book does not begin from the position of an *a priori* theory of racism which then seeks instances of racism to support the theory. Neither does it rule out the possibility that
race relations and situational racism

This book employs two different conceptual approaches to understanding race and crime (see Rex and Mason 1986; Gilroy 1987; Miles 1993; Banton 1997; Back and Solomos 2000). The race or ethnic relations approach explores group consciousness of difference and group conflict, whereas the racism approach explores racism and racialisation as an ideology masking social exclusion and having many instances and causes. There are few reasons why these two approaches should not be combined. Although race or ethnic relations usually involve behaviour that is at least in part racially or ethnically motivated, the approach does not presume from the outset that racism is necessarily present. To be sure, when individuals define someone as belonging in a racial or ethnic category other than their own, this usually involves regarding that person as having rights and obligations different from those of a person belonging to the same racial or ethnic category as themselves, to discriminate against and exclude them. A key and often ignored dimension of race or ethnic relations, however, emphasised in this book, is that this relationship changes and is dynamic. Whenever individuals or groups define others as belonging to a different race or ethnicity from themselves, they implicitly or explicitly define themselves as belonging to a race or ethnicity also. Each group becomes dependent on the other for its identity, and changes in the situation, power or status of one group influence the position of the other. Often this giving and taking of identity is denied when majority groups define minority groups as belonging to races or ethnicities.

Deploying these approaches, understanding race and crime requires attention to the changing interaction and conflict between minority and majority communities in areas such as family, schooling, employment, housing and other social contexts, as well as policing, crime and criminal justice, the implication being to study factors that influence, usually negatively, this interaction – in particular, certain structural conditions encouraging race relations situations and problems; frontier or boundary situations of conflict over scarce resources; occupational and residential segregation; different access to power and prestige; cultural diversity and limited group interaction; and migrant or minority groups as an underclass fulfilling low-waged roles in urban labour markets.

Solomos and Back (1996) have added a third integrated approach, which they call a ‘situational model of racism’. This model attempts to account for processes which involve the attribution of specific meanings to racial situations, contextualises racism within the specific conditions and instances of its enunciation, and connects these local manifestations of
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racism with wider or national public discourses and policies. In particular, the authors argue (1996: 20–1) that ‘The local context has important effects resulting in complex outcomes where particular racisms may be muted while others flourish’.

**Focusing on white ethnicity and perpetrators**

In focusing on sole scrutiny of minority victims, perpetrators and communities, studies of race and crime have tended to ignore white communities and ‘whiteness’ as an ethnicity (Phillips and Bowling 2003). As already mentioned, it cannot be assumed that all racism and discrimination is perpetrated by whites on blacks or other minorities. Neither is the existence of some significant minority crime a myth, although the belief that a lot of crime is perpetrated by minorities on whites is a myth. Racisms involve social relationships that impact on the ‘white majority’ too, and the ways in which ‘whiteness’ and white racism come to be constructed are as important as the construction of minority identity in understanding race, crime and culture (see, for example, Dyer 1997; Taylor 2005).

Understanding white as well as minority perspectives on race and the racialised situations groups construct and are victimised by, brings in factors such as class and gender as complicating factors influencing these situations, crime, victimisation and criminal justice. For example, the expression of different sorts of racism is often rooted in different class experiences, levels and positions – found in the ‘subordinate racism’ or ‘rough racism’ of the street in contrast with ‘respectable’ or institutional racism (Cohen 1988).

**The importance of context**

The distinct perspective and argument of this book is that contexts of racialisation and criminalisation processes have for too long been ignored or have remained unknown. A quantitative survey approach has tended to dominate the race and crime debate in ways that can hide rather than reveal social processes, at the expense of drawing on closer-up, qualitative studies of actual groups and situations. The dominance of this approach may in part explain the inconsistent and contradictory findings and difficulty of drawing final conclusions from this kind of data. The debate has been further hindered by relying solely on somewhat parochial national data and debate rather than a more international perspective, and this perspective is a thread throughout the book.

The importance of context can be illustrated in a number of ways. Offenders are sometimes treated equally, but other times they are not,
according to context. Race, crime and criminal justice outcomes may be
influenced by the intersection of the type of crime and the place of its
commission, the age, gender and ‘race’ of the offender, and the ‘race’ of the
victim (Spohn 2000). These interaction effects between different factors
may cancel out any direct or even indirect effects of race because these other
factors or characteristics may be more important in actions and decisions.
According to Walker et al. (2004), blacks as a group do not receive harsher
sentences than whites, but those blacks who are unemployed and living in
Chicago receive longer sentences than their white counterparts, as do
unemployed Hispanics. If generally applied, this points to indirect rather
than direct discrimination in the sentencing process because African-
Americans as a group are disproportionately working-class, unemployed
and living in hypersegregated areas making them less able to raise bail
money or mount a defence – differences that result from economic or social
disparities that attach to race (Smith and Natalier 2005).

**Structure, themes and purposes of the book**

Having dispensed with the preliminaries of conceptualising race and crime,
the discussion now turns to the substantive areas covered in this book. Some
of these areas have conventionally (and inexplicably) been neglected or
ignored by the criminological literature about race and crime. For example,
extralegal and extrajudicial killing and lynching as ways of terrorising
and controlling African-Americans, as well as forming the historical basis
of contemporary judicial executions, have mostly been ignored in discus-
sions of racist violence and in the formation of the popular punitiveness
of the American justice system. The book attempts to fill in other gaps
such as the perpetration of racist state crime, which, like state crimes in
general, has hardly been addressed within criminology (but see Morrison
2006).

In following a sociological as well as criminological approach (see
Holdaway 1997) it is hoped to capture complex relationships between
the respective roles of individual agency, intention and choice on the one
hand, and cultural and social structural constraints on social action on the
other, while recognising that human choices and constraints on these vary
according to situations and context (see Hopkins Burke 2005). In freeing
up and wanting to widen understanding of race and crime, this requires
identifying not only, for example, injustices of racial discrimination in the
criminal justice system, but also that these injustices are linked to wider
social injustice. Indeed, as Cook (2006) argues, criminal justice is a ‘two-
way street’ in which criminal and social justice are closely linked – that you
cannot have one without the other.

Race and criminality are first associated in the founding work of crimin-
ology itself in the nineteenth and early twentieth centuries, as Chapter 2
shows. Early criminology both informed and was informed by a thinly veiled ideology of ‘scientific’ racism, which argued that some individuals and populations were biologically inferior. This methodological legacy – shorn of its more racist connotations – remains today in continued attempts to measure and compare the physical, psychological and cultural attributes of criminal and non-criminal populations so as to identify a distinct ‘criminal type’. These origins of applied criminology directly resulted in the compulsory sterilisation and detention – and in the case of Nazi Germany, the mass elimination and murder – of the ‘unfit’ and the ‘criminal’, for the purpose of improving the ‘racial qualities’ of future generations.

Chapter 3 provides a context to the fear of crime, a fear that can be exacerbated in socially constructed ‘racial situations’. This is illustrated across a contrasting range of places. Essentially, this chapter argues that general social anxieties and insecurities, and growing ethnic diversity arising from social, economic and cultural change, are often interpreted through the misty lens of neighbourhood-based nostalgic narratives of decline that induce among residents specifically racialised fears of crime.

Chapter 4 describes contrasting majority and minority crime and victim patterns across a range of societies, but focusing on Britain and the United States. Consistent with the book’s argument that studies lack context, the chapter reviews an in-depth case study of street robbery to evaluate the claim that young black men are disproportionately involved in such crimes, as well as the thesis that among some minorities crime rates increase across generations. Finally, the chapter tackles the issue of why some visible minority ethnic groups appear to suffer disproportionate rates of crime as victims and offenders compared to their numbers in the population, and other minority groups do not.

Chapter 5 begins with a case study of the racist murder of Stephen Lawrence and the inquiry into the failed police handling of the murder investigation. This inquiry changed the ways in which racist violence was policed and dealt with by the law, with considerable consequences for patterns and trends in racist violence. How we might understand the underlying reasons for violence found in changing race relations in local and national contexts is explored alongside the motivations of perpetrators and relationships between perpetrator and victim groups.

Alleged different contact, conflict and treatment between the police and some visible minority groups are considered in the context of a more general adversarial policing of powerless and marginalised groups. Chapter 6 addresses the debate between those who argue that visible minorities are given inferior treatment by the police and those who argue that the existence of extensive police racism is exaggerated and that police racism and stereotyping have little impact in terms of the way in which officers go about their duties. Still others argue that disproportionate police attention devoted to some minority (and other) groups simply reflects their higher rate of offending. The chapter also focuses on one of the police’s core
functions, to maintain public order, and the particular resonance this has had in situations involving minority–police relations and disorders.

Chapter 7 examines whether different outcomes for visible minorities in the criminal justice process are the result of different types and rates of offending between ethnic groups or racial discrimination in the criminal justice system. Some writers have argued that once the different offending characteristics of individuals are taken into account, any different treatment on grounds of racial characteristics alone disappears and that all are equal before the law. Other studies have remained agnostic on whether different treatment on grounds of race or ethnicity is present or not because of the difficulty of measuring or modelling criminal justice processes and decision-making in the ‘real’ world, while yet other studies have argued that a residue of racial bias against minority defendants is present at all stages of the criminal justice process, from prosecution, conviction, sentence and remand to type of court disposal. It is argued that the life contexts of those brought before the criminal justice system are the most important explanation of criminal justice processes and outcomes, rather than these processes and outcomes in themselves.

Chapter 8 takes this argument further by examining the wider sociological issues that underpin processes of criminalisation and racialisation, and the encouragement or discouragement of delinquency and criminality. By focusing on working-class and minority youth transitions and social exclusion in family, care, neighbourhood, schooling and training, leisure and employment contexts, and the influence such transitions may have in generating risks of offending, this chapter also asks whether the development of certain sorts of masculinity encourage or mute anti-social and offending behaviour among marginalised groups.

The discussion in Chapter 9 questions the claimed existence of a separate crime-ridden African-American underclass inhabiting American black urban ghettos, long characterised as responsible for a catastrophic explosion of crime, joblessness, single-parent families and welfare dependency in inner-city areas. Accused of being disconnected from and culturally and behaviourally different from mainstream American society and values, the isolated and segregated African-American underclass is shown to be far more integrated into mainstream American values than previous studies allowed. Indeed, it is the pursuit of such values embodied in the ‘American Dream’ that can drive criminality and create hostility and resentment towards the African-American underclass.

Following on from earlier comments that criminology has mostly ignored state crimes in general, and racist state crimes in particular, Chapter 10, through focusing on the crime of genocide, redresses this omission in criminological research and discussion. The description and analysis of the historical, social and political processes, eventually leading to genocide in Nazi Germany and Rwanda, emphasise the different roles, motivations and relationships of perpetrators, victims and bystanders in mass murder. Contrary to popular belief, the pattern, logic and act of genocide are not
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the expression of incomprehensible, abhorrent irrationality on the part of perpetrators but can be understood as a conscious, evolving, political policy and strategy promoted by political elites to create a ‘purified’ racial utopia.

Further reading

Instead of tackling the race and crime debate directly, as is more usual in other accounts, the first three chapters of this book first furnish a conceptual, historical and contextual framework in which the debate might be more fruitfully begun. Consistently critical and interesting work on the concept of ‘racism’ is provided by Miles and Brown (2003). This somewhat structural and analytical approach can be balanced with the work of Solomos and Back (1996), who argue that racism should be understood as more specific and contingent in terms of conditions that give rise to racist expression, thought and action. Because racism is relational – it defines the self-identity of racists as well as the ‘other’ – attention should be paid to the ethnicity and ideology of ‘whiteness’. Taylor (2005) offers a history of the formation of ‘whiteness’ as an ideology. A good example of how racialisation and criminalisation processes work together is Keith’s (1993) work on race, policing and disorder. Finally, and consistent with the ethos of the book, Cook’s (2006) marrying of criminal justice concerns with concerns about social exclusion and social justice provides a good indirect grounding for understanding race and crime.