

# 'Race', 'Crime' and Society

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## OVERVIEW

This chapter provides:

- critical consideration of the ways in which 'race' and 'crime' are socially constructed concepts that have no inherent ontological validity and so do not exist as 'natural' phenomena with independent properties;
- an outline of the nature of the 'critical engagement' between 'race' and 'crime' that forms the central theme of this book;
- an overview of the structure and chapters of the book.

## KEY TERMS

- Crime
- Criminalization
- Race
- Scientific racism
- Sociological approaches to 'race'
- Racialization

## Introduction

So pervasive and long-standing are the associations between 'race' and 'crime' that it might seem unnecessary to begin by critically examining the fundamental terms and concepts that form the backbone of the book. It has become axiomatic that issues of 'race' are central to the criminological canon. Unquantifiable intellectual effort and research grant expenditure has been focused over many decades and across many societies in a vast array of studies that have sought to measure associations between 'race' and 'crime' in terms of patterns of offending, experiences of victimization, treatment by the criminal justice system and the impact and status that these have had in terms of social and political debates and media representation. A reasonable working definition of criminology is that it is a discipline concerned with the study of crime and social responses to crime (Mannheim, 1965): as the rest of this book demonstrates, debates relating to 'race' have been recurrent themes in relation to both of these dimensions of the discipline of criminology since it emerged in the nineteenth century. The relationship between 'race' and 'crime' is a near ubiquitous feature of undergraduate and postgraduate degree programmes in criminology and criminal justice in many parts of the world. Official statistics relating to 'race' and 'crime' are collated, analyzed and debated in many societies. Even in those countries that do not provide apparently authoritative profiles of the

'racial' component of criminal justice activity, the status of minority groups, indigenous peoples, asylum-seekers and migrants is often subject to intense political and social debate. Recently, Bowling (in Gabbidon, 2007) referred to 'criminology's quiet obsession with race and crime'. While the implication that the concept of 'race' has surreptitiously informed broad swathes of the discipline is apposite, the content of this book further illustrates that criminology's interest in 'race' has often not been clandestine, marginal or softly-spoken.

### **The Social Construction of 'Race'**

Analysis based on sorting and classifying humanity into distinct 'races', and that these racial differences explained cultural, political, social and economic development, emerged in the eighteenth and nineteenth centuries. The emergence of the concept of race during this period is associated with the development of modern scientific approaches to the natural and social world that sought to develop rational epistemological models that replaced pre-modern or classical traditions (Banton, 1987). Goldberg (1993: 3) described 'race' as 'one of the central conceptual inventions of modernity' and the methodological and philosophical approach of key progenitors of nineteenth-century scientific racism reflected intellectual currents of the period. Anthropologists, zoologists, medical scientists and biologists in learned societies and universities, at the height of European imperial dominance, developed theories of 'racial difference' that categorized humanity into racial types organized hierarchically in ways that served both to explain and to justify the ascendant position of the white race. The Scottish medical scientist Robert Knox was among the first to develop a general biological theory of race and racial difference, claiming in his 1850 book *The Races of Men* that 'race, or hereditary descent is everything; it stamps the man' (Banton, 1967: 29). Solomos and Back (1996: 42–43) argued that nineteenth century 'scientific racism' comprised of four elements: (a) that physical appearances reflected discrete and permanent biological types, (b) that these determined cultural variations between groups, (c) that biological variations were the source of group conflict, and (d) that 'races' were differently endowed and could be organized hierarchically. On this basis, 'race' explained all of human civilization and shaped the course of history. The fundamental role of 'race' in human affairs was expressed strongly in a book published in 1854, *Types of Mankind*, in which Nott and Gliddon argued (1854, cited in Banton, 1967: 31–32):

Human progress has arisen mainly from the war of the races. All the great impulses which have been given to it from time to time have been the results of

conquests and colonizations ... those groups of races heretofore comprehended under the generic term Caucasian, have in all ages been the rulers; and it requires no prophet's eye to see that they are destined eventually to conquer and hold every foot of the globe ... the superior races ought to be kept free from all adulterations, otherwise the world will retrograde, instead of advancing, in civilization.

Racial traits and typologies, discoverable through the application of scientific methods, formed a framework for explaining the human condition – this was reflected in early criminological studies of delinquency and offenders that also sought to identify biological bases for criminality, as is shown in Chapter Two. In relation to both 'race' and 'crime', the biological scientific certainties sought by scholars in the mid-nineteenth century were gradually eroded as anthropological, cultural and sociological perspectives focused instead on the social contexts in which the concepts developed. In relation to the notion of 'race', sociological approaches developed from the early twentieth century and concentrated on the social circumstances in which racial attributes came to assume significance. In the aftermath of the Second World War, UNESCO commissioned biologists and sociologists to study the scientific basis of the concept of race. Extended deliberations by panels of experts concluded that 'race' had no biological basis in the terms envisaged a century earlier during the zenith of scientific racism (Rex, 1970). The UNESCO studies arrived at a definition of 'race' that significantly departed from nineteenth-century racist orthodoxy, concluding that 'for all practical social purposes "race" is not so much a biological phenomenon as a social myth' (Montagu, 1972, cited in Malik, 1996: 15). Rex (1970: 3–4) outlined six key findings of the UNESCO study in relation to the biological status of 'race': (i) that human populations represent a continuum and that the genetic diversity within groups is as great as that between them; (ii) that observable human characteristics are the result of biology and environment rather than inheritance; (iii) the various characteristics grouped together as racial and said to be transmitted *en bloc* are in fact transmitted individually; (iv) human beings belong to a single species and are derived from common stock; (v) although different human groups may be loosely referred to as 'races', it is not justifiable to attribute cultural characteristics to genetic inheritance; (vi) human evolution has been greatly affected by migration and cultural evolution and the capacity to advance is shared by all *homo sapiens*.

After this period, sociological perspectives on race eclipsed biological and genetic approaches. As has been noted, 'race' became a social phenomenon worthy of study not because it had any inherent status in genetic or biological terms but because human beings so often acted upon the basis that it was meaningful: a concept real not in itself but in its consequences. This raises a fundamental problem that recurs throughout this book and is

returned to in more detail in the final chapter; namely, the need to 'take race seriously' as a social phenomenon while at the same time not affording it spurious credibility or reinforcing its legitimacy. In Britain, the sociology of race relations often focused on social, economic and political relationships between white communities and the first generations of migrants from the Caribbean, who arrived in the 'mother country' during a period of labour shortages and post-war reconstruction. Studies such as those by Banton (1959), Glass (1960), and Rex and Moore (1967) examined conflicts and tensions between host and migrant communities in relation to competition for employment, housing, and various social and cultural issues. Crucially, in contrast to earlier approaches, the concept of race is not understood to be an independent causal factor such that social conflicts of these kinds are a result of innate, inevitable, determining characteristics of 'racial' types. Theoretically, sociological approaches to race relations focused on debates about the extent to which the concept of race was a form of 'status' in Weberian terms, acted to increase social solidarity in Durkheimian traditions, or represented 'false consciousness' that distracted from the fundamental dynamics of class struggle, as Marxist perspectives might suggest (Rex, 1986).

However, critics of these sociological approaches argue that by taking race seriously as a concept 'real in its consequences', such studies replicate dominant racist assumptions and fail to challenge structural and ideological relations of power that marginalize and criminalize oppressed communities. Miles (1989, 1993) offered a strong critique of the sociology of race relations on the grounds that they continue to grant the concept analytical validity, albeit in terms other than biology and genetics. For Miles, 'race' is an ideological construction that is intimately bound up in structural and economic foundations of capitalist society. Retaining 'race', even if understood in sociological terms, affords the concept a status it does not warrant and is a barrier to the development of progressive political action. On this basis, the focus ought instead to be on the ways in which the idea of 'race' is constructed in particular social and ideological contexts. Small (1994: 34) develops this perspective by arguing that the key challenge is not to explore the realities of race, but instead to consider processes of racialization that make the concept a powerful determinant of social relations. Small argues that (1994: 34):

When we examine the process of 'racialisation' we find that our beliefs about 'races' and 'race relations' have more to do with the attitudes, actions, motivations and interests of powerful groups in society; and less to do with the characteristics, attitudes and actions of those who are defined as belonging to 'inferior' races ... we must also acknowledge that definitions, ideas and images once begun can vary and endure in ways that are complex.

As is elaborated further in the final chapter of this book, the approach adopted in this text is one that emphasizes the problematic social construction of the concept of race. The analysis of the various points of critical engagement between race and crime that is developed in the following chapters focuses attention on the particular ways in which crime, disorder, deviance, law, security, and terrorism have been racialized in different times and places. Four related features characterize the racialization approach (Murji and Solomos, 2005):

- 1 Race is a problematic concept that is socially constructed in particular spatial and temporal contexts;
- 2 Racialized debates that develop in local contexts draw upon and further contribute to historical discourse and understanding of 'race';
- 3 Racialization is an inconsistent and contradictory process that may not explicitly refer to biological, genetic or cultural themes;
- 4 Racialized discourse articulates with other socially constructed concepts, including those relating to gender, youth and crime.

It is to indicate recognition that the concept is fundamentally flawed and socially constructed that many authors use quotation marks, such that race becomes 'race'. Although this book seeks to further develop a critical analysis of processes of racialization and is based on the same theoretical standpoint that problematizes the concept, it does not continue to place the term in quotation marks. Although race is used, without quotation marks, in the remainder of the book, the entire theme of the analysis is to critically examine the social, political, cultural and intellectual contexts in which the term develops and has been deployed. Given that race has no inherent validity, the task becomes to explain the circumstances in which it comes to form a compelling way of understanding and organizing social relations.

## **The Social Construction of 'Crime'**

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As the concept of racialization draws attention to the ways in which 'race' is a socially constructed phenomenon, so too the term 'criminalization' suggests that analysis ought to be concentrated on the circumstances in which some forms of behaviour come to be understood as problems that require some form of state-sanctioned response. Focusing on the process of criminalization recognizes that 'crime' is a problematic term that cannot be understood as an independent category defined by its own inherent properties. Crime, and the appropriate responses to it, has dominated political and media debate in many countries for many decades. Serious, violent and dramatic cases are given a

high priority on news agendas, political parties promise ever 'tougher' sanctions, and citizens consume infotainment shows, movies and computer games that offer thrilling opportunities to enjoy crime vicariously. For all that crime is easy to recognize in contemporary mass-mediated society, it remains difficult to define. A traditional approach to defining crime adopts a legalistic framework: crime is that category of activity that is subject to the criminal law. Clearly this circular definition – a crime is a crime because the law defines it so – has some merit. In applied terms it provides an operational framework that shapes the actions of the agencies of the criminal justice system. As much of the criminological literature has noted over many decades though, it is an unsatisfactory basis for understanding crime for a number of reasons. In the 1930s, Michael and Adler (1933, cited in Muncie, 1996: 8) noted that a logical consequence of the 'black letter law' definition of crime is that no action can be considered criminal unless it is proscribed by the law, which means that the criminal law is the formal cause of crime. Relatedly, no individual can be considered to have committed a crime unless they have been apprehended, prosecuted and convicted by the criminal justice system (Muncie, 1996: 8).

That the scope of the law varies across time and between different societies directs attention to the social, economic, political and cultural context against which certain actions come to be defined as criminal. Reiner (2007: 21–43) suggests that the construction of certain actions or behaviour as 'criminal' can be understood in five dimensions:

- *the legal*, representing the contingent outcome of centuries of legislation and case-law, united by the formal characteristics of criminal process, not the substantive nature of the multifarious behaviours subject to prosecution;
- *moral views* about what *should* be punished, varying between different cultures;
- *socially/culturally sanctioned* behaviour, stigmatized in everyday practice;
- *the criminal justice system* labelled pattern of offences and offenders;
- *mass media/public policy* representations, following a 'law of opposites' focusing on the rarest cases of homicide, violence and sex crimes.

While some actions and behaviour might be understood as criminal in terms of any and all of the dimensions identified by Reiner, others might not. Two examples that are examined at greater length later in this book illustrate the partial and differential ways in which activities come to be identified as criminal. The practice of lynching, a form of racist violence prevalent in the United States from the mid-nineteenth to mid-twentieth centuries, was clearly prohibited in legal and moral terms but, as is shown at greater length in Chapter Five, often was not sanctioned socially or culturally, or in sections of the mass media. Similarly, environmental damage that disproportionately harms marginalized ethnic groups in some developing societies might constitute a breach of international human rights law but has often not been addressed by criminal

justice systems. Moreover, the practices of multinational corporations and governments that contribute to environmental degradation have tended not to be identified as a form of crime in mass media or public policy debate. The status of such problems as criminal practices is discussed in more detail in Chapter Six.

Although an emphasis on social processes of criminalization is preferred, it does not follow that crime is understood only as a category created through labelling and stigmatization. The concept of crime cannot be conceptualized in terms isolated from the spatial and temporal context in which it develops, but it contains an essential reality in terms of the harm and damage wrought. Reiner (2007) suggests that for all that crime needs to be understood along the five dimensions identified above, it retains a central characteristic related to the notion of 'trespass': the physical intrusion into a property or person. While the attention of criminology and criminal justice might be disproportionately focused on forms of trespass associated with the disadvantaged and the powerless and only rarely notice those forms of state and corporate crime that pose the most significant threat to humanity, the crimes of the powerful can also be considered as forms of trespass. The need to focus critical attention on such crimes is a core theme returned to at various points in the discussion that follows.

## **Race and Crime: a Critical Engagement**

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Although 'race' and 'crime' have come to form a natural association, reinforced by research, policy and political agendas, a central theme of this book is that these two core concepts ought to be understood in terms of a 'critical engagement'. Although that phrase forms a sub-title of the text, it is intended as the fundamental basis for the discussion and analysis that follows. The critical engagement between 'race' and 'crime' is considered along two dimensions. First, the analysis presented in the chapters that follow demonstrates the diverse and enduring ways in which the concepts of race and crime have been conjoined and mutually reinforcing. 'Race' has come to be seen as a significant independent variable that informs much contemporary debate about 'crime' in the context of urban society, for example. As Keith (1993) has argued, the racialization of contemporary debates about crime mirrors ways in which 'racial' identities have become increasingly constructed in terms of crime and disorder. The social construction of 'race' has continued in close relation to parallel processes of criminalization, in that they are mutually referential and conceptually co-dependent. The two concepts have been critically engaged for many decades, in various contexts and in diverse societies.

The argument and analysis that follows also provides a critical engagement with race and crime in a second sense; by foregrounding that both concepts are problematic and cannot be taken for granted. A critical approach recognizes that both race and crime are, independently and together, concepts that provide powerful and enduring ways in which people negotiate and narrate the social world and so neither can be dismissed as mere imagined constructions and so not valid units of analysis. As has been noted, both are real in so far as they are real in their consequences. Recognizing this while retaining a critical perspective is the challenge that the book seeks to meet.

## Structure of the Book

In developing these core themes the book comprises nine subsequent chapters, each addressing distinct dimensions of the critical engagement between race and crime. Chapter Two considers the troubling relationship between academic and 'scientific' studies of race and the development of criminology. The discipline of criminology emerged in Europe in the mid-nineteenth century when 'scientific' race-thinking was ascendant. Early criminological thought often mirrored such efforts. While scientific racism has largely been discredited, elements of biological determinism continue to resound within criminological thought, and the prospect of genetic explanations of offending behaviour also suggest that debates about race and crime continue to converge.

Chapter Three examines media representation and popular discourse that have often signified 'strangers' and foreigners as threatening alien others with the potential to undermine consensual communities. The historical and contemporary criminalization and racialization of minority ethnic groups in media and popular culture are reviewed, including in news and infotainment and in emerging media forms. Popular cultural representations of ethnic organized crime, terrorism, and street crime are used as mini-case studies to explore wider themes as they apply in respect of the various types of media considered.

Disproportionality in offending is examined in Chapter Four. The chapter explores, in broad terms, arguments about the supposed over-involvement of minorities in criminal activity from the late nineteenth through to the twenty-first century. Deviancy has been associated with migrant groups of many kinds in Britain, the United States, Australasia, and elsewhere. Evidence relating to disproportionality is critically reviewed and key explanations of the apparent over-involvement of minority ethnic groups in offending are outlined and assessed. The chapter also considers disproportionality in victimization and

representation in the criminal justice system and the extent to which this is linked to socio-economic, geographic and demographic factors and to institutional and system bias – arguments considered in greater detail in Chapter Seven.

Chapter Five considers evidence developed from victimization surveys, indicating that many minority communities are more likely to experience 'general' crime than other groups. The extent to which victimization rates are associated with wider processes of social marginalization are considered. The chapter continues with a review of the nature and prevalence of racist crime and considers reasons why often it has not been effectively investigated or prosecuted. Debates about the hate crime legislation, considered in terms of ethics and efficacy, are considered as part of a broader critique of efforts to strengthen the response to racist victimization.

Chapter Six begins by establishing that, globally, some of the most serious criminal episodes of the modern era have been closely linked with processes of racial and ethnic conflict. Slavery, racial segregation in the USA, apartheid in South Africa, the Holocaust, the 'ethnic cleansing' of Bosnian Muslims in the 1990s, and the genocide in Rwanda are among the most familiar episodes in contemporary world history and have involved death and injury on a scale far beyond most other criminal activity. Despite this scope and profile, such events have received little attention in the criminological literature. This chapter considers why this might be, and the implications that this has for reconceptualizing the discipline of criminology.

Disproportionality in the criminal justice system is analyzed in Chapter Seven. Minority ethnic groups are treated disproportionately, in comparison to the population in general, at every stage of the criminal justice system: from the 'entry' point of police stop and search and arrest, through the courts system, and to 'disposals' in the form of prisons and offender management services. Although some explanations of these patterns regard it as an inevitable consequence of disproportionate offending patterns outlined in Chapter Four, the chapter suggests that claims of discrimination and racism remain convincing even though establishing the ways in which they intervene at particular points of the system remains problematic.

Chapter Eight critically explores diversity and representation among the personnel of the criminal justice system. The 'normative whiteness' of criminal justice systems in many jurisdictions, closely associated with the under-representation of minority ethnic groups in the workforce, has been widely associated with the disproportionality discussed in the previous chapter. Chapter Eight considers why minority ethnic groups have been under-represented in criminal justice agencies, the impact of efforts to increase recruitment, and the impact that such strategies might have on institutional performance. Other efforts to promote diversity, for example, through training, community engagement and the promotion of ethical and professional standards, are critically reviewed.

Chapter Nine outlines ways in which racial, ethnic and religious differences have provided a powerful framework for understanding and responding to contemporary terrorism. Much of the military, security and law enforcement response to terrorism reflects wider processes of racialization and criminalization. Technologies and strategies of security management have consequences in terms of the fear of crime and have developed iteratively with racialized social relations. This chapter explores what Garland (2001) described as the 'criminology of the other', and concludes by critically assessing arguments that Muslim people have come to form a 'suspect community' in the twenty-first century.

The book ends with a chapter that summarizes the key debates and reiterates that race and crime debates have been closely intertwined since criminology emerged in the mid-nineteenth century. While biological and genetic determinism of the crude reductionist types associated with early 'race thinking' and explanations of criminal behaviour have become less influential, the two concepts continue to engage in uneasy dialogue. The conclusion questions whether contemporary criminological focus on 'race' – in the form of ethnic monitoring, for example – affords spurious legitimacy to a concept that is fundamentally flawed and ought not to be granted 'master status' with explanatory power. It is argued that the critical engagement between race and crime ought to be challenged, but that greater attention should be paid to the combined impact of racism, racialization and criminalization.

## SUMMARY

The chapter has shown that the concepts at the heart of this book – race and crime – are both socially constructed. As such they have no core objective content that can be understood outside the social context in which the terms are used. In the nineteenth century, scientific approaches to race, and crime, sought to establish an empirical biological basis on which human beings could be categorized into distinct racial groups. Often, it has been shown, these groups were organized hierarchically in ways that reflected broader relationships of domination and subordination relating to European imperialism. Scientific approaches to race during that period suggested that biological genetic characteristics explained the different stages of development of distinct human groups. The scientific basis of race has been discredited, partially due to a comprehensive study by biologists and sociologists completed on behalf of UNESCO. Sociological perspectives focused instead on the social, economic, political and cultural circumstances in which 'race relations' developed. While these approaches recognized that 'race' was not an objective scientific fact but one that was an important object of enquiry, since it informed social practices and relations,

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these approaches have themselves been critically challenged on the basis that they continue to give credence to the concept of race. A more important task is to examine processes of racialization that explain why 'race' has assumed such significant, though unwarranted, explanatory power.

The concept of crime also needs to be understood as a socially constructed concept, excavated of inherent properties. While the criminal law remains an important starting point for defining crime, it is insufficient. Reiner (2007) argued that moral, social, and cultural values as well as the practices of the criminal justice system and public policy also determine the definition of certain actions and behaviour as 'crimes'.

The critical engagement between 'race' and 'crime' that forms a core theme of this book can be understood in two dimensions. First, that the two have been conjoined and mutually reinforcing for many decades and, second, the analysis itself foregrounds a critical engagement focused upon the context in which debates about race and crime have continued since the mid-nineteenth century.

### STUDY QUESTIONS

- 1 What were the core components of scientific racism developed in the mid-nineteenth century? How do they contrast with the sociology of race relations that emerged in the post-Second World War period?
- 2 Explain how the four elements of racialization outlined in the chapter seek to refocus analysis of the concept of 'race'.
- 3 What are the key weaknesses of 'black letter law' approaches to defining crime?
- 4 What are the two dimensions of the critical engagement between 'race' and 'crime' that are developed throughout this text?

### FURTHER READING

Unsurprisingly, there is a huge volume of literature on both concepts introduced in this chapter. Back and Solomos (2000, Routledge) have edited a reader *Theories of Race and Racism* that provides a substantive overview of changing approaches to the analysis of 'race'. Murji and Solomos (2005, Oxford University Press) have edited a collection that explores the central idea of racialization in theoretical and applied terms. Reiner's (2007, Polity Press) *Law and Order: An Honest Citizen's Guide to Crime and Control* provides a compelling analysis of recent developments relating to crime and the concept of crime in Britain and the USA. Part 2 of Newburn's (2007, Willan Publishing) *Criminology* offers a clear exposition of different theoretical approaches to the concept of crime. An excellent collection of pieces relating to both core concepts of this book is Gabbidon and Taylor Greene's (2011, Sage) *Race and Crime: A Text/Reader*.