racism &
CRIMINOLOGY

edited by
Dee Cook and Barbara Hudson

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Marian FitzGerald is currently Principal Research Officer at the Home Office Research and Planning Unit where she has special responsibility for work on race relations/race equality issues generally and for related criminal justice research. She previously worked as a freelance researcher. Her publications have covered race and politics, race relations policies in local government and racial harassment, as well as race and criminal justice issues.

Loraine Gelsthorpe is Lecturer at the Institute of Criminology, University of Cambridge. Her books include *Women and Crime* (1981, co-edited with Allison Morris). *Gender Issues in Juvenile Justice* (1985), *Sexism and the Female Offender* (1989) and *Feminist Perspectives in Criminology* (1990, co-edited with Allison Morris). Current research interests include inter-agency aspects of crime prevention, race and gender issues in pre-sentence reports and community penalties, juvenile justice issues since 1945, and the social and political context of criminological theories since the early 1970s.

She also works with voluntary organisations on juvenile justice issues and is involved in moves to encourage prisoners' creative writing.

Barbara Hudson is Lecturer in the Department of Social Work and Social Policy and Director of the Centre for Criminal Justice Studies at the University of Northumbria at Newcastle. Publications include *Justice through Punishment* (1987) and *Penal Policy and Social Justice* (1993) as well as several articles on race and criminal justice. Current research interests include theoretical and practical limits to criminalisation and penalisation, and responses to crimes which do not fit easily into a proportionate punishment policy.

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John Solomos is Reader in Public Policy at Birkbeck College, University of London. He has written widely on questions of race and racism in contemporary Britain, urban unrest and related issues. Among his books are *Black Youth, Racism and the State* (1988) and *Race and Racism in Contemporary Britain* (1989).

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Preface

This book is for people concerned with the problems of racial injustice in state systems of control and regulation.

Students and teachers of criminology, sociology and law, policy makers and criminal justice professionals are, in the main, persuaded that minority ethnic groups suffer substantial injustices. While it is recognised that more research needs to be specifically directed at race issues, and that *all* criminological research should encompass dimensions of racial differentiation as well as gender differentiation, actually doing this can be difficult and painful. This book acknowledges the pain and the problems, and aims to help students and others engaged in research on race issues by opening up methodological debates and by presenting a range of theoretical options.

Difficulties have in part centred on the fragmented and contentious nature of available literature. A student or researcher sitting at a library computer trying to locate work on 'racism and criminology' would have difficulty compiling an intellectually coherent set of references. S/he would be led into different disciplines – sociology, cultural studies, criminology, history, politics, social policy – just for starters. In many of these disciplines the presence of racism and the sorts of problems which need explanation are, at least, agreed, so that theoretical disputes can be progressive and fruitful. When it comes to racism and criminology, the student will find more attention given to definitions of the problem than to productive theorising.

Major theorists argue about whether or not there is a problem of 'black crime' or of black criminalisation, while policy researchers argue about whether there is or is not discrimination by the criminal justice system. Theoretical analyses are criticised for offering speculation unworried by empirical data, whereas policy research is questioned on the grounds that it endlessly seeks data which are ultimately fruitless in the absence of theorised speculation.

Although criminological understanding of racism seems not to have progressed beyond the rather polarised debates of the 1980s, the volume of literature – theoretical, policy-orientated and campaigning – has certainly increased. This book therefore attempts

something of a stock-taking exercise, seeking to document what is available, both in terms of empirical and analytical work, which can advance understanding with a view both to reducing racial injustice and to enriching criminological theory.

The volume of available work demonstrates two worrying features, both of which derive from the relationship between data and theory. First, the contradictory and inconclusive nature of research data allowed theorists to construct elaborate intellectual edifices without testing their often shaky empirical foundations. Even more, it allowed them to advance their claims without conceding anything to 'the other side': if data were unnecessary for theory construction, they were certainly insufficient for theory demolition. Secondly, policy research, while assiduously setting about the task of collecting data on discrimination, felt itself able to proceed unhampered by an conceptual baggage, especially concepts around the nature of discrimination itself.

Recently, there have been significant advances in the official acknowledgement of racism in the criminal justice system. Section 95 of the Criminal Justice Act 1991 requires the Home Secretary to publish information annually in order to 'avoid discrimination' on grounds which include race and gender. In order to compile these data the Home Office in turn requires all agencies within the criminal justice and penal systems to collect data relating to their own organisations. This should mean that not only will data be available on minority ethnic groups as victims, offenders, suspects and workers in the criminal justice and penal systems, but that a national aggregate picture will be possible. And the information gathered will be more standardised as well as more readily available.

In the past, researchers have not only had to produce data, but have also had to validate and defend it. The resistance of the system to acknowledging the problem of racial injustice had led to the demand, not only for hard data, but also for the highest levels of statistical significance in order to demonstrate the problem as irrefutable. The Criminal Justice Act 1991 has come into effect at a time when public confidence in the criminal justice system has been undermined by a series of dramatic events: recognition of miscarriages of justice such as that involving the Birmingham Six and Tottenham Three, disbanding of the West Midlands Serious Crimes Squad and concerns over the injuries and deaths of black suspects in custody. These events have created a climate of opinion in which greater recognition of the injustices perpetrated by the system is now possible.

This combination of greater availability of, and greater willingness to accept, evidence of racial injustice should mean that independent

researchers are freed from the task of generating and defending basic data, and can concentrate their attention on providing explanation and theory. What is on offer for them? Like the empirical literature, the theoretical literature has been stalled, at the point of rival claims about what is or is not 'the problem', but now appears in a position to move forward. The enlargement of the literature allows for increased specialisation and this should lead to greater depth of analysis because a less highly charged atmosphere, with entrenched conflicts diffused, offers scope for proper weighing of competing claims.

This is somewhat reminiscent of the development of criminology's engagement with gender: only when issues concerning the absence of women from the criminological literature and the establishing of 'numbers' for comparison with male counterparts had been faced and left behind could imaginative and differentiated theorising proceed.

If the difficulties of confronting race issues, mentioned earlier, are diminishing, the pain remains. Conscious of the need not to neglect race issues, more criminologists, white as well as black, are becoming involved. This raises questions about what kind of understanding can be achieved by people as criminologists and as white and black subjects. In approaching this work we were aware of ourselves as white academics who could not subjectively understand the experiences of black people. We are involved with, and are members of, powerful institutions and so have been led to seek understanding of racial oppression not in terms of subjective experience, but in terms of the workings of state institutions. We therefore sought contributions from researchers and theorists who have investigated the policy and practices of those institutions.

Organisation of the Book

The book brings together a number of accounts of doing research on race issues and a range of criminological perspectives within which race, crime and criminalisation have been discussed. We invited contributors to share methodological issues which they had found to be difficult and to outline and explore theoretical approaches which they had found to be useful. Therefore, within this volume, a range of perspectives is presented: no one particular theory is advanced and no one particular research strategy is recommended. In addition to 'stock-taking', our aim is to encourage theoretical and methodological debate, thereby opening up possibilities for further advances in both research and theory.

The first two chapters together give an overview of existing achievements in criminological work on race issues. In Chapter 1

Barbara Hudson looks at the contributions of administrative criminology, radical realism and critical criminology. She highlights administrative criminology's preoccupation with criminal justice processes and relative neglect of racially just outcomes; radical realism's contribution to understanding the relationship between social inequality (of which race is an important dimension) and crime; and critical criminology's insight into processes of criminalisation. She argues that administrative criminology must turn to the other perspectives for explanations, and that choice between radical realist and critical paradigms must depend primarily on the questions being asked.

Navnit Dholakia and Maggie Sumner concentrate on policy-orientated research and they too share the hope that more systematic and more easily available criminal justice data will enable researchers to concentrate on providing insights and explanations of the 'how' and 'why' of race discrimination rather than being enmeshed in the 'whether'. Like Barbara Hudson, they emphasise the importance of encompassing indirect as well as direct discrimination, and the importance of seeing the criminal justice and penal systems as a whole, rather than abstracting particular stages and processes. They conclude that the contribution of research to policy making and to the delivery of racial justice has so far been fairly limited.

The next three chapters are by experienced researchers who have encountered in different contexts the problems of definitions, classifications and institutional politics. Marian FitzGerald gives three case studies which deal with issues of what is racial and what is not, what are the proper uses as well as the limitations of quantitative research, and how to develop classifications which, while large enough to generate sufficient data, do not lose diversity of experience in catch-all categories. Her conclusions on quantitative research are original: she argues that instead of using quantitative research to establish the existence of a problem and then qualitative research to describe its form, the reverse might often be the case. Qualitative research can, she argues, often give more convincing evidence of discrimination, and quantitative monitoring can then come into play to measure change following policy intervention. She argues for the dichotomy 'racial/non-racial' to be dissolved in favour of an appreciation that, racist behaviour (such as abuse accompanying street attacks) is frequently an additional element in crime and injustice suffered by black people, and she points out the distortions to understanding that can arise by subsuming people who tend to be in different socioeconomic circumstances under over-general racial headings.

Deryck Brown in Chapter 4, looks at the integration of the criminal

justice system not just in terms of its component parts, but with other social sub-systems, in this case the psychiatric services. He gives a summary of research on black people and mental health, concentrating particularly on compulsory detention and differential diagnosis, and then moves on to describe his own approach to a study of psychiatric remands made by courts. The problems of non-availability of data are manifest here, as Deryck Browne describes how he was forced to spend a major part of a project with limited funding on compensating for the lack of ethnic data in the records of both the courts and the psychiatric services. In his discussion of dilemmas of classification he offers encouragement to those of us who find ourselves in difficulties about which categories are currently acceptable by telling us not to let our concerns about political correctness lead us to give up on the issues altogether.

These dilemmas are further explored by Loraine Gelsthorpe, who recounts how she was faced with three different classification systems in the three probation services which were the focus of her research. She also makes the point that while, ideally, recorded ethnic category should both correspond to the subject's (offender/victim etc.) self-perception and suit the purposes of the research, in practice one may well have no option but to use the system of the agency being researched. In this case, reflection on the categorisation system itself may be of value, and she argues that how people are classified reveals much about the form of racism at any one time.

Loraine Gelsthorpe engages with the problem of being a white researcher. She describes the deskilling impact of coming to see herself as a white researcher rather than as an experienced researcher, wondering what kind of understanding of racism, if any, she can achieve. She draws on arguments about whether men can ever understand sexism and whether feminist research should be 'by, with and for women', and concludes that the epistemology of standpoints developed in recent feminist research provides guidance as to the kinds of approaches to 'knowing racism' that are possible.

The following three chapters move from issues which are predominantly methodological to issues of theory. In Chapter 6 John Pitts describes criminology's rediscovery of class analysis. Without this, he argues, it cannot understand problems of crime and criminalisation, and therefore cannot advance understanding of *black* crime and criminalisation. If racism is extracted from a broader context of social disadvantage, not only do we lose sense of the material reality of discrimination and injustice, but we also lose any sense of black people as real occupants of disadvantaged social roles. He focuses our attention on this question by asking 'who' and 'what' are we talking about when we talk about 'black crime', arguing for research

which is socially and historically specific, appreciating the importance not only of class location of black communities but also of the cultural–political context in which the response to crime occurs. John Pitts argues that the anti-racism that has been adopted by criminal justice and welfare agencies fits with the managerialism of contemporary approaches to law and order and penal policy and also with the concerns of administrative criminology.

In Chapter 7 John Solomos traces the transformation of political discourse on race issues over the past two decades, arguing that issues of policing black crime emerge as a constant theme. Initially centred on issues of 'street crime' they have, since the urban disturbances of the 1980s focused on the issue of social order. Black youth, in particular, has increasingly been constituted as a potential threat to social order and as 'the enemy within', and the formulation of social policy responses to the problem has been conceived within a racialised law and order discourse. Through analysis of texts relating to politics and to policing, he illustrates the nature of the processes whereby the emphasis of policing of the black community has shifted from crime control to order maintenance, within a highly charged political climate. Particularly since the 1980s strategies of control have developed to police those localities perceived not only as crime prone but as potential 'trouble spots'.

In the final chapter Dee Cook examines the utility of the concept of citizenship in understanding the conditions (material and ideological) under which black people are criminalised. She distinguishes between legal and subjective citizenship in terms of the promise of 'rights' which citizenship offers, and the exclusions from full citizenship which black people subjectively experience. Analysis of postwar immigration and social policy reveals the ways in which black people are by definition regarded as 'other' than British citizens. For black people, citizenship is at best partial and contingent; they are not once-and-for-all full citizens, but must constantly re-prove their entitlements in a series of day-to-day encounters with a variety of state officials – benefits officers, immigration officers, health officials – as well as with police. For all these agencies, black people are questionable and 'suspect'. Dee Cook demonstrates that criminalisation is a powerful component of this discourse of exclusion.

One omission from this volume is any account of research particularly addressing the treatment of black women by criminal justice and allied agencies, or any theorisation which tries to focus on gendered racism. Several of our contributors make clear that their work did address gender issues, while others have tried to include some reflection on the implications of the perceptive from which they write for black women. There are, of course, some works which

address these issues, but their preoccupations are generally the absence of criminological concern, with the subsuming of black women's experiences under the general concepts 'race' or 'gender', or documentation of the ways in which black women are the subjects of state oppression. This area is still, however, at the stage of demonstrating and lamenting rather than theorising, but we would hope that the contributions which have been made to date to bring the problems faced by black women to criminological attention, will lead to the development of theory. We would hope to be able to include such a contribution in any future edition of this volume.

Future Directions

Debates about crime, law and order and race seem currently to be undergoing yet another transformation. During the 1980s the threat of political dissent became a more dominant theme than that of crime as such, and thus the moral panics around black crime exemplified by the 'mugging' phenomenon of the 1970s gave way to the law and order crusades, with the growth of paramilitary policing, that were such a pronounced feature of the 1980s.

In the 1990s, crime has again become the dominant theme. In particular, panics about the crimes of young people are leading the way in, for example, calls to alter the Criminal Justice Act 1991 to give greater powers to imprison persistent offenders, children as well as adults. The moral panics of the summers of 1991 and 1992 were not about race, but about car crime, and the crime of 'ram-raiding' was invented. Disturbances in Tyneside's Meadow Well, Blackbird Leys in Oxford, in Cardiff and elsewhere were blamed on the infiltration of those areas by hardened, criminal ringleaders, and on the general lawlessness of youth. These were predominantly white areas, and so mainstream political rhetoric has become focused on youth crime rather than on black disorder.

We remain, however, an intensely racist society, and so the 'new racism' integral to the law and order discourse of the 1980s has not disappeared, but has been displaced into another discourse – that of citizenship. John Major's vision of a 'classless society' is intimately connected with the promise of equality through citizenship. The Citizen's Charter, a central plank of Major's programme, stresses the importance of the responsibilities and duties of citizenship as well as its entitlements. In policy terms this means that parents are in effect responsible for the crimes of their children, and householders are responsible for protecting their property. To qualify for the entitlements of full citizenship, the responsibility now lies with individuals to be dutiful, active and independent, that is, not dependent upon the

welfare state. The poor, the unemployed and the criminal are by definition beyond the bounds of full citizenship and the political, civic and social rights with which it is endowed. Black people are vulnerable to exclusion from full citizenship through the experiences of poverty and criminalisation, which they share with their white counterparts. Not only are black people more likely to be poor and to be criminalised, but they are never fully accorded citizenship in its subjective sense: even if they pass the tests posed by ever tightening legal criteria, they may fail the subjective tests of 'membership' which they face daily in a racist society.

What are the implications of this discursive shift for theory and research around issues of racism and criminology? The most obvious implication is that criminology must be 'transgressed' (Cain, 1989) if it is to contribute anything to understanding of this latest transformation of contemporary British racism. Just as 'taking crime seriously' in the 1980s involved the re-articulation of criminology within a wider sociology of class and inequality, so 'taking racism seriously' in the 1990s must involve re-articulating criminology within the wider field of social control.

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Dee Cook
Barbara Hudson

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Racism and Criminology: Concepts and Controversies

Barbara Hudson

My aim in this chapter is to present an overview of the principal approaches that have been taken to the study of race issues by criminologists, highlighting the most important concepts that have been generated and the most valuable insights that have been produced. Some of the major controversies and unresolved contradictions that have arisen within and between different criminological perspectives will be discussed, and some closures in the various perspectives will be suggested.

It is not my intention to try to provide an exhaustive summary of research undertaken on race and racism in crime and criminal justice. Any such review would inevitably fail to be properly comprehensive, and it would be out of date by the time it appeared in print. My purpose is, rather to focus on the theoretical allegiances and assumptions that underpin criminological engagement with race issues, with a view to assisting readers in finding their way through a growing and often disputatious body of literature, helping them in making their own theoretical choices and in developing appropriate frameworks for investigating their own key questions.

Race issues which have been addressed by criminological research can generally be fitted under one of three main headings:

1 Race and criminality.
2 Race, racism and criminal justice.
3 Racism and criminalisation.

I shall look at how these clusters of issues have been dealt with by the major orientations to criminology, following the descriptions of criminological paradigms used in reviews of the development of British criminology (Rock, 1988). Although, therefore, organising my consideration of work within British styles of doing criminology, I shall also make reference to North American and European data and research.