RACE MATTERS IN CRIMINOLOGY

Introduction to Special Issue

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As race scholars and criminologists we are attuned to Du Bois'(2007: 106) still meaningful injunction to 'oppose this national racket of railroading to jails and chain gangs the poor, the friendless and the Black'. Yet we have become concerned that criminology seems rather inured to the long-standing and deeply entrenched patterns of race and criminal justice which characterise many high-income countries, and certainly England and Wales and Australia, which are the geographical focus of this Special Issue of *Theoretical Criminology* (see also Phillips and Bowling, 2003; Bosworth et al., 2008). Looking back, in 2020 to a 1974 edition of the US journal *Issues in Criminology* devoted to race and crime, we find much that is uninspiringly familiar: "Our sense… that race and crime is neither a new or unexplored area"; "Already too much scholarship being done in criminology is done with the tacit understanding that 'although I don't mention the issue of race explicitly, it is, of course, a factor'" and "Racism has been shown to be so deeply rooted in the criminal justice system that further study produces somewhat of a numbing effect." (Editors, 1974:1).

We hope to demonstrate that - despite the seeming numbness felt about the racialized nature of crime and criminal justice - there is still a critical need for refreshed intellectual engagement which we make strides towards here. This Special Issue draws from a collection of papers presented at an international symposium entitled *Race Matters: A New Dialogue Between Criminology and Sociology*, held at the London School of Economics in September 2018. The aim was to reinvigorate this race and

crime subfield of criminology, enriching it with an infusion of theoretical concepts and ideas from the sociology of race and ethnicity, while also exposing its marginality in the mainstream of our discipline.

The first part of this Special Issue entitled *Conscious Criminology*, tackles the conscious and unconscious structures, social relations, and practice of Anglophone criminology. Phillips et al. conduct an exercise in institutional reflexivity by excavating British criminology's production of racial knowledge and the hidden presuppositions that shape it. Criminology is not alone among the social sciences in being subject to renewed scrutiny in relation to race and racism and we have drawn from this increasingly energetic and urgent critical literature, most notably from Emirbayer and Desmonds (2015) systematic theoretical framework. This provides our racially mixed research team (Earle, Parma, Phillips, Smith) with the conceptual tools to identify the institutional foundations of whiteness in criminology through its banal, mundane manifestations in our everyday scholarship. Theoretical paradigms and grand narratives (criminology's 'habits of thought') are castigated for their carelessness in turning away from race and its effects in the UK. This functions to uphold a seeming preference for a US analysis of race. Whether this is a result of the kind of practice mentioned by the 1974 editors ('although I don't mention the issue of race explicitly, it is, of course a factor' reductionism or the lack of feeling implied by 'numbness') is not as serious as the general failure to foreground and theorise the relative autonomy of race from class relations (Hall, 1980). Phillips et al.'s call is to explicate the dynamic functionality of race, racialisation and racism in postcolonial times within the study of crime and criminal justice, the practice of criminology, and the wider academy in the UK. This epistemological challenge can be met, they maintain, by narrating

contemporary racialisation and racism in historical context, integrating biography, sociology, literary scholarship, and political activism, going beyond the disembodied quantification of positivist empiricism, instead humanising the racialized pains of criminal justice by explicitly addressing the specificities of their racial dynamics.

The second paper provides a critical re-reading and appreciation of one of criminology's most influential interlocutors, black scholar and theorist-activist, Stuart Hall, focusing on his methods, style, and political commitment. Murji's paper provides an expansive reading of Hall's legacy to criminology, far beyond the oft-cited classic *Policing the Crisis* (1978), including work unreferenced in criminology. Murji argues that Hall is able to craft an understanding through 'intertwining the theoretical and the empirical, but also reading across and connecting the epistemological and the historical' using the concepts of articulation and conjuncture. In this way, Hall's work productively captured the interaction of 'cultures, ideologies, structures' in specific historical moments, from a black death in police custody in the case of Colin Roach to the flawed investigation into the violent - and in the case of Stephen Lawrence fatal – racist assault on two young black men in South London. The larger canvas in Hall's work configures nation state-citizen relations wherein, despite official rhetoric of multiculturalism, equal protection for (postcolonial) citizens amidst the nostalgia for empire is still never assured. As Murji muses in drawing from Hall, and echoing our aim in this Special Section, '[i]t is always about race, but never 'just' race in a narrow sense'.

The second part of this Special Issue, *Raceing Ahead,* brings into sharp focus what is on criminology's horizons, while also opening up further a creative dialogue with

interventions from outside criminology. That a disproportionate number of young men from black and minority ethnic communities in England and Wales are serving lengthy prison sentences, having been convicted under the doctrine of 'joint enterprise' is well-known. Based on interviews with murder detectives, Young, Hulley and Pritchard, use Archer's realist social theory to understand the construction by the police of multi-handed serious violence.. The structural and cultural context in which investigative case construction takes places informs detectives' 'ultimate concerns'. These were oriented towards justice for victims and public protection, or as one female Detective Inspector put it, 'removing baddies from the streets'. Yet their occupational embeddedness in racialized gang narratives forecloses the possibilities of innocent friendship and means it is but a small step to associate serious violence with black culture. In the absence of reliable data on serious youth violence, the police maintain micro-level morphostasis without challenge, characterized by repetitive habitual actions which preserve the status quo of deep suspicion of the assumed nihilistic, collective violence of young black men.

Given the growing ubiquity of digital technologies in criminal justice it would be surprising not to expect them to have become implicated in racialized dynamics. What is surprising, to Ugwudike in the next paper, is the extent to which the colour-blind assumptions of post-racial liberal societies have become embedded in practices increasingly driven by software. The software's binary code algorithms are seemingly excused from the racial contamination that routinely characterises other human languages. Ugwudike analyses how risk prediction technologies reproduce race as they harvest and manipulate data according to criteria that camouflage the racialized dynamics that generated them. People with black and minority ethnic backgrounds,

likely to be disproportionately affected by socio-economic disadvantage, are more vulnerable to 'arbitrarily formulated algorithmic scoring protocols' that render a risk score which overrides the nuance behind the numbers, jumping quickly, in the hands of careless or poorly trained technicians, from correlation to causation. Misplaced faith in the neutrality of science and technology affords algorithmic decision-making processes a shelter from criticism they do not deserve and Ugwudike concludes her review by focussing on 'potentially transformative remedies'. Her analysis presents urgent challenges to criminal justice systems that can be seduced by digital technologies that promise absolution from the complicated sins of race that persistently manifest in their outcomes and procedures. Ugwudike's paper is a warning against the deus ex machina tendencies of race-blind liberal rationality – the human work of rehabilitation cannot be coded or outsourced.

The third and final part of this Special Issue, *Beyond the Binary,* considers criminology's neglected subjects – Gypsies and Travellers and indigenous groups - thereby traversing and troubling the traditional binaries of race, producing novel conceptual and theoretical challenges. Complicating the binary simplifications of race involves extending critical theorization of race to include an engagement with whiteness studies and the less-spoken-of internal hierarchies of racial configuration. James introduces an explicit commitment to new theoretical tools. Adopting and developing critical hate studies perspectives, James boldly aligns her approach with the combative theoretical innovations proposed by ultra-realist criminology (Hall 2012, Hall and Winlow 2015). Her contribution is distinguished by seeking to combine original empirical research among Europe's most neglected and misunderstood minority ethnic group – Gypsies and Travellers – with some of its most provocative theorists.

Inspired by Žižek, among others, ultra-realists argue that without comprehensively engaging with the triumphant ascendancy of neo-liberalism, critical criminological projects are doomed to travel the same theoretical cul-de-sacs and forge similarly hopeless ideological compromises that characterise all hitherto existing criminology. James innovates and challenges by bringing a new theoretical vocabulary to bear on the predicaments of Gypsies, Travellers and others that gather as uncomfortably on the social margins of south-west England as they do under the conceptual umbrella of race and ethnicity. Taking hate harms seriously, argues James, involves a critical and sustained engagement with their symbolic, systemic and subjective realities. Her empirical work among diverse communities of Gypsies, Irish and New Travellers and Showpeople, in the English counties of Devon and Cornwall provides insights into their local experiences and opportunities for theorisation out of which she hopes may emerge 'a comprehensive and effective approach to positive praxis through recognition of the human need to flourish'.

Cunneen's paper examines how risk assessment processes differentially racialize minority ethnic young people in Australia and England and Wales, explaining their over-representation in the youth justice system in both countries. In using a framework that considers the subtle and overt forms of racism and how they work together and reinforce each other, Cunneen provides insight to the way in which decision-making and risk assessment procedures reinscribe race while operating under the guise of scientific neutrality. Evidence-based policy and risk assessment practices are illustrative of Goldberg's (2015) 'technologies of racial governance' within 'postracial' society, according to Cunneen's analysis and he shows us exactly how these tools operate as a proxy for racialized decision-making in the youth justice

sphere. The complexity of the different racial categories in England and Wales and Australia and how they cannot straightforwardly map onto each other are effectively illuminated in the comparative analysis within the paper, exemplifying the central importance of situating race within its specific historical, colonial and social contexts to unmask how forms of categorization produce race. The paper reveals the assumptions of whiteness that are embodied within practices of risk assessment, showing how tick box questions about family criminality and anti-social behaviour deny the very real impact of over-policing and histories of distrust held by indigenous and black and minority ethnic communities towards the criminal justice system.

The 'national racket' that so concerned Du Bois remains to be dismantled. Our concerns in organising the 2018 International Symposium and editing this Special Issue are that criminology must develop new theoretical tools and networks of scholars if it is to play its part in this dismantling. *Theoretical Criminology's* commitment to 'renewing general theoretical debate' is as welcome as it is necessary. In 1974 the editors of *Issues in Criminology* reported a certain reticence among scholars fearing that there was little new to say with regard to race and crime: "Many scholars, from whom we sought articles for this journal, were convinced that any contributions they could make had been said long ago by someone else, or maybe even themselves". As editors of this Special Issue we recognised some of their despair at the persistent resilience of race and racism in criminal justice issues the ongoing need for criminology to rouse itself from the 'numbing effect' they identified. Some 45 years later, as this Special Section/Issue[???] attests, there is *still* something new to say about the shocking patterns of racialized criminal justice we see in the Anglophone countries and elsewhere and much that remains to be said by

criminology about the enduring coincidence of race, racism and crime. To this must be added, beyond that which appears in this issue, a considered intervention which illuminates the newer dimensions of religious discrimination and violence – anti-Semitism and Islamophobia being the most obvious - and the multiple ways in which intersectional identities must shape future criminological understanding (Potter, 2013; Henne and Troshynski, 2013; Parmar, 2017; Paik, 2017).

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