Race and policing in historical context: Dehumanization and the policing of Black people in the 21st century

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Abstract

Too little consideration has been given to conceptualizing race within mainstream criminological scholarship. One consequence of this oversight is the existence of a stale debate over the causes of racial disparities in crime and criminal justice outcomes. This article draws upon intersectionality to present an historical analysis of the policing of African Americans. The article argues that the concept of dehumanization helps explain the structural inequalities that produce crime within African American communities and the presence of racism within law enforcement agencies. The discipline may advance research in this area by adopting a constructionist racialization framework.

Introduction

Criminologists have devoted considerable effort to understanding Black Americans' relationship with the police over the last half-century. Yet, despite the voluminous research produced, there remains no consensus over what causes Blacks to be disproportionately stopped, searched, processed, and in some cases killed by law enforcement agencies. In this article, I argue that the debate over underlying causes—whether increased participation

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in crime on the part of African Americans or racial discrimination on the part of police officers and police agencies—persists because criminologists have largely failed to recognize that these are mutually reinforcing phenomena both rooted in the history of American race-relations.

To better capture how this mutually reinforcing phenomenon arose and manifests, I take an historical approach similar to Wacquant (2002) to examine African Americans' contemporary experiences with crime and criminal justice. In doing so I argue that dehumanization, an enduring feature of the African American experience, continues to influence their experiences with crime and the law enforcement agencies charged with tackling it. Here, intersectionality provides a useful theoretical lens through which to examine these connections, namely by encouraging a constructionist approach, attentive to the interplay between different forms of oppression—in the present context, primarily *race* and *class*. This approach highlights the role that ideas about race and racial difference have played in producing the socioeconomic conditions that increase participation in crime (and vice-versa) (Omi and Winant, 2015; Potter, 2015).

The article proceeds as follows. The first section provides some recent background on race and policing while the second identifies several theoretical shortcomings in most criminological research in the area. The third part outlines how the historical development of race, racial inequality and the process of racialization are crucial to understanding contemporary police-race-relations while the fourth section of the article applies the concept to dehumanization to an analysis of Black Americans' experiences with the police, the broader justice system, and society at large. The article concludes with a short summary and suggestions for future research.

Background

The recent deaths of African Americans at the hands of the police and the social unrest that has followed have propelled issues of race, justice, and policing to the forefront of the American conscience in a manner not seen since the beating of the late Rodney King by the LAPD in the early 1990s. Undoubtedly, the coercive role that law enforcement has played in the lives of Black people in the USA over the past two centuries is well documented and well remembered (Alexander, 2012; Jones-Brown, 2007; Tonry, 2011). Blacks, irrespective of gender and sexual orientation, are generally more likely to be stopped, searched and arrested by the police, are more likely to be the victims of police use of force, and are more likely to report negative police experiences than are members of other racial groups (Engel and Calnon, 2004; Harris, 1999; Kochel et al., 2011; Potter, 2015; Walker et al., 2009; Warren, 2011). As a result, a majority of African Americans fear unjust treatment by the police (Weitzer, 2010; Weitzer and Tuch, 2006). Social psychological research demonstrates subconscious mental associations between race and crime (Eberhardt et al., 2004) and suggests that police officers hold more racially biased and xenophobic attitudes than members of the general public (Sidanius et al., 2003). Nevertheless, debate surrounding the causes of racial disparities persists (Engel and Swartz, 2014) while commentators continue to reject the idea that the police and other justice agencies are racially biased (Beaver et al., 2013).[1]

Theoretical shortcomings

Over two decades ago, in calling for a "Black criminology", Russell (1992) noted that the discipline had done much to illuminate the over-representation of Black people in crime statistics but had done little to explain it (for more recent articulations, see Penn, 2003; Unnever and Gabbidon, 2011). As Chan (2004) acknowledges, a major barrier to explaining the complexities of racial disparity and racial discrimination within the justice system is a general acceptance of race and racial categories as fixed and immutable. Likewise, Holdaway (1997) argues far too little attention has been given to how race is conceptualized or to the theoretical foundations upon which most studies on race in criminology are based (see also Bolton and Feagin, 2004). These trends are increasingly troublesome when we consider the role that criminology and other social sciences have played in the criminalization of Blackness (Muhammad, 2010). As Muhammad (2010) convincingly demonstrates, social science has been integral in shaping modern conceptions of race, and by linking Blackness with crime, has constituted the former as an important marker of oppression in present day American society (see also Rowe, 2012 and Williams, 2015 for other contexts).

As Ward (2014: 12) duly notes, criminologists have largely failed to consider how the discipline is implicated in the maintenance of racial schemas associating race and crime, in fueling racialized crime fears that justify stop-and-frisk tactics, the school to prison pipeline and public support for punitive policies. In accounting for the over-representation of Blacks in police and other justice statistics, and in attempting to uncover racial bias, we have also largely ignored what Ward (2014: 2) (drawing on Nixon, 2011) describes as "slow violence", the structural violence of deprivation that serves to establish economic inequalities and maintain relations of racial domination and subordination. These include physical violence, property destruction, and dispossession over the past two centuries that continue to foster generational poverty, poor work prospects, neighborhood change, racial resentment, and distrust of police—all factors that Unnever and Gabbidon (2011) include in their theory of African American offending.[2] In questioning whether increased participation in crime or police discrimination accounts for the over-representation of Blacks in police statistics, we ignore the fact that both have a common genesis rooted in the history of American race-relations.

It is no surprise, then, that an historical perspective is integral to the "Black criminology" called for by Russell (1992) or the "minority perspective" advocated by Phillips and Bowling (2003). What these scholars are calling for is a more inclusive research agenda within criminology that is informed, at least implicitly, by an understanding of the emergence of race as a meaningful social category and an appreciation of how both historical and contemporary racial schemas influence minority experiences with the justice system and its representatives, especially the police (Hirschman, 2004). As Paulhamus et al. (2010: 250) contend:

> considering the difficulty of isolating racial profiling outcomes from the larger social and organizational processes that likely drive much of the racial disparities observed in policing outputs, it seems artificial and theoretically simplistic to examine racial profiling as if it exists in a contextual vacuum […] Thus, to effectively study and assess racial profiling outcomes, it

seems necessary to understand the processes that lead to the conditions that produce the racial conflict in the first place.

Intersectionality provides a way to do just that, ensuring criminologists do not fall back into using uncritical "descriptive" categories of race.[3] It calls on scholars to critically consider and understand the role of race in shaping the social, political, and economic structure of American society, recognizing that race (and ethnicity) are not ahistorical essences (Phillips and Bowling, 2003), but rather concepts "rooted in a particular culture and a particular period of history" (Banton, 1980: 39).

Race, racialization, and structural inequality

Van Cleve and Mayes (2015) argue that race and criminal justice have been mutually constitutive across US history. Each has played an integral role in the formation and reformation of the other. In this section I extend their argument to include class, and demonstrate how race, class, and criminal justice have intersected across time to produce the criminogenic environments experienced by many African Americans. I suggest that a sound starting point to the proposed research agenda is to consider how different groups came to be defined in racial terms. This approach refers to the process of racialization, the classification of people into groups by reference to their anatomical features, such as skin color and facial features, and the making of judgments about their innate and cultural attributes and/or social worth based upon those features (Miles, 1989: 75). During the earliest periods of American development, racial taxonomies emerged to justify the enslavement of Black people in which Whiteness became associated with freedom, civilization, and superiority, while Blackness was associated with bondage, social death, the uncivilized, and inferior (Desmond and Emirbayer, 2009; Jordan, 1968). Enslaved Blacks were also commonly depicted as "brutes", animalistic, aggressive, violent, and dangerous (Fishman, 2006).

Such images have been recreated throughout American history. Most importantly they re-emerged during the 1970s, and 1980s in the context of the war on drugs and the war on crime. At this time, the intersection of race and gender informed the evolution of the popular stereotype of young Black men from that of a petty thief or rapist into an ominous criminal predator—the "symbolic assailant" according to Skolnick (1966) or the "criminalblackman" according to Russell-Brown (1998)—the enemy in the aforementioned wars and thus the target of much police attention (Welch, 2007). The remarkable consistency of these images resonates with Phillips and Bowling's (2003: 277–278) claim that, "racist ideas drawn from the philosophies of the European Enlightenment have been translated into modern ideologies of racial supremacy". Just as the structural legacy of slavery and Jim Crow continues to influence Blacks' position in American society, this symbolic legacy continues to influence how they are viewed and treated by individuals and institutions alike.[4]

Noted scholars such as Massey and Denton (1993) and Wacquant (2002) have convincingly demonstrated how the racialization of Blacks is literally mapped onto geographic locations as the urban ghetto replaced earlier systems of racial domination (slavery and Jim Crow) designed to suppress and control Black populations. Through

individual, collective, and government action, White America constructed the ghetto. By segregating Blacks from Whites, they concentrated poverty and created a self-supported spiral of decline in urban Black neighborhoods (Massey and Denton, 1993; Peterson and Krivo, 2010; US Kerner Commission, 1968). The ghetto—which has become an endemic intersection of race and class in the USA—has also become an important tool for isolating the byproducts of racial oppression—crime, violence, drugs, poverty, and despair (Massey and Denton, 1993: 217). Today, these byproducts are often equated with Blackness and so African Americans are targeted by the police and the broader criminal justice system. The penal system is thus a crucial part of a uniquely American system of racial and social stratification. Like slavery and Jim Crow, both the ghetto and the criminal justice system are important "race-making" institutions, by marking those they confine as spoiled or debased and outside of mainstream or decent American society (Alexander, 2012; Lerman and Weaver, 2014; Massey and Denton, 1993; Wacquant, 2002). Therefore, we can see the structural inequalities experienced by Blacks is firmly rooted in the nation's history, as both a product of, and integral to, their ongoing racialization (Omi and Winant, 2015).

On dehumanization and Blacks' contemporary experiences with the police

A key component of the racialization of Black people is the phenomenon of dehumanization—a term used to describe the process through which full "humanness" is denied to individuals and collective groups (Smith, 2011). The concept is commonly employed in war, genocide, and ethnic conflict (Harris and Fiske, 2011). Staub (1989) and Waller (2002), for example, have remarked on the importance of dehumanizing the enemy or the "other" in the context of genocide, to allow combatants to carry out the mass slaughter of other people in a systematic and routinized fashion. Through the process of dehumanization, human qualities, such as higher order cognition, civility, and morality are withheld from the target group (Haslam, 2006). Dehumanization also often involves the association of the target group with animals or animalistic tendencies (Smith, 2011). Once a group has been dehumanized it falls outside of what Fein (1979) describes as a "universe of obligation". People who fall within one's universe of obligation are those who must be taken into account, to whom obligations are due, and to whom we can be held responsible (Fein, 1979: 7). When a group falls outside this universe, offences against them are no longer violations of the normative order. The dehumanized no longer elicit legal protection, compassion, or other moral responses, and as a result, are often the victims of violence (Kelman, 1976).

Dehumanization played a crucial role in defense of Black slavery in the United States and elsewhere.[5] As Enlightenment principles of freedom and equality for all conflicted greatly with the chattel system of slavery, Blacks had to be relegated to sub-human status (Mills, 1997; Patterson, 1982; Smith, 2011). In philosophy, such beliefs are evident in Locke's propositions about the capacities of "primitive minds", Hume's denial that any but the White races created worthwhile civilizations, Kant's thoughts on White versus Black rationality, and Voltaire's suggestion that Blacks were a distinct and less able species (Mills, 1997). In law, Blacks' sub-human status was written into Article 1, Section 2

of the US Constitution, which considered Black slaves three-fifths a person (Harris and Fiske, 2006: 848). Such a view was further entrenched in *Dred Scott v. Sandford* (1857) 60 US 393,[6] which held that Blacks, whether enslaved or free, could not be US citizens and *Plessy v. Ferguson* (1896) 163 US 537, confirming the right of individual states to uphold racial segregation. In popular culture, Blacks were often depicted as apes or ape-like creatures (Holt, 1986).

Despite gains made by the Civil Rights Movement in the 1960s, contemporary evidence suggests that Blacks have not yet escaped the sub-human status bestowed upon them during the earliest period of American formation (see also Barchiesi 2012: 24–25; Mills, 1997). Rather they are still viewed, and often treated, in dehumanized terms (Apel, 2009; Department of Justice, 2015).[7] In a series of novel and insightful studies, Phillip Goff and colleagues tested the implicit association between Black people and apes, and examined the implications for this association in criminal justice terms. They found that a mental association between Black people and apes remains strong among White Americans and demonstrate how this association influences cognitive processes and judgment assessments. Specifically, their research shows that the implicit Black-ape association leads to greater endorsement of police violence against Black suspects, and influences state decisions to execute Black convicts (Goff, Eberhardt et al., 2008). Importantly, none of these studies found racial prejudice (either implicit or explicit) to be a significant predictor, meaning that dehumanization operates independently of traditional measures of racial prejudice.

In a second series of studies, Goff and colleagues built upon their work examining the sanctioning of out-group violence to test the consequences of dehumanization for the extension of other social protections, namely the affordance of innocence to children (i.e. age, responsibility, essence) (Goff et al., 2014). Drawing on laboratory and field studies with both undergraduate students and police officers, Goff et al. (2014: 539) found evidence that Black children are misperceived as older, relative to children of other races (by an average of 4.53 years for young Black male felony suspects) and that they are viewed as more culpable for their actions, findings predicted by the implicit dehumanization of Blacks. When Goff et al. (2014: 535) matched the implicit bias tests conducted with police officers with their field records on use of force, they found that the more officers implicitly associated Blacks with apes, the more likely they were to have used force against Black male youth relative to children of other racial backgrounds. These studies illustrate not only the persistence of Black dehumanization, but also the grave consequences it has in real world settings.[8]

The dehumanization of Blacks is integral to their continued marginalization in society and experiences of slow and structural violence that, we know, can contribute to their participation in crime (Unnever and Gabbidon, 2011; Ward, 2014). Drawing on Marshall (1992 [1950]), Western (2006: 194) argues that those caught up in the prison industrial complex—individuals and their families—are excluded from the "basic human equality" associated with full membership in a community, suggesting that their humanity is denied. Elsewhere, Tonry's (2011: 119) analysis of mass imprisonment extends beyond political actors to the general public, noting that governments can only operate within "the boundaries of political permission" that citizens set. Evidently, the USA's boundaries of political permission are very different for Blacks than they are for Whites and,

therefore, Blacks find themselves outside of the "broader moral community" (Patterson, 1997: 39–40) and thus suitable targets for both fast and slow violence.

Conclusion

As illustrated above, an intersectional approach reveals how race, class, and criminal justice are mutually constitutive. Across US history, the intersections of race, class, and criminal justice have produced a dehumanized view of African Americans that continues to influence their experiences with the police. Until criminologists acknowledge and address this historical reality, they will continue in vain to determine the relative importance of either Black participation in crime or police discrimination in contributing to Black over-representation in policing outcomes. Both have common roots in the history of American race-relations (see Alexander, 2012; Jones-Brown, 2007; Unnever and Gabbidon, 2011) and each is integral in the reproduction of the other. Indeed, the legacy of slavery and Jim Crow has left many Blacks politically, socially, and economically marginalized from mainstream American society, which is manifested, in part, through increased participation in crime. However, the structural inequalities caused by racism and the legacy of state-sanctioned slow violence are not perceived to be the cause of crime, but rather, criminality is viewed as an inherent Black characteristic.

The over-policing that criminality (real and perceived) is used to justify, furthers the structural inequalities experienced by Black people by alienating them from mainstream society. It supports the notion that they are inherently crime-prone, and saddles many with the markers of a criminal record, thus ensuring further social exclusion and hampering future economic prospects (Harris, 1999; Khenti, 2014; Pager, 2003). The impact of historical and contemporary racism gets lost in this process; as Desmond and Emirbayer (2009: 338) rightly suggest, racism hides its tracks. A key component of this phenomenon is the historical and contemporary dehumanization of Black people, which not only results in their being disproportionately targeted as the recipients of state violence, but also means that they fall outside of the dominant group's universe of obligation, and thus do not generate the moral response that might lead to improving their plight. As such, Blacks continue to be denied full access to the American right to life, liberty, and the pursuit of happiness.

Criminologists may come to terms with this perspective by considering the ways in which historical forms of racism manifest themselves in the present day and by extension, in our research on patterns of crime. Indeed, while it was culturally acceptable to make explicit ape references about Black people 100 years ago, contemporary social etiquette would deem public statements to this effect politically incorrect. Nevertheless, the research highlighted above clearly demonstrates the importance of the Black-ape metaphor in structuring African American's contemporary experiences with the police and larger criminal justice system. So instead of analyzing African American offending at face value, one could imagine extending the research purview to test how dehumanization sustains the structural inequalities that *contribute* to African American offending by rendering the group outside of Whites' universe of obligation. For example, researchers could apply the "Dehumanization IAT" (Implicit Association Test) utilized by Goff and colleagues (Goff, Eberhardt et al., 2008; Goff et al., 2014) to examine the racial dimensions

of Whites' housing preferences or support for the redistribution of resources (e.g. welfare or education credits). Likewise, researchers could examine whether there is a gendered dimension to the dehumanization of African Americans by investigating whether support for the application of state violence is the same for African American women[9] as it is for African American men. In doing so we would gain a better understanding of historical foundations of, and connections between, intersecting forms of oppression.

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Notes

1. This is often framed in the context of the Disproportionate Minority Contact (DMC) debate. This debate proliferated in the late 1980s and early 1990s with the publication of William Wilbanks' (1987) *The Myth of a Racist Criminal Justice System* and Coramae Richey Mann's (1993) *Unequal Justice*. Current explanations of the Disproportionate Minority Contact run on a continuum. On one end are those, like Wilbanks, who suggest that the criminal justice system (including the police) is virtually color-blind, and that the assertion that the justice system is racist is a "myth". On the other end of this continuum are those, like Mann, who suggest that the justice system unequivocally discriminates on the basis of race (Piquero, 2008). A middle ground (the "mixed model" hypothesis) suggests that both elevated levels of offending, and racial discrimination in the justice system play a role in producing the observed disparities (Piquero, 2008).
2. Building on the work of Du Bois (1898, 1899a, 1899b), Unnever and Gabbidon suggest that general theories of crime are inadequate in explaining Black criminality because they assume its causes are a product of increased exposure to known criminogenic factors, while negating the importance of the experience of racial discrimination itself. Drawing on research findings from the areas of legal socialization (Fagan and Tyler, 2005; Tyler, 1990), shame, anger, and defiance (Sherman, 1993), control theory (Hirschi, 1969), stereotype threat (Goff, Steele et al., 2008), and racial socialization (Ward, 1996), Unnever and Gabbidon argue that the experience of racial discrimination should feature prominently in explanations of Black criminality (and victimization).
3. Crenshaw (1993) insists that social scientists employ a critical perspective not just toward race, but also gender, in her essay on intersectionality. She uses LaFree's (1989) work on rape as an example of research that reveals racial discrimination in how Black male offenders are sentenced more harshly if the victim was a White woman versus a Black woman. However she equally critiques his analysis for ignoring the "inequality of rape victims" (1993: 1277) where Black women consistently experienced worse treatment compared to White women, irrespective of the race of the offender.
4. In the context of this work I draw upon Desmond and Emirbayer's (2009: 236) definition of race as "a symbolic category, based on phenotype or ancestry and constructed according to specific social and historical contexts". Race is symbolic because it is created and recreated by human beings—the labels and categories used to classify humans based on observed physical differences are unique to different social and historical contexts, yet in all cases are viewed as natural and unchanging.
5. In fact, dehumanized representations of Africans are presumed to be as old as Europeans' first contact with West Africa (Ovington, 1929 cited in Goff, Eberhardt et al., 2008: 292). In

the US context, Thomas Jefferson, for example made the Black-ape association and viewed Blacks as an inferior race (Unnever and Gabbidon, 2011: 177–178).

6. "The Black man has no rights which the White man is bound to respect […] He may justly and lawfully be reduced to slavery […] and treated as an ordinary article of traffic and merchandise"—Chief Justice, Roger Brooke Taney (*Dred Scott v. Sandford*, 1857 cited in Goff, Eberhardt et al., 2008: 292).

7. The Department of Justice investigation into the Ferguson, MO police department uncovered an email sent to a Ferguson police Captain and a Sergeant by the city clerk depicting President Barack Obama as an ape. Likewise, in the early 1990s state officers in California referred to cases involving young Black men as NIH—No Humans Involved (Goff, Eberhardt et al., 2008: 294).

8. For those who question the lingering presence of Black dehumanization, consider that President Barack Obama has recently been depicted as an ape by city officials in Ferguson, MO, and by journalists in the United States (Apel, 2009) and Europe (Carvajal, 2014). If the most powerful (Black) man in the world can be viewed in such terms, what then might be said about the young Black men who occupy the USA's most disadvantaged and high crime neighborhoods?

9. And as distinct from other forms of dehumanization that women experience (Rudman and Mescher, 2012; Vaes et al., 2011).

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