

The Racialization of Crime and the Criminalization of Race:  
The Socially Constructed Reality of Race and Crime in Canada

Nicole Stoner

Student #: 250273382

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Professor M.P. Yearwood

King's University College

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Crime has long been a topic of interest for sociologists, one which has raised many important questions: Who commits crime? What compels people to commit crime? Why are certain groups overrepresented in crime? Despite years of research, many of these questions remain unanswered, but there has been a dramatic shift in the way in which crime is viewed. In the past, deterministic theories were likely to view criminals as biologically or psychologically inferior (Hackler, 2006). Today, however, researchers have dismissed biologically deterministic theories, choosing to focus more on social processes and factors, such as socialization, poverty, discrimination and oppression (Winterdyk, 2005). During this process, new light has been shed on the overrepresentation of racialized minority groups in North American criminal justice systems. Racist ideologies which view subdominant racial groups as being inherently more criminal, less moral, and even biologically inferior to white Europeans, are being set aside. In their place has developed a new, critical criminological perspective, which is attempting to explain the devastating impact of the criminal justice system on non-white members of North American society.

In this essay, I will examine the relationship between race and crime in Canadian society, using a symbolic interactionist framework to guide my analysis. More specifically, I will employ a labelling approach—which draws from the broader, grand theory of symbolic interactionism—to show that “race” and “crime” are social constructs, and that unequal power relations within society dictate who is labelled as “the criminal.” Despite a statistical correlation between minority race and crime (Linden, 1992), I propose that there is no real, objective relationship between race and crime. Racial minorities are *not* more likely to commit criminal acts than white Europeans, and race is not a causal factor in the commission of crime.

This argument brings to mind C. Wright Mills’ concept of the “sociological imagination.” A perceived association between race and crime is both a personal trouble—for example, when an individual racialized minority is targeted by police—but also represents a much larger, structural issue, namely that of systemic racism in the criminal justice system. This systemic racism is supported by an

overwhelming public perception that racial minorities are more inclined than white Canadians to commit crime (Fleras & Elliott, 2006).

### **Locating Myself**

This topic is of particular interest to me as a criminology student. In the future, I plan to attend law school and work as a criminal lawyer. The criminalization of racial minorities is not just a theoretical concept, but rather a reality that affects the lives of many Canadian citizens, not to mention the lives of immigrants, refugees, and documented/undocumented workers. As a lawyer, I will have a huge part to play in the administration of criminal justice, and it is important for me to critically examine the workings of this system. For me to blindly enter this field, without ever making an attempt to view it from another person's standpoint, would be unjust and irresponsible. As a white, middle class woman, I have never personally experienced racism, but this certainly does not mean that it does not exist. On the contrary, it means that I must look even closer, and work even harder to challenge a system which has been so normalized that I have come to accept its workings as just.

### **Literature Review**

Many authors discuss the topic of racialization, and the criminalization of race. Here I will summarize a few of the secondary sources I have used for this discussion. I wholeheartedly agree with the arguments of these authors, incorporating their ideas into my own examination.

Fleras and Elliott (2006) discuss in detail the social construction of "race," and suggest that a correlation between race and crime is due to unwarranted surveillance and control of minority groups, not to mention systemic racism in the criminal justice system, rather than a causal relationship. Barak, Leighton and Flavin (2006) also agree that race is a social construct, rather than a physical, objective reality.

Amongst criminological writings, both Hackler (2006) and Winterdyk (2005) provide excellent critical analyses of crime in Canadian society, including discussions of class, gender and race. Both of

these authors challenge traditional criminological perspectives which focus excessively on “street crime.” Hackler especially calls for a more thorough analysis of corporate crime, often overlooked or deemed less threatening to society. He suggests that the economic, not to mention social, costs of corporate crime far outweigh the damage done by street crime; however, those in positions of power, such as governments, big business leaders, and law enforcement officials such as lawyers, judges and police officers, are often able to get away with their crimes because of the power they have to label others as criminal, while diverting attention away from themselves. Racialized minorities, however, especially black Canadians and Canada’s First Nations peoples, often have few economic, social or political options for recourse once labelled, and suffer accordingly.

### **Framework**

Symbolic interactionism is a microsociological theory, which dramatically challenges the structural determinism of structural functionalism, instead emphasizing human agency and individual action. Symbolic interactionists are distinct in that they propose that society is a “taken-for-granted reality” which is socially constructed through a process of applying shared meanings to actions, institutions, individuals and groups (Garner, 2004). Moreover, this process is ongoing, and definitions are constantly changing. “Society” is not a fixed, static reality—as structural functionalists assume—but rather an ever-changing compilation of meaningful interactions, based on “dynamic tension, mutual adjustment, negotiated compromise, and ongoing movement” (Fleras & Elliott, 2006, p. 22).

Labelling theory, also referred to as a social-reaction perspective (Winterdyk, 2005), claims that deviant behaviour is a reaction to being negatively labelled. Such labels can arise out of racism and racist discrimination, oppression and colonialism. Therefore, labelling theory suggests that racialized minority groups are not inherently criminal, but may react criminally in response to the negative stereotypes and labels placed on them, not to mention the blocked social and economic opportunities they face (Hackler, 2006).

**“Race” as a Social Construct**

To say that race is a social construct is to say that it is not a biological characteristic. One’s “race” is not something fixed, but rather a label which has been placed on him/her by a society trying to make sense of the perceived differences of its members. Fleras and Elliott (2006) argue that although one’s skin colour (often the most immediate marker of “race”) is related to genetics, race as the basis for differentiation between groups is completely social. These authors suggest that “race matters not because it is real, but because people respond to it as if it were real” (p. 46). Moreover, they comment that categories of race are far too arbitrary and broad, so much so that they are essentially meaningless. For example, in the past, American courts defined a person as being “black” if he/she had a single drop of African blood flowing through his/her veins (Barak, Leighton, & Flavin, 2006)! Such a criterion is completely absurd, and clearly demonstrates the varying and social nature of the concept of race.

Similarly, Barak, Leighton and Flavin propose that although race is often seen as legitimate grounds for distinguishing groups, predicting the behaviour of others, and attributing characteristics to strangers, it is a social definition with no biological or inherent meaning. This is not to minimize the effects of race, however. On the contrary, Barak, Leighton and Flavin, Fleras and Elliott, and Brym et al. (2003) argue that race as a social construct has profound implications, because it affects how individuals interact. People act on what they “know,” whether this knowledge is objective, verified fact, or a widely-held but ignorant racist ideology. Race matters to all Canadians, because we act as if it matters. In doing so, we create a social reality in which members of different races are socially, economically, geographically, institutionally, ideologically and politically segregated, thus reaffirming the beliefs which caused this separation in the first place. I believe that it is important for all Canadians to analyze the concept of race, because it affects everyone, not only those who experience racism. Even I, as a white Canadian, am affected by race, because I enjoy many unearned privileges based on my position within a dominant racial group. This has significant implications for my life chances, even though for many years, I was unaware of this.

Race is often treated as if it is real in order to legitimize discrimination and oppression of others. Perhaps it is easier to treat others badly if you think of them as less than human. For instance, The Commission on Systemic Racism in the Ontario Criminal Justice System (1995) links the emergence of “race” and racism to European colonialism. “Race” was used as a way to legitimize the colonization, economic exploitation, and cultural genocide committed against the First Nations peoples. The First Nations peoples, including those of Turtle Island (Fleras & Elliott, 2006), were demonized, and labelled as “savages” who needed to be civilized, Christianized, and controlled by the culturally and racially “superior” European settlers. Race was socially defined as an important factor in the relationship between the First Nations peoples and the settlers. Actual biological differences did not come into play; rather the socially constructed definitions of “the other” as socially, culturally, and biologically inferior influenced the interactions between these groups (The Commission on Systemic Racism in the Ontario Criminal Justice System).

Because of this, many experts, such as Fleras and Elliott (2006), Comack and Balfour (2004), and the Commission on Systemic Racism in the Ontario Criminal Justice System (1995), choose to speak of “racialization” instead of race; that is, the process by which relationships become defined by a socially defined perception of racial differences. Rather than interacting on the basis of “race” as an objective reality, individuals interact in the context of “racialized” relationships. We see racialization as well in how the criminal justice system targets members of racialized minorities (The Commission on Systemic Racism in the Ontario Criminal Justice System).

### **“Crime” as a Social Construct**

Just as race is socially constructed, so is “crime.” Although the concept of crime seems so straightforward, there is nothing absolute or natural about it. Symbolic interactionists argue that no act is inherently deviant or criminal, and that acts only become deviant when they are labelled as such. For example, in Canada, homosexuality was once a crime, but changing attitudes have resulted in its decriminalization and acceptance (Brym, et al., 2003). Moreover, Agozino (2005) argues that “what is

considered ‘criminal’ is situational and culturally specific” (p. 186). This is clearly seen in the example of female circumcision, such as that practised by the Hofriyati women of Sudan. To these women, this operation is a sacred rite of passage which marks the transition into womanhood (Boddy, 2005). Here in Canada, however, such practices are criminalized and viewed as horrific and torturous. This example unmistakably demonstrates how perceptions of crime and deviance are culturally specific, and how the cultural practices of subdominant groups can be vilified and outlawed by a dominant group. Hackler (2006) comments that when a dominant culture invades another culture, the dominant culture’s views and behaviours are normalized, while the subdominant culture’s practices are vilified and criminalized. This was the case with European colonization of Turtle Island, in which the European settlers had the power to label the First Nations peoples as savage, uncivilized, and inferior (Fleras & Elliott, 2006). Hackler keenly argues that when cultures clash, the dominant culture comes out on top. Similarly, Dr. Yearwood (12 October 2007) argued that Canada’s multiculturalism allows for minority groups to maintain their identity through “food, song, and dance,” but anything more, and certainly anything that disrupts the dominant way of life, is not acceptable. Here we see again how crime is culturally specific, and socially constructed by members of the dominant group.

It is also obvious that crime is a social construction when looking at crime statistics. The most commonly referred-to statistics are compilations of police and court records; that is, they represent only the crime that is uncovered by the criminal justice system. We will never know the true incidence of crime, because so much goes undetected (Hackler, 2006). Therefore, we can only act towards “crime” based on what we know. Moreover, media portrayals of crime play a big role in influencing the public’s perceptions of crime, often inciting “moral panics.” Media have a direct influence on the perception that crime rates are increasing, when they may actually be decreasing (Sacco, 2006). More relevant to this discussion, however, is how media such as television, music, and film, portray racial and ethnic minorities’ involvement in crime. Boulahanis and Heltsley (2006) report that in Chicago news coverage of crimes, there is an overrepresentation of cases in which the offender is African-American. This portrayal strengthens stereotypes of black Americans as more likely to commit crimes, as more violent,

and as less moral, than white Americans. Furthermore, Brym et al. (2003) report that in an American research study supported by the Screen Actors Guild, on the representation of racial groups in television and film, white males were overrepresented compared to the number of white males in the American population, while other minority groups such as Aboriginal peoples, Asian-Pacific Americans, and Hispanics, were vastly underrepresented. This is significant as it reinforces a perception of racial minorities as “the other.” Portrayals of families, schools, and workplaces depict the experiences of white Europeans, thus presenting this dominant group as the norm, and the standard against which all other groups are judged. Both of these studies have significant implications for Canada, because at least three quarters of film and television comes to Canadian audiences from the United States (Brym et al.).

Symbolic interactionists argue that deviance, normative behaviour, and crime arise out of shared meanings and definitions, and how these meanings and definitions are learned and reproduced (Winterdyk, 2005). A labelling approach takes one step further, arguing that meanings and definitions are created and dispersed by those with social, economic and political power. Howard Becker used the term “moral entrepreneurs” to refer to legislators, lawyers, judges, police officers, and other agents of social control, who have the power to create and enforce laws and rules that benefit themselves (Linden, 1992). This is significant because it can actually produce deviance and criminality, in a type of “self-fulfilling prophecy.” That is, racialized minorities who have been labelled as “criminals” and “inferior” may come to internalize these beliefs, and act in such a way as to bring about this reality (Hewitt, 2003). This can be clearly seen in Canada’s First Nations peoples. Many Aboriginals in Canada have internalized the racism perpetuated against them, a devastating reality reflected in high suicide rates, family violence, unemployment, and substance abuse (all of which also act to reaffirm the racist beliefs they have internalized). The cycle of violence, which started with colonization, continues to plague Canada’s First Nations peoples today (Fleras & Elliott, 2006).



### **Correlating Race and Crime: A Dangerous Proposal**

Members of many different racialized minorities in Canada are overrepresented within the Canadian criminal justice system, but no one more so than Canada's First Nations peoples, and black men and women (Luton, 30 October 2006). In 1995, Aboriginal peoples made up on 2.5% of Canada's population, and yet Aboriginal men represented 9% of Canada's federal prison population, and Aboriginal women made up 17% of federally sentenced women (Public Health Agency of Canada, 1995). Similarly, in 2006, Fleras and Elliott report that First Nations peoples were 4% of Canada's population, but comprised 18% of Canada's federal inmates, and 21% of provincial and territorial prison populations. Moreover, black Canadians, although a "relatively small proportion of urban Canada's population...are disproportionately found in statistics related to victims or suspects" (Fleras & Elliott, p. 32). We see here a correlation between the social concepts of "race" and "crime."

But what does this mean? Does this mean that Aboriginal and black people commit more crime? It is important here to critically analyze what is meant by "correlation." Correlation implies that two separate phenomena occur together; for instance, minority racial status is associated with higher rates of crime. But this does not mean that race causes criminality! The difference between correlation and causation can be shown in the following example. Crime rates are correlated with ice cream consumption; as ice cream consumption increases, so does crime. Does this mean that eating ice cream causes people to commit crime? No! A third variable—weather conditions—affects both ice cream consumption and crime rates. During summer, crime rates are highest, and so are the rates at which people eat ice cream (Salkind, 2000). Similarly, race and crime are correlated, but many other factors may create this apparent relationship.

For instance, racialized minority groups are often amongst society's most socially and economically marginalized (Fleras & Elliott, 2006; and Hackler, 2006). Much criminological research suggests that blocked social and economic opportunities, as well as stressors such as poverty, discrimination, and high rates of family violence often found in marginalized groups, have a huge impact on a person's likelihood to engage in crime (Hackler; and Winterdyk, 2005). For example, in 2004, Petit

and Western (cited in Hackler) showed that a decrease in the availability of unskilled labour resulted in an increased participation of young black males into the illegal drug trade. Also significant, in 2005, Pager and Quillian (cited in Hackler) showed that employers were more likely to hire white ex-convicts than black ex-convicts. These studies have huge implications for society, and the relationship between race and crime. If racial minorities are blocked from economic opportunities, they may turn to crime in order to survive, therefore increasing their likelihood of being arrested and convicted. After release from prison, they are again blocked from entering the workforce because of racial discrimination and the stigma of being labelled a “convict.” What choice do these individuals have then but to return to a profitable life of crime? How are people to succeed in a society which marginalizes them? This situation angers me, because it is a lose-lose situation for the racialized “other.” White children are given far more opportunities for success than children of racial minorities, and yet all children are held up to the same standards. In fact, children of racial minorities may be held to a higher standard because each failure is used by the dominant group to legitimize racist ideologies, and as proof of their own superiority. This is a clear example of “essentializing” (Fleras & Elliott), in which characteristics of one member of a group are attributed to the entire group, and the group is seen as being completely homogeneous. Therefore, if one black man sells drugs, then all young black men are portrayed as drug dealers and “gang bangers.” This negative typification completely ignores the variety that exists within groups, again seeing “race” as an objective basis for placing people into mutually exclusive groups.

Those who have the economic, political and social power to label others determine the focus of law enforcement officials, unfairly directing attention on racial minorities. The overrepresentation of these groups in criminal statistics speaks more to the focus of law enforcement agencies, legislation and data collection than it does to the actual criminal activity of members of subdominant groups (Fleras & Elliott, 2006). In fact, although both lower classes and racial minorities tend to be overrepresented in crime statistics, if we add to supplement these numbers with rates from victimization surveys (i.e. who did the victim say was the offender?) and self-report surveys (i.e. studies which ask people about their own criminal activity), we find that the relationship between class and crime disappears, and the

relationship between race and crime is significantly weakened (Hackler, 2006). This means that members of the upper and middle classes, as well as white Canadians, commit just as much crime as lower class citizens and racialized minorities, but are arrested, convicted and incarcerated less often. This clearly demonstrates a racial bias in the criminal justice system, and disputes the claim that minority racial status increases one's propensity to criminal activity.

Therefore, the relationship between race and crime is not a causal one, as there are many intervening factors, many of which are much stronger predictors of crime than race alone. Here it is helpful to invoke an intersectionality perspective. We cannot separate a person's race from all of the other aspects of his/her identity, such as gender, socioeconomic status, physical ability, sexuality, age, religious affiliation, etc. There is no such thing as someone who is simply "black," just as there is no one who is just "white." The intersectionalities of our identities play a key role in our interactions with others (Fleras & Elliott, 2006). For example, a person of a low socioeconomic status may experience blocked social and economic opportunities, such as limited access to health care, education and employment (Winterdyk, 2005). However, if this person were Aboriginal, these difficulties might be compounded by racism and internalized colonialism; on the other hand, if this person was white, the troubles of poverty might be lessened somewhat by his/her position within a dominant racial group.

### **Conclusion and Looking Forward**

The relationship between race and crime, as demonstrated here, is neither strong nor predictive. I have come to this conclusion after examining the social nature of the concepts of "race" and "crime," and by analyzing the supposed relationship between these two concepts. Also, I have demonstrated that statistics can easily be manipulated to fit a researcher's argument, and how media portrayals of racial minority group members as being more criminal, more violent, and more destructive to society can dramatically sway public perceptions.

Based on my research, I propose that criminal law should utilize alternatives to incarceration, such as community programs, probation, and community service, more often. A greater attempt should

be made to re-integrate convicts back into the community; for example, by providing job skill training, education, and work experience. Moreover, more preventative programs should be in place, to divert people from the criminal justice system altogether. For example, subsidized daycare should be provided for all parents, so that children are well taken care of and their parents are free to work. Community initiatives such as recreational programs for youth, free tutoring programs, drug and crime education in schools, and neighbourhood-watch programs would all help to reduce the level of crime and violence in neighbourhoods, and would aid young people in following a different path. A greater representation of minority races in law enforcement, especially in policing, would be effective in reducing discrimination in policing and in reducing youth crime. For example, an informal warning from an Aboriginal police officer would have a much greater, positive impact on an Aboriginal youth than one from a white officer with no clear understanding of the lives of Canada's First Nations peoples. In addition to this, race related training should be given to all law enforcement officials, so that all are aware of the reality and implications of systemic racism in the criminal justice system. People cannot solve problems that they do not acknowledge, and so it is important to talk about these issues, even though they may be controversial and sensitive.

As a student about to embark on a legal education, and a career which will touch the lives of many in conflict with the criminal justice system, it is important for me to understand the complex realities of Canadian society. I refuse to be yet another ignorant consumer of media portrayals of racialized minorities as threatening and dangerous. I am making a conscious effort to critically analyze and problematize the information that I receive, asking questions that challenge traditional Eurocentric, hegemonic ideals. Why are minority races disproportionately represented in the criminal justice system? Why is greater attention paid to "street crime" than the corporate crime committed by wealthy white businessmen? Why are government initiatives dedicated to imprisonment and punishment, rather than rehabilitation and integration? There are many questions still to be answered, and the discussion is far from over. My voice joins the many others also impassioned by this topic, crying out in defiance of the oppression of many who have been silenced for far too long.

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