The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton, Ph.D.
Roehampton University, UK

ABSTRACT:
This paper is a critique of the usefulness of quantitative research in illuminating our understanding of the over-representation of black people in crime figures including prison statistics. With reference to the United Kingdom, the paper offers a critical review of some of the narratives of quantitative research and its search for ‘direct discrimination’ in accounting for the disproportionate presence of black people in UK crime data. In doing so, the paper fundamentally argues for a deeper understanding of encounters between black people and the criminal justice system from a perspective which prioritises qualitative research into the role of ‘indirect discrimination’ in the formation of crime data.

Introduction

Britain’s black population has continued to be overrepresented in crime figures. Since their post-2nd World War immigration into the UK, arrest, conviction and prison figures have shown consistent patterns of black disproportionate presence – in comparison to other racial groups. The first systematic study to shed light on the disproportionate representation of black people in crime data was
conducted by McClintock (1963). The study which focused on violent crimes in London showed that the number of black people convicted for violent crimes increased from 6.2 percent in 1950 to 13 percent in 1960. In the 1970s and 1980s, London-based arrest statistics compiled by the Metropolitan Police Service provided information on the racial composition of arrestees. Findings from these statistical data showed that in comparison to their resident London population of approximately 5 percent, black people’s arrest rates were not only markedly disproportionate (see Home Office 1983, 1984, 1989) but were also higher than those for other racial groups in every category of offence.

Following the introduction of Section 95 of the 1991 Criminal Justice Act, arrest statistical data of the racial composition of arrestees have since been compiled at national level and on a regular basis. These relatively recent arrest figures have replicated the same scenario of black overrepresentation previously gleaned from the London-based arrest data (see Home Office 1992, 1998, 2000, 2002). Findings from the most recent national arrest figures based on race reveal that out of the estimated 1.3 million arrests for notifiable offences in 2002/2003 in England and Wales, black people comprised 9 percent – a 7 percent increase from the 2001/2002 arrest figures (Home Office 2004). These figures compared unfavourably to their national population of 2.8 percent. Black people were also three times more likely to be arrested than their white counterparts (ibid.).

Also central to concerns about the problem of overrepresentation is black people’s disproportionate representation in the numbers of those received under sentence and remand into penal institutions.
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

This has been consistently demonstrated in national prison statistics of England and Wales (see Home Office 1986, 1993, 1994, 1998, 2000, 2002). As at February 2003, 16 percent of the male prison population and 25.3 percent of the female prison population were black. These figures were significantly influenced by the numbers of foreign nationals (34 percent of black male prisoners; 58 percent of black female prisoners), many of whom were charged or convicted for drugs importation. Nevertheless, the Home Office (2004) states that the overall “black prison population increased by 138% between 1993 and 2003”. The position of young black people – aged 10-17 years – in this problem of overrepresentation is equally worth noting. Although they make-up only 2.7 percent of the 10-17 year old population of England and Wales, they constitute 6 percent of all youth court disposals, 20 percent of all the young people given orders for long-term detention and 11 percent of all custodial disposals (Youth Justice Board 2003; see also Goldson 2002; Moore and Peters 2003).

Attempts to explain this problem of black overrepresentation in crime figures have attracted a range of studies into various stages of black people’s contact with the criminal justice system. Findings from such studies have provided differing explanations. The bone of contention has revolved around the possible influence of racial discrimination in the criminal justice process. This issue has invited two broad schools of thought: one denounces assertions of racial discrimination whilst putting forward other ‘logical’ accounts to explain the problem of black overrepresentation; and the other proposes the race effect in encounters between black
people and the criminal justice system. Despite the conflict, both schools have placed emphasis on the ‘numbers game’ – pursued in quantitative research – in the search for evidence of racial discrimination. Herein, the contentious subject of whether or not racial discrimination permeates the practices of the police and other criminal justice agencies has in the main been dominated by a search for empirically demonstrable cases of overt racial discrimination whereby the outcomes of criminal justice practices constitute the foci of attention.

The Numbers Game and the Search for Direct Discrimination

Over the years, most of the conflicting debates surrounding the issue of black disproportionate presence in crime figures have concentrated on the contributory role of policing to the problem, and in particular on the role of police discretionary powers of stop and search practices in effecting both young and adult black people’s journey through the rest of the criminal justice system. The overrepresentation of black people in stop and search data in comparison to white people has remained consistent at both local and national levels (see for instance Willis 1983; Smith 1983 a, b; Home Office 1992, 1998, 2000, 2002). In England and Wales, black people made-up 14 percent of the recorded stop and search figures for the period 2002/2003 thus comparing unfavourably to their resident population of 2.8 percent; they were six times more likely to be stopped and searched than their white counterparts; and the stop and search figures showed an average increase of about 38 percent (white people: 17 percent) when compared to the
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

2001/2002 figures (Home Office 2004). This process is invariably reflected in their disproportionate arrest rate (ibid.).

The influence of race on stop and search, and arrest disparities is a line of thought which notable studies have attempted to wholly or partly disprove. For example, findings from a study conducted by Tuck and Southgate (1981) in Manchester (a multi-cultural English city) showed no notable differences in police use of stop, search and arrest powers in encounters with black and white people. Jefferson (1988) attributed these findings to the homogenous socio-economic character of the studied area, an observation which was subsequently advanced by Jefferson and colleagues (1992; see also Jefferson 1993) in a study of black and white stop rates in Leeds (an English city). In the Leeds study, Jefferson and colleagues found that in areas with low concentration of black people and a high concentration of white people, blacks had a higher stop rate than whites whereas the stop rate was higher for whites than blacks in areas with high black and low white concentration. The areas studied were similar in terms of socio-economic make-up: they were socio-economically deprived. This pattern of stop outcomes was more apparent with regard to arrest rates.

Explanations for racially-based variations in arrest rates have also been supported by theoretical accounts that tend to undermine the race effect. The individual or/and collective influences of socio-economic variables (in generating black involvement in crime and/or in determining criminal justice decisions) and demographic factors (see Stevens and Willis 1979; Jefferson 1993; Lea and
Young 1984, 1993) instance non-race specific reasons utilised to justify the disproportionate black stop, search and arrest rates. Such accounts have been developed and advanced in direct or indirect response to findings from quantitative research. For example, in Steven and Willis’ quantitative study of *Race, Crime and Arrests* (1979) in the Metropolitan Police District (London), black arrest rates were shown to be disproportionately high and whilst their findings indicated the role of police discriminatory practices, they nevertheless highlighted a relationship between black arrest rates and black involvement in crime based on the arguments that black people’s marginalised socio-economic position and their demographic profile (black people have a younger age profile) make them more likely to engage in criminal activities.

This context of conceptualising race and criminal justice was central to the 1980s race and crime debate between left realism and critical criminology. Whilst the latter principally aimed to demonstrate the crucial influence of the macro- and micro-level processes of criminalisation through which racial stereotypes and imageries inform criminal justice responses to black people, the former emphasised – via its concept of ‘relative deprivation’ – an inevitable connection between socio-economic marginalisation and black criminality. From a left realist point of view, high black crime rates are synonymous with black people’s experience, awareness and feelings of relative deprivation given that the black community suffers adverse and complex forms of deprivation not experienced by their white counterpart. In light of this situation, which is compounded by black people’s experiences of societal racism, they are likely to make the crime choice in response to
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

their deplorable socio-economic circumstances and invariably are more likely to come into contact with the police (see Lea and Young 1984, 1993).

The class framework of conceptualising and contextualising black crime rates permeates other angles of the criminal justice system. If black people are more likely to be stopped, searched and arrested because of poverty-induced criminality, they are also more likely to come into contact with the courts where decisions are made that, in the main, lead to their disproportionate imprisonment rate including remand. As mentioned above, another angle of the class argument alludes to its influence in criminal justice decisions. Socio-economic variables such as unemployment and homelessness have been known to influence critically other criminal justice decisions such as bail and sentencing (see McBarnet 1983; Box and Hale 1986; National Association for the Care and Resettlement of Offenders (NACRO) 1993). The assumption therefore is that at these points of criminal justice black people are disadvantaged— as a result of their marginalised socio-economic deprivation – by ‘legally-provided’ socio-economic criteria governing such criminal justice decisions. Herein blame is placed on the structural social and economic disadvantage faced by Britain’s black population. Already there are notable studies – based on the ‘numbers game’ and interests in direct discrimination - that have claimed that the court system adopts similar sentencing patterns when it comes to race. McConville and Baldwin’s (1982) study of the Influence of Race on Sentencing in England argues that the judiciary does not allow the race variable to influence sentencing decisions. In conclusion they observe:
What emerges from our analysis is a single, tentative but important finding: that there appears to be no evidence of direct, systematic bias on racial lines in sentencing in the crown court. The implication is that defendants are treated equally once they attain the status of a convicted person: not necessarily fairly or appropriately, but equally (ibid: 658).

Crow and Cove’s (1984: 417) study of *Ethnic Minorities and the Courts* in London draws similar conclusion:

The present study is re-assuring as far as it goes, in suggesting that once they appear in court, whether juvenile, magistrates or crown court, offenders…who are convicted are treated equally. This may serve to contribute to the development of confidence amongst ethnic minorities.

Opposing viewpoints – also based on quantitative data – have identified evidence of unequal treatment in the trend of sentencing which arguably work to the disadvantage of black people who are more likely to receive a custodial sentence than white people even when legally-provided sentencing criteria such as offence seriousness, plea status and previous convictions are taken into consideration (see Hudson 1989; Hood 1992). Despite such contrasting arguments, there is a general tendency in criminological debate to wholly or partially subordinate the race factor by assigning consideration to influential generic elements in criminal justice practices, which supposedly disfavour black
people. The role of age and other social factors in determining the racial disparity in sentencing is acknowledged by Hudson (ibid.) as worth considering in analyses of race and prison statistics. Some studies where racial discrimination is revealed, have received criticisms which point to methodological issues for example in the ‘limited’ sample size on which such research findings were based or in suggestions of an ‘insignificant’ race effect in findings (see Smith 1997). In some other studies where the existence of a race factor in an area of the criminal justice system is denounced, there is also the tendency to transfer blame somewhere else – whether onto other areas of the criminal justice process or as already noted onto the black community and the wider social structure. For example, despite claiming that racial injustice or bias in sentencing does not exist in court, McConville and Baldwin (1982: 654) nevertheless note that racism could be practised at other stages of the criminal justice process for instance “in connection with policing, arrest patterns, bail status or jury selection”.

In whichever aspect of the criminal justice system that racial discrimination is alleged there have been ‘legitimate’ reasons offered to undermine the place of race. This is particularly evident in the area of policing where years of exoneration have been enjoyed by police officers. If black people are overrepresented in stop, search and arrest figures, it is because they are predisposed to criminality due to their socio-economic position and their overrepresentation in the younger age profile, itself another criminogenic factor and a pointer to the criminal justice system, and/or it is because they fall under the category of the ‘underclass’ or the ‘dangerous class’ made-up of the unemployed, the homeless,
the socio-economically deprived and the poor – a category that has constituted the traditional focus of law enforcement crime control strategies. Thus if black people are more likely to be stopped and searched than their white counterpart, it is not purely because of their racial background rather it is as Jefferson (1993) argues because “they are…‘rough’ working class and black”.

Interpreting race and crime data along these lines is evident in other stages of policing, notably at the point of police cautioning decisions often reserved for young people. Notwithstanding evidence of racial disparity in the use of police caution to the disadvantage of young black people who are less likely to receive a police caution and more likely to be charged than young white people in similar circumstances (see Landau 1981; Landau and Nathan 1983; Commission for Racial Equality 1992), the disparity has been justified by referring to the influence of ‘legally-set’ factors such as admission of guilt, offence seriousness, previous convictions and evidence of remorse in determining who gets diverted from the youth justice process (see Fitzgerald 1993; Home Office 1998, 2000, 2002, 2004). The argument is that young black people are less likely to enter a guilty plea, are more likely to engage in serious offences, have more previous convictions and are less likely to show remorse, and as such are more likely to progress further through the justice process onto the prison establishment. Despite the replacement of cautioning by reprimands and final warnings by the 1998 Crime and Disorder Act – aimed at placing limitations on police discretionary powers at the pre-court stage and reducing differences on outcomes on racial grounds at the point of arrest – there is evidence that young black people are still
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

more likely than their white counterparts to be prosecuted (Youth Justice Board 2003).

Understanding the problem of black overrepresentation in crime figures from the ‘legal’ and structural frameworks has been juxtaposed alongside the ‘bad apple’ approach which individualises racism by locating it in the actions of a minority of perpetrators within the criminal justice system rather than a whole institution. Thus an answer to the problem of racial discrimination is found in the punishment and rehabilitation of the racist behaviours of those individuals. This approach, which trivialises the race effect by detaching itself from the wider institutional umbrella within which racism is based, has featured significantly in analyses of policing and race, and has simultaneously made an insignificant impact in addressing the problem.

Controversies surrounding the impact of race on crime and prison figures remain ongoing. Likewise the search for direct discrimination remains dominant in concerns about the problem of black overrepresentation whilst the contribution of indirect discrimination to the problem is subordinated. Attempts to signify the importance of indirect discrimination in analytical, policy and practical responses to this problem was made in the Macpherson Report (Macpherson 1999) following a public inquiry into the failure of London Metropolitan Police to make a successful arrest of a gang of racist white youths who stabbed to death an 18 year old black male Stephen Lawrence in London in 1993. On the weight of the evidence presented to the inquiry, Sir William Macpherson – who conducted the inquiry – concluded that the
police investigation into the murder was disrupted by “a combination of professional incompetence, institutional racism, and a failure of leadership by senior officers” (ibid: 46.1). What grasped political, official, media and public attention to the Report was Macpherson’s allegation of institutional racism defined thus:

…consisting of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people (Macpherson 1999: 6.34).

The police accepted that Macpherson’s definition of institutional racism applied to their organisation, and so did some other criminal justice bodies such as the prison service. However it is worth noting that the acceptance seemed to have been influenced by the fact that Macpherson interpreted this form of racism as unwitting thereby highlighting that unintentional motivations underlie organisational procedures and practices which disadvantage minority ethnic groups. This raises the question as to whether the police force was really accused of racism notably institutional racism. In this definition of institutional racism, the concept of indirect racial discrimination in its conscious or intentional form is not embraced. It is this form of indirect discrimination, which identifies particular manifestations of intentional racially-based discrimination in the day-to-day realities
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

of criminal justice practices that is of interest here. But despite its subtle but simultaneously powerful influence, the existence of the \textit{witting} form of indirect racial discrimination in criminal justice practices has constantly been denied by influential institutions. Such denial was clearly captured in Lord Scarman’s inquiry into the 1981 Brixton (London) disorders involving violent clashes between the police and black youths who were protesting against police brutality and the over-policing of black communities. In refuting black communities’ allegation of institutional racism, Scarman stated:

\begin{quote}
It was alleged by some of those who made representations to me that Britain is an institutionally racist society. If by that it is meant that it is a society which knowingly, as a matter of policy, discriminates against black people, I reject the allegation. If however, the suggestion being made is that practices may be adopted by public bodies as well as private individuals which are unwittingly discriminatory against black people then this is an allegation which deserves serious considerations, and where proved, swift remedy (Scarman 1981: 2.22).
\end{quote}

Notwithstanding the disparate routes taken by Sir William Macpherson and Lord Scarman in their approach to allegations of police racism and the concept of institutionalised racism, both are however united by their failure to acknowledge the influential role of \textit{witting} indirect discrimination in catapulting black people through the criminal justice process onto the prison establishment.
Understanding Indirect Discrimination: Its Roots and Influence

Despite the influential role of indirect discrimination in encounters between the black community and the criminal justice system in the UK, its position in explaining black people’s disproportionate representation in crime figures is relegated to the bottom of research and policy interests by the search for direct discrimination pursued in quantitative research. Yet indirect discrimination is central to the workings of direct discrimination and in fact provides the foundation upon which the latter not only rests but also grows and expresses itself. As a foundation its existence is covert and subtle but yet hugely powerful. In effect exploring the functioning of indirect discrimination in a given problematic subject of inquiry firstly requires dissecting how the problem came into being before reaching why it occurred. The how of the problem should quite rightly take us through a process, a chain of events or a journey through which we are introduced to the beginning of the problem with a view to alluding to its current state of existence. If we then take a trip down the root of the problem of black disproportionate presence in crime figures in search of a beginning, we will come into contact with a chain of historical and contemporary events that would inevitably contextualise how centuries of slavery and colonialism, and black immigration into post-2nd World War underline existing relations between black people and white people and invariably between black people and the white-run criminal justice system. These relations, centred on the dominant and the subordinate divide, stem from a historical backdrop of white
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

hegemony itself created at the outset of contact between Europeans and Africans on the coasts of Africa in the 16th century, and thereafter was developed and sustained to justify the slave trade and colonialism. White hegemony has since been continually reproduced to maintain the racially-based social stratification between white people and black people.

For the British, their sense of superior whiteness over black people had much of its origins in second-hand accounts of English travellers and traders whose 16th century encounters with Africans on African soil, produced intense descriptions of blackness as an opposite to whiteness in all forms. For example, physically, the already existing associations of whiteness and its physicalities with beauty were compared and contrasted against what was widely reported as the ugly physical characteristics of Africans illustrated in the skin colour, hair texture, shape of nose and lips. In a biological comparison, Africans were described as stupid, indolent, unintelligent, unclean, untrustworthy, violent, cruel and criminal (see Walvin 1971, 1973). Qualities invoked and negativised to draw a racial difference between the English and Africans included African sexuality, which was also conceived in biological terms. African nakedness gave importance to the concept of unconventional black sexuality, for it was a conduct visualised as an indication of sexual abnormality and cultural inferiority. Biological interpretations of sexual relationships between African males and females described the black race as libidinous and naturally promiscuous with uncontrollable sexual urges; their response to sexual desires was viewed as inevitably animalistic (see Walvin 1973; Barker 1978; Caplan 1987). Thus, polygamous
relationships in Africa and the West Indies received explanations that related them to Africans’ craving for sexual gratification. As Barker (1978: 121) observes, “No aspect of the unfavourable negro image had wider or deeper roots than allegations of insatiable sexual appetite”.

Reports of these perceived inferior qualities were made easily accessible to the English public by writers who used various communication media – such as newspapers, novels, magazines and comics – to relay racial theories to a wider audience. On another level were European philosophers and scientists of the 18th and 19th centuries whose race theories were particularly furnished to a narrower but very influential audiences bound by their influential status position from which racialised policies and practices justified by race theories were effected. For example, David Hume, a Scottish philosopher peddled some of the most acknowledged racial notions of the period. In 1753 he wrote: “I am apt to suspect the Negroes and in general all other species of men (for there are four or five different kinds) to be naturally inferior to the whites” (cited in Bowling and Phillips 2002: 1). On a scientific level, Charles Darwin’s biological evolutionary theory paved way for the pseudo-scientific racist ideologies that emerged in the territory of Social Darwinism, a school of thought which applied Darwin’s concepts of ‘natural selection’ and ‘survival of the fittest’ to human species. Social Darwinism propagated the existence of a natural divide between white and non-white races with the former and the latter assuming innate superior status and inferior status respectively in the evolutionary ladder.
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

The slave trade had thrived on popularised notions of white racial superiority: the belief that intelligence, reason and civilisation can only be found within the white race justified the subjection of Africans to hostile and savage slave labour since as was perceived, their stupidity, lack of intelligence and indolence meant that they were not suited for any activity requiring the application of reason (Walvin 1971, 1973; Fryer 1984). Consequently Africans were denied civil and human rights to justice. Following the abolition of the slave trade in early 19th century, white ethnocentrism and superiority continued to be grounded and enacted on pseudoscience in Europe and across the Atlantic. For example, the eugenics movement founded by Francis Galton in late 19th century paved the way for the practical application of Darwin’s notion of ‘natural selection’ as illustrated in the programme of involuntary sterilisation of African-Americans. The fundamental mission of the eugenics movement was to purify the genetic stock of the white race and this objective had by the late 19th century entailed formulating ways of causing the extinction of social categories – defined as socially unfit, undesirable and of low intelligence – through selective breeding. Incidentally, the eugenics movement gained a great deal of its strength from the growing interest in the relationship between crime and intelligence amongst North American and European psychologists who assigned low IQ and inferior intelligence to black people. Works on intelligence testing paraded claims that low intelligence was not only biological and static but it was also linked to criminality (see for example, Goddard 1912, 1914).
Racial themes were centrally beneficial to Europe’s move towards the colonisation and subordination of Africans in Africa and elsewhere following the abolition of the slave trade. Under colonialism, the ideology of racial superiority continued to justify and normalise social injustice. Racist notions of inferior black sexuality, violence, stupidity and so forth were central to the much-needed ethnocentric constructions and reproductions of black inferiority upon which blatant biased law enforcement policies and practices were justified (see for example McCulloch 2000 for a detailed account of racialised political, popular and law enforcement responses to sexual crime in colonial Southern Rhodesia). The African slave trade and colonial regimes in Africa in their original forms of practice may have been and gone but the guiding principles of racial hierarchy, discrimination and injustice which created and sustained them did not disappear with their ‘official’ abolition. Those guiding principles grounded on constructed racial ideologies and stereotypes have continued to remain integral to how the hierarchical structure of relations between whites and blacks in contemporary times are negotiated within the criminal justice system and beyond. In a critical differentiation between the concepts of ‘racial hierarchy’ and ‘racial discrimination’, Jennings (2000: 80) implicates the subtleties of indirect discrimination as a major barrier to the elimination of racial discrimination. According to him, racial hierarchy “involves a pervasive system of caste based on race…and reflects a ‘vertical’ order of domination” whilst racial discrimination and bigotry “typically feature ‘horizontal’ race relations”. Jennings adds that drawing a distinction between these concepts, “helps to illustrate why a legal apparatus that enforces antiracial discrimination does not solely guarantee the actualisation
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

of racial equality and social justice. Legality is far more effective in resolving horizontal relations that reflect bigotry and discrimination. But unless it is linked to human rights, legality is often ineffective in resolving vertical structures of domination based on race”. Therefore until key consideration is assigned to the existence and role of racial hierarchy, attempts to tackle racial discrimination (in its indirect form) will continue to produce patchy results.

In support of Jennings point, I have observed (Kalunta-Crumpton 2001: 111 emphasis added) that the reason why “the problem of racial hierarchy has yet to surface as an integral part of concerns about racial discrimination in Western societies is deeply related to the reason why ethnocentrism and racial ideologies are still a part and parcel of all facets of life. They complement and feed off each other, and they have invariably sustained racist practices”. I have thereafter argued that:

Present-day practices of racial discrimination sustain themselves on the same principles on which race developed as an integral part of injustice in historical times. Generation after generation have learned about black people in particular through culturally transmitted conceptions of race. Those negative racial stereotypes and ideologies that were manufactured to justify slavery and colonialism are invaluable to the reproduction of contemporary forms of racial injustice and discrimination across the board. It is therefore no wonder that, for example, racial images
of abnormal black sexuality in colonial times...still underpin perceptions and responses to black sexuality’ (ibid: 117).

Post-2\textsuperscript{nd} World War black immigration into the UK was to significantly resurrect the close-proximity display of centuries-old racial ideologies. The UK’s policy approach to post-war black immigration embraced racial notions but unlike their US counterpart with a history of an overt form of legally sanctioned racially discriminatory policies, the UK’s demonstration of racial discrimination tended to be more covert than overt. Although there was evidence of manifest public denunciation of African-Caribbean presence in post-war Britain as instanced in slogans such as ‘no blacks, no dogs’ on factory gates and private lettings, racially-motivated harassment and attacks on black people and resultant race-related riots (see Solomos 1993), they were however fuelled and sustained by covert operations at the political arena.

As early as the late 1940s, political debates had ensued around the control of black (and Asian) immigration into the UK for reasons which centralised the supposed threat that the black presence posed to the national identity, lifestyle and racial quality of the British people. Publicised concerns about black immigration popularly identified black localities and communities with forms of criminal activity. Cannabis use and dealing were noted in media reports as a ‘black’ activity. Juxtaposed alongside the racialised representations of drugs were allegations of vice offences for which black men were identified with pimping and living off the immoral earnings of white women. The late 1940s and the 1950s saw this issue centralised in official, political and media discourses (see Hiro
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

1992). Such publicised debates were later illustrated in practice via immigration control policies. The 1962 Commonwealth Immigrants Act was in theory meant to control immigration from all Commonwealth countries, however, its key provisions were designed to specifically exclude black and Asian Commonwealth citizens (see Solomos 1993). Stricter immigration restrictions were implemented under the 1968 Commonwealth Immigrants Act, and in 1970, the Immigrant Act was passed, finally removing legal rights (previously provided under the British Nationality Act 1948) of black and Asian Commonwealth citizens to settle and work in the UK.

By this time, a new form of racism based on cultural differences had started to take precedence, at least in official discourse, over the conventional pseudo-scientific racism which preaches racial segregation on grounds of innate racial differences. With the ‘new racism’, the discursive emphasis on differences in culture invokes questions of national and cultural identity as paramount in segregated relations between the white community and others outside of this community (see Gilroy 1991). The paradigm shift from the innate racial superiority and inferiority discourse to the ‘new racism’ allowed political and media discourses in the face of anti-racist ethos of a democratic society, to freely espouse the protection of British national identity – supposedly threatened by the immigrant presence – as a justification for racially-based exclusionary policies. Thus rather than the claim of biological superiority, the cultural distinctiveness of the Other is used to explain any behavioural pattern (including criminality) that supposedly deviates from the British way of life. Margaret
Thatcher’s 1979 general election victory owed a great deal to the ‘new racism’, a vital tool utilised in her election campaign on immigration control to galvanise votes:

“People are really afraid that this country might be swamped by people with a different culture” (cited in Hiro 1992: ix).

“You know, the British character has done so much for democracy, for law, and done so much throughout the world, that if there is any fear that it might be swamped, people are going to react and be rather hostile to those coming” (ibid).

Yet what seems to be a transition from the ‘old’ to the ‘new’ racism is simply a continuation of the ‘old’ manifested in its subtle form. Culture is linked to race/ethnicity and the language in which this notion of cultural differences (or in other words cultural superiority and inferiority) is couched draws out, albeit subtly, the racist themes upon which the ‘old’ racism is based. Thus rather than relate black people’s deviant behaviour to their biological make-up, it is instead explained in terms of pathological cultural characteristics invoked, constructed and reproduced as distinctive to black people, for example educational underachievement, language difficulties, lack of upward-mobility values and weak family structure. It is within this ‘new’ framework of interpreting race that crimes such as ‘mugging’ and drug trafficking have become popularised as ‘black crimes’. Such crimes are commonly associated with inner-cities characterised by high levels of unemployment and poverty, substandard housing, educational
underachievement, single-parent families and street gang culture – features perceived as symptomatic of black cultural make-up.

Despite the seemingly dominant culturalisation of race rooted in the ‘new’ racism, the ‘old’ racism still lingers alongside the ‘new’. Through organisations such as the British National Party (Ku Klux Klan in the US) racist ideologies of white superiority and supremacy based on pseudo-scientific theories are manifestly paraded. Whilst many, particularly those in institutions of power hide behind the cloak of the ‘new’ racism while reinforcing racial hierarchy, there are others who may not have overt affiliations to organised racist groups but who all the same propose the pseudo-scientific ideologies on which such organisations’ models of racism are based. One example of this category is shown in the remark made by Sir Kenneth Newman in the aftermath of the 1981 Brixton (London) riots. According to Clare (1984: 52), he was quoted in the American *Police Magazine* as stating, “In the Jamaicans, you have people who are constitutionally disorderly. It’s simply in their make-up. They are constitutionally disposed to anti-authority”. Pseudo-scientific theories have also surfaced within the intellectual domain. In their book, *The Bell Curve*, Herrnstein and Murray’s (1994) resurrected the IQ-race ideology. The authors reiterated that intelligence is largely a biological factor; that differences in IQ scores coincide with differences in class and racial origins; and that crime and delinquency are conversant with low IQ.

Whether discursive representations of black people are grounded on the traditional pseudo-scientific racism or on the theory of
cultural differences situated in the ‘new’ racism, both aim to maintain the same objective: the myth of racial superiority and inferiority sustained via the ongoing reproduction of those racial ideologies that were born out of the 16th century contact between Europeans and Africans. It is on these racist notions that relations between the criminal justice system and black people are built – although this vital point is hardly noted in criminological debates surrounding race and criminal justice. As I have argued elsewhere “one of the striking aspects of studying race and criminal justice has been the location of interpretations within a contemporary context of the postwar periods” – a trend of analysis, which not only “portray a false image of a new problem at hand, but…also limits the scope of our comprehension of the issue by failing to sufficiently examine its historical context” (Kalunta-Crumpton 2001: 104). In effect qualitative accounts of how centuries-old racist ideologies are reflected in police use of racist language; brutality; indiscriminate use of stop, search and arrest powers; and indiscriminate prosecutorial and sentencing decisions, are subordinated by quantitative assessment of a range of human-nominated legally-provided criteria to determine whether or not there is racism in its direct form. In other words, how racist ideologies and feelings structure the quantitative data that are ultimately fed the assessment of criminal justice decisions and outcomes according to race is relatively marginalised.

Concluding Comments

The ‘numbers game’ in the assessment of the disproportionate presence of black people in crime and prison figures has involved
The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton

placing substantial inventories of variables – such as offence serious, plea status and prior criminal convictions – under statistical evaluation as if those variables are naturally determined and fixed. In policy, direct discrimination in the UK criminal justice system is acknowledged as an issue that can be tackled through for example Section 95 of the 1991 Criminal Justice Act, which introduced a system of ethnic monitoring of outcomes of interventions across the criminal justice system. Herein, the focus of attention is on identifying direct discrimination rather than indirect discrimination which the ethnic monitoring system is unable to identify.

What is essentially ignored in the prioritisation of quantitative method of study in our understanding of race and criminal justice is the influential role of the subjective processes through which quantitative data are created. Whilst this is not an attempt to marginalise the importance of ‘facts and figures’ to the problem, it is rather a call to assign a privileged position to how the criminal justice process subjectively affects those ‘facts and figures’ in the day-to-day realities of criminal justice practices (see Kalunta-Crumpton 1998, 1999). As Jupp (1989: 28) states, “…qualitative data are used to capture the social meanings, definitions and constructions which underpin actions. This is done in ways which are neither feasible nor desirable via the use of ‘hard’ quantitative data”.

Through qualitative research, we may begin to fully understand for instance, how and why criminal justice policies are made; why middle-class and ‘older’ black people and black females are not
exonerated from law enforcement practices, which supposedly disadvantage the lower-class, young people and males regardless of race; and why legally relevant policing and sentencing criteria are more likely to impact negatively on black people resulting ultimately in their overrepresentation in crime data.

References


The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton


The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton


The Importance of Qualitative Research in Understanding the Disproportionate Black Presence in Crime Figures in the United Kingdom (UK)

Anita Kalunta-Crumpton


