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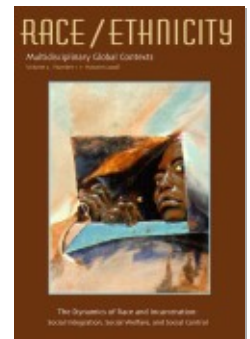
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# Crime, Punishment, and Ethnic Minorities in England and Wales

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*In a report issued by the House of Commons in 2007, it is stressed that in the UK the proportion of young people from ethnic minorities who enter the criminal justice system is unacceptable. This paper provides data on the over-representation of minorities and discusses explanations offered by independent qualitative researchers. The authors note the prevalence of causation theories revolving around disadvantage, exclusion, and marginalisation as the core explanatory variables adopted in the study of crime and ethnic minorities. They identify forms of self-victimisation, related to violent as well as non-violent crime, that connote illegal conduct in marginalised and over-policed areas. Finally, they suggest that social disadvantage turns into vulnerability even when minorities engage in illicit behaviour and business. Hence, partly, their overrepresentation in the criminal justice system.*

**I**n his beautiful photographic history of Black Britain, Paul Gilroy (2008, 34) describes the eruption of the 1958 riots in Notting Hill as a major turning point in the post-war history of the UK: "Notting Hill had become 'Brown Town,' a place where a new community was being created amidst the detritus of war and the ambivalence of an older working class, itself in rapid, economic, cultural and generational transition." The disturbances were the result of fascist gangs taking to the streets and, in coalition with groups of trendy, violent, youths, engaging in what they called "nigger hunting." The riots marked a temporary decline of racist violence and overt abuse, but also conceived the embryo of problems that were destined to endure for many years to come. Among these problems were the manifestly bitter interactions

between minority settlers and the police, who were inclined to perceive "aliens," particularly "black aliens," as naturally predisposed to criminal activity. Even when experiencing crime victimisation, black people were likely to be treated as suspects or perpetrators and dealt with accordingly. "These assumptions persisted for many years and were still being identified at the core of police 'canteen culture' at the end of the twentieth century" (Gilroy 2008, 38).

The major black influx into England began after the end of World War II, when West Indians arrived with their families, wanting to settle and not just looking for work. In June 1948, a total of 492 Jamaicans disembarked from the S.S. Empire Windrush, and were initially billeted in an air-raid shelter in Clapham, South London. "They were found jobs by the nearest labour exchange, which happened to be in Brixton, and thus put down roots in a part of London which was beginning to decay" (Kettle and Hodges 1982, 40). After the war Britain, like the rest of Europe, was faced with a chronic shortage of labour, a problem the country attempted to resolve by turning to its former colonies. As Sivanandan (1976, 348) commented: "Colonialism had already under-developed these countries and thrown up a reserve army of labour which now waited in readiness to serve the needs of the metropolitan economy . . . colonialism perverts the economy of the colonies to its own ends, drains their wealth into the coffers of the metropolitan country and leaves them at independence with a large labour force and no capital to make that labour productive."

Some of the black immigrants found jobs directly with London Transport, but for the rest market forces dictated where they settled and found work. Their problems did not end with the lowly jobs that they were able to obtain. Usual forms of finance, such as Building Society mortgages, were rarely avail-

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able and an informal colour-bar meant that fourteen out of eighteen accommodation offices and twenty out of thirty estate agents discriminated against black people: it was virtually impossible for West Indians or Pakistanis to obtain an unfurnished flat. Thus immigrants were forced into overcrowded accommodations, and as the initial veneer of paternalism began to disintegrate, particularly after the 1958 riots, all the political parties vied in promoting racist legislations.

The historical roots of racist practices within the British state, the British dominant classes, and the British working class, go deep and cannot be reduced to simple ideological phenomena. They have been conditioned, if not determined, by the historical development of colonial societies which was central to the reproduction of British imperialism (CCCS 1982, 11).

During the 1970s, amid social conflicts and harsh industrial disputes, an unprecedented moral panic began over street

crime committed by black youths, particularly “muggings.” The Transport Police Special Squad, known as the Anti-Mugging Squad, was formed and the Special Patrol Group (SPG) began anti-mugging sweeps in Brixton and other poor areas. The tactics used by the SPG were aggressive and resulted in arrests for assault and obstruction, particularly of young blacks. The report “Blood on the Streets” by the Bethnal Green and Stepney Trades Council (in East London, another poor part of the city inhabited particularly by Bengalis) showed indifference by the police to racist attacks on Asians (mainly Pakistanis and Indians).

The police at this time used section 4 of the Vagrancy Act of 1824, which referred to “being a suspected person loitering with intent to commit a felonious offence” or “sus” for short. This was a victimless crime and the accused could be convicted on the evidence of two police officers, who could arrive at the court with their jointly prepared *identical* statements.

Riots that occurred in the 1980s, perhaps inevitable, were triggered by the indifference with which authorities reacted to the death of thirteen young people in a fire in South London. Again, the victims were treated as the perpetrators of the outrage. After the riots, in 1981, Lord Scarman carried out a major enquiry, intimating that the police and the black community had joint responsibility in restoring mutual trustworthy relations. In another major enquiry, conducted by Sir William Macpherson (1999) in the wake of the killing of a black boy (Stephen Lawrence), the inability of the police to identify culprits was said to be the result of “institutional racism.” According to Macpherson’s (1999, 34) definition, this consists 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.” While Scarman called for increased recruitment of ethnic minority officers, Macpherson found that officers had not had training in “racism awareness.” He did not go so far as to question why this had not occurred (Lea 2000).

It is against this background that Gilroy’s visually stunning history of ethnic minorities in the UK should be located. This history encapsulates some key elements that constitute the major concerns of sociological and criminological research on minorities, crime, and punishment. These can be identified as: (a) the ambivalent condition of minorities as crime victims and perpetrators simultaneously, (b) their differentiated treatment by law enforcers and the criminal

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justice system, and (c) the prevailing characteristics of their criminal activity and the position they occupy in the overall illegal economy. With the proviso that among the minorities residing in England and Wales we include recent migrants from East Europe, we shall deal with these aspects separately.

## Race and the Criminal Justice System

### *Minorities as Victims*

The 2004/05 British Crime Survey shows a decline in reported crime but variations in the risk of victimisation experienced by different ethnic groups. The survey shows that mixed ethnic groups face significantly higher risks of crime than white people, whereas there are no statistically significant differences between people from different ethnic backgrounds. More precisely, differences in the risk of victimisation between ethnic groups may be at least partly due to factors other than ethnicity. Thus, if Black and Minority Ethnic (BME) groups are at greater risk of both property and violent crime, this is explained by the younger age profile of victims. In brief, factors associated with crime victimisation do not include ethnicity, but rather the following: age, sex, lifestyle, frequency of visiting bars in areas with high levels of antisocial behaviour, and marital status (Home Office 2006a). BME groups, however, experience an exorbitant proportion of racially motivated crime when compared to their white counterparts. Information from the British Crime Survey indicates that in the year 2004/05 there were some 179,000 (including those on white people) racially motivated incidents in England and Wales. It should be borne in mind that the police record information on racist incidents using the following definition: "Any incident which is perceived to be racist by the victim or any other person." Moreover, if police statistics show different figures, this is attributed to the fact that not all racial incidents are reported to the police. A rise of about 7 percent was recorded over the previous year, although such rise is also attributed to the increasing encouragement by agencies and community groups to monitor such type of offense. Finally, the police recorded 2,653 homicides in the three-year period ending 2004/05. Bearing in mind that black and Asian people in England and Wales constitute respectively 2 percent and about 4 percent of the entire population, 11 percent of homicides in 2004/05 were of black people, 6 percent Asian and 3 percent "other" minority groups. Black victims (32%) were more likely to be shot compared with Asians (10%) and white (5%). Twenty-three homicides were recorded as being racially motivated over the three-year period (Home Office, 2006b).

### *Overrepresentation*

Evidence shows quite clearly that people from BME groups are overrepresented at each stage of the criminal justice system,

although it does not suggest that such groups are more likely to offend. This situation is not unique to England and Wales, as international reviews suggest that in many countries specific minorities are more likely to have contact with the criminal justice system than majority groups (Tonry 1999). We will discuss later some factors identified by criminologists that may explain such disproportionality. Here, let us consider the initial “gateway” leading individuals into the criminal justice system: “stop and search” practices. The disproportionate use of stop and search powers has been shown both by household surveys and by police statistics. In the period 2004/05, black people were six times and Asians twice as likely to be searched than white people. Although the number of searches carried out by the police has varied over time, the disproportionality has remained fairly constant. Drugs was the most common reason given for conducting a search among all ethnic groups:

55 percent of searches for Asians and 51 percent for black people, compared with 38 percent for white people. Locality played an important role in determining the number and frequency of searches, with some areas being particularly targeted and similar people being differently treated in different places (Hearnden and Hough 2004). Arrests following stop and search are also disproportionate when ethnic groups are compared, and the fact that for minorities the risk of arrest is “only” three times higher than for white people may be due to the general fall in arrests for some drug offenses. Black people are less likely to be cautioned, and although there is no evidence of the difference in the use of custody between ethnic minorities and majority groups, black males, when sentenced to custody, are more likely to get longer sentences than their white counterparts. Data provided by the National Probation Service reveals that, as with other parts of the criminal justice system, there is an overrepresentation of black offenders. Finally, individuals from BME groups form 25 percent of the prison population, against a 3 percent incidence on the overall population of England and Wales.

For younger offenders the discrepancy in sentencing practices between white, black, and mixed-parentage is worryingly high. The Youth Justice Board published a report by Feilzer and Hood (2004) that drew on a sample of more than 17,000 males and females in seven large urban areas and one rural area in England and Wales. Higher proportions of black and mixed parentage offenders were remanded into secure conditions than their white counterparts (10%, 13%, and 8% respectively). This puts the young person at a disadvantage at the sentencing stage, but at least as worrying was the statistic that in nearly a quarter of cases those remanded in secure conditions were later found not guilty.

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## Ethnicity and Crime

A more complete picture may emerge if the arid figures listed above are complemented with attempts at interpretation and analysis provided by independent, qualitative research. As we have seen, in England and Wales people belonging to ethnic minorities are at greater risk of criminal victimisation than white people, and they are also routinely subject to racial harassment and violence (Carrabine et al. 2004). Research carried out on racist violence suggests that victims are perceived as representatives of specific communities, and that they are not victimised in their capacity as individuals but as individuals belonging to a real or imagined alien group (Witte 1996). Work focused on violent racism also highlights the social processes fueled by perceptions of racial characteristics, showing that ethnic minority victimisation is the result of preexisting daily violence made more visible by precise incidents (Bowling, 1998). Violence reported to official agencies, in other words, mirrors specific aggressions amid routine racial abuse.

Studies focusing on how migrants and minorities are perceived describe processes of *othering* while deconstructing the formation of fear and anxiety. The official use of statistics and media items is said to promote hostile attitudes, especially among populations that are disoriented by growing social complexity and who are unable to find cultural points of reference and stability in a changing world (Lambert 1970; Sassen 1999). The *other* becomes a threat to predictable social interactions and homogeneity: he/she is equated to chaos, and racism provides an easy way to escape chaos (Ruggiero, 2001). It should be noted that these studies do not observe migrant or minority communities, but look at the ways in which majorities respond to their presence.

Within this tradition, studies indicate that people who have strongly punitive views about the treatment of offenders also have hostile feelings toward members of ethnic minority groups (Institute of Race Relations 2001). When emotions are aroused by media and political discourses, a climate of fear and anxiety may ensue, and it is not rare that clashes take place between minorities, who are deemed responsible for crime, and particularly intolerant sections of the majorities, who decide to take the law in their own hands (Berking 2003).

The contributions just mentioned address processes of criminalisation rather than criminal careers, thus implying that the higher criminality of minorities is a myth. Scholars who have attempted to substantiate this (Ferracuti 1968; Marshall 1997) show that ethnic minorities and immigrants, in spite of their

greater visibility and probability of being reported, reveal criminal rates that are about equal to, or lower than, the crime rates of the host population. The high criminality of immigrants is regarded, therefore, as an effect of xenophobic perceptions.

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A belief, based on real or imagined information, that a particular minority group commits more crimes than other groups will often lead to a greater saturation of this group's neighbourhood by police presence. Such saturation is likely to lead to the detection and recording of more crime and may produce a larger number of charges against persons belonging to the group. In other words, police activity and not the behaviour of that group conditions the crime rates statistically shown by the targeted group.

Recent analysis of discrimination suggests that minorities encountering the criminal justice system are not granted fair and equitable treatment, regardless of the nature of their encounters with it. "In accordance with the Macpherson Report's definition of institutionalised racism, this amounts to a collective failure to deliver an appropriate and professional service to minorities. It is therefore understandable that people from minority groups have a profound lack of confidence in the system's capacity to deliver equitable access to justice" (Britton 2004, 89).

As already pointed out, the relationship between the police and Britain's ethnic minorities has raised considerable concern over the past decades. In a nutshell, it has been remarked that "police practices are disproportionately unfavourable to racially defined categories of the population" (Feuchtwang 1992, 95). While particular communities have been perceived to be over policed, specific powers such as "stop and search," as we have seen, have been proven to be disproportionately used against black people (FitzGerald 2004; Home Office 2003). Conversely, it has been argued that it makes little sense to try to explain racial-minority overrepresentation among those stopped and searched and to impute such overrepresentation to police discrimination. A simple explanation could be that stop and search reflects the racial composition of the areas policed. For example, Newburn et al. (2004) have also remarked that stop-and-search figures may not be significant indicators per se, because the composition of the people actually "using the streets" will determine their likelihood of being stopped. However, research conducted in police stations raises "once again the spectre of police racism":

Whether, if true, this is a product of "unwitting" discrimination or "institutional racism" it is not possible for us to answer. What it does suggest, it seems to us, is that there are policing practices and powers beyond stop and search that may be equally, if not more, revealing of the ways in which policing is unequally experienced (693).

From a different perspective, it has been noted that police searches fell markedly after the Macpherson Inquiry, but in 2001–2002 they rose by 4 percent, a relatively low overall increase masking a 23 percent increase in searches on black people and an even larger increase on Asians (28%):

The findings confirmed that the disproportionate extent to which young black men feature in the crime figures is not a



function of their ethnicity. But, by the same token, they lent no support to the idea that these figures are perennially manufactured by a police service which is so irredeemably racist that it keeps fitting people up for crimes they didn't commit rather than pursue the real perpetrators (FitzGerald 2004, 22).

Rather, it is suggested that the disproportionate presence of ethnic minorities in crime statistics is a function of their general social deprivation and family instability. This leads us to explanations of the variable disproportionality highlighted above, and more specifically to causation analyses of crime committed by minorities.

### Social Disadvantage

*And yet, it is surprising that a vast body of literature focuses on perceptions, stereotypes, and hidden or explicit racist attitudes surrounding the issues of ethnicity and crime, rather than, explicitly, on ethnic minorities and crime.*

While ethnic minorities as victims of crime and discrimination feature in many criminological studies, ethnic minorities as crime perpetrators do not seem to attract similar criminological interest. It is true that minorities may be the source of anxiety and fear, even when their involvement in crime is equal if not lower than the involvement of other groups. And yet, it is surprising that a vast body of literature focuses on perceptions, stereotypes, and hidden or explicit racist attitudes surrounding the issues of ethnicity and crime, rather than, explicitly, on ethnic minorities and crime.

Although sensitivity and concerns around race issues have clouded and limited the debate in the UK, some students have focused on criminality by ethnic minorities and proposed a range of etiological interpretations that, when closely examined, belong in varying measure to the analytical tradition centered on social disadvantage or relative deprivation. For example, Tonry (1997) distinguishes between first-generation minorities and their children, who are said to experience assimilation problems and be more likely to engage in crime due to their higher expectations. Subsequent generations, however, are said to show indistinguishable crime rates from those of the general population. Similarly, Marshall (1997) focuses on criminality resulting from disillusionment and discrimination suffered by younger minority generations. "Unfulfilled expectations" returns among the variables highlighted by postcolonialist authors, who try to explain the differences in crime rates shown by African Caribbean and South Asian groups respectively. The legacy of slavery among the former group is identified as a crucial trigger of the deviant choice, in that the changes in the structure of African Caribbean families, coupled with experiences of rejection by the labour market, weaken the mechanisms of social control and hamper the establishment of meaningful bonds with the official society. This analysis appears to be less reliant on material disadvantage, pointing out

that more disadvantaged groups such as South Asians may be less involved in crime. However, its main explanatory core remains somewhat associated with a deficit, a want—indeed, a disadvantage—although of a symbolic or cultural nature. The deficit or disadvantage, namely the legacy of slavery, remains nevertheless as powerful, if not more so, than material deprivation.

Declining social and economic conditions among working-class and second- and third-generation minorities are indicated as major causes of criminal conduct. These are intermingled with a variety of risk factors, including inadequate parenting, decaying urban environment, school failure, and drug use. “Serious offending is significantly more likely in the most disadvantaged neighbourhoods, particularly those experiencing high levels of concentrated poverty, weak residential stability and high transience of populations” (Webster 2007, 65). In such neighbourhoods, disadvantage and exclusion feed defensive masculine identities and shared assertive values favouring criminal careers.

The debate provoked by independent research led to the formation of a Home Affairs Select Committee entrusted to respond to concerns on behalf of the British government. In a report published by the Committee, it was reiterated that, when interpreting the data, it has to be noted that people from minority groups are often significantly disadvantaged in social and economic terms compared to the white population, although there is considerable variation between and within each ethnic group. For example, research proves that Chinese and Indian groups tend to suffer little or no economic disadvantage relative to white groups; black Caribbean, Bangladeshi, and Pakistani groups suffer a range of severe forms of disadvantage, as do black African groups, albeit to a lesser degree (Phillips and Bowling 2003). The disadvantage relates to factors such as employment, housing, and education, factors that “are in part predictive of offensive behaviour and general involvement in the criminal justice process” (House of Commons 2007, 38). Unemployment rates for people from minority groups are generally higher than those from white ethnic groups. There are differences within the groups in respect to unemployment among the economically active; rates are high for Black Caribbean, Black African, Bangladeshi, Pakistani, and mixed groups and low for Indian and Chinese groups. Minorities are also more likely than white people to live in low-income households, although there is considerable variation among the different ethnic groups. Pakistanis and Bangladeshis, for example, are much more likely to be living on low incomes. In terms of education, Chinese pupils are most likely to achieve five or more GSCE grades A-C with Indian pupils achieving the next highest achievement levels. The lowest level of GSCE attainment is among Black Caribbean pupils, particularly boys. Finally, black pupils are more likely to be excluded from schools than children from other ethnic groups (Home Office 2006a, 2006b).

In brief, official analyses of ethnicity and crime embrace a relative deprivation paradigm in explaining disproportionality, while also endorsing a view that such a phenomenon is due to discrimination on the part of the police, sociodemographic factors, and a higher presence of minorities on the street, particularly in targeted areas. The possibility is also accepted that people from minority groups committing offenses are detected to a greater extent by the criminal justice system, as proportionally more of them are likely to be known to the police (Home Office 2005). While even accepting that methodological and conceptual issues make it impossible to conclude that people from minority groups commit any more or less crime than white people (Bowling and Phillips 2002), the Committee suggested that no conclusive answer can be provided and that "disproportionality continues to be a key issue meriting urgent investigation."

Students addressing the issue of the higher prevalence of crime among minorities, irrespective of criminalisation processes, have also focused on the relationship between poverty and delinquency. Indebted to the 1920s ecological tradition of

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the study of deviance, some authors propose a theory of "deviant places," aiming to achieve an explanation of why crime and deviance are so highly concentrated in certain areas. Among the factors characterising high-crime areas and urban neighbourhoods, population density, poverty, transience, and dilapidation of buildings are pinpointed as salient. "In brief, as neighbourhoods provide differential opportunity structures and differential motivations for crime and deviance, they simultaneously attract deviant and crime-prone people while they repel the least deviant as mechanisms of social control are diminished in presence and impact" (Barak, 1998: 198). High crime rates among minorities, in conclusion, are due in large measure to the area in which minorities reside, rather than to race or the differential institutional responses to their offending. This hypothesis constitutes an extension of the analysis provided by Chicago sociologists who, in the 1920s and 1930s, identified "transitional zones" in the urban environment where crime and deviance were more likely to be found. As new migrants sought to join family and acquaintances, it was argued, they were attracted to such zones, where prevailing social conditions and subcultures would perpetuate illegality. With the expansion of migratory movements and simultaneously of criminal economies, however, physical location may become less significant a variable, as illegal goods and services provided by minorities are not confined to their own communities. In this respect, authors adopting a neocolonial model of analysis focus on structural oppression and alienation rather than location, and in the explanation of crime by minorities they take into account race as well as class differences, along with institutional responses to them (Tatum 2000). In brief, neocolonial analysis posits that

structural exclusion and perceived oppression “result in higher levels of alienation and in higher inter- and intrapersonal levels of crime and violence” (Barak 1998, 209). It is from this type of analysis that we would like to set off to observe from another angle the relationship between minorities and crime.

## Vulnerability and Crime

Our argument may benefit from the insights offered by two classic literary works by black authors, *Blues for Mister Charlie* by James Baldwin and *Native Sun* by Richard Wright. Baldwin’s character is the victim of hate crime, and is victimised less as an individual than as someone belonging to a specific group. He learns very early that he is different from white people and that there are precise limits within which he is able to act. But even before learning this, he starts to react to, and at the same time to be dominated by, his condition. Fear is what he feels in the voices of his people, like a premonition to his fate. Wright’s character, who kills a white person, is not its mirror opposite: he does not enact hate crime against an individual because that individual belongs to a group perceived as inimical. Unlike those who engage in such crime, he is unable to control the effects of his action. His fear leads him to crime, but prevents him from mastering his future through choices that may bring change to his present condition. His is self-destructive, reactive violence, the violence of a man without choice, the violence of the violated (Ruggiero 2003).

If we translate Baldwin’s and Wright’s narratives into sociological thinking, we will have to embrace the analysis of “freedom” proposed by Bauman (1990). In his view, social inequalities determine varied degrees of freedom, whereby individuals are granted a specific number of choices and a specific range of potential actions they can carry out. Each degree of freedom offers an ability to act, to choose the objectives of one’s action, and the means to make choices realistic. The greater the degree of freedom enjoyed, the wider the range of choices available, along with the potential decisions to be made and the possibility of realistically predicting their outcomes. Translating the notion of freedom into that of resources, we can argue that those possessing a smaller quantity and variety of both are also less able to repel the criminal definitions applied to them. They also have less ability to control the effects of their criminal activity. This notion echoes a similar conceptualisation prompted by “control balance theory” in criminological debate. Tittle’s (1995) theory takes as its organising theoretical variable the degree of control actors exercise in relation to the amount of control they experience. According to this formulation, control surpluses and control deficits give rise to different forms of deviance: the former, as Tittle suggests, aiming to increase the control and power held by perpetrators, and the latter, in our own suggestion, harming the victims as well as the perpetrators.

We would suggest that ethnic minorities, who are endowed with lower degrees of freedom (Bauman) and control (Tittle), are offered limited options not only in the official labour market, but also in the specific marginalised, illicit markets in which goods and services are sold and exchanged. Social disadvantage, therefore, replicates vulnerability even when minorities choose to adopt illegal conducts. Richard Wright's "violence of the violated" may be here simply rendered as the crimes of the vulnerable. One could therefore endorse the view that economic dynamics reinforce patterns of selective marginalisation and exacerbate the ethnic division of labour both within official and within illicit economies (Friman 2004).

Returning to the analysis provided by Barak, the higher levels of inter- and intrapersonal levels of crime and violence among ethnic minorities might well be described as forms of self-victimisation. In some marginalised areas, violence amounts to inward-turning and self-destructive criminality,

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and if in British cities one may not feel a climate of "perpetual latent mini-guerrilla of the dispossessed among themselves," yet the roots of self-victimisation are similar to those identified by Wacquant (2008) in some U.S. urban areas. Physical danger, insecurity, and internecine violence are responses to various kinds of institutional violence, composed of three elements: mass unemployment, relegation in decaying neighbourhoods, and stigmatisation for residing in such neighbourhoods.

Moreover, the analysis of violence cannot be extrapolated from the general context in which "violence as a resource" is distributed within a society. Violence producing benefits for perpetrators is normally less visible than violence harming perpetrators. In other words, the costs of violence in marginalised communities are much higher than elsewhere, and while responding to more or less overt injustice, violent inhabitants of disadvantaged neighbourhoods are constantly compelled to increase the use of force as a consequence of the meager results this produces for them. Home Office statistics indicate that the majority of attacks by ethnic minorities victimise other ethnic minorities. Violence, therefore, is indeed self-destructive, even when it is temporarily used as a resource for discouraging competitors and establishing territorial and market control. At the same time, violence regularly leads to "early retirement" from crime in the form of imprisonment. Marginalised neighbourhoods inhabited by migrants and minorities resemble *diffuse carceral zones*, namely areas where the violence suffered and inflicted mimics and anticipates the quintessential institutional violence of custody.

Leaving aside violent crime and turning more generally to illicit markets, self-victimisation presents itself in a different fashion. We have seen that ethnic minorities may be targeted by



law enforcers because they constitute the “available” street population in certain areas. However, intense police activity directed to particular local illicit markets in which ethnic minorities operate may have the unintended effect of boosting the reputation of those markets as lively and efficient. This spurious promotional activity may attract customers, and therefore demand, which may eventually turn into stimulation for a growing supply. Apart from damaging a community’s confidence, this may also encourage members of that community to get involved in the illicit economy. Stereotypes and prejudices, along with intense law enforcement activity, may then share some responsibility in designating some areas as lively criminal markets and in encouraging criminal careers (South 1999). Conversely, intense police activity may persuade larger providers of illicit goods and services to move away from the scene, thus leaving in the area the most dangerous and the least remunerative segments of the criminal markets.

In brief, with respect to illicit markets, tasks requiring a limited set of skills seem to be left to ethnic minorities, who therefore operate in risky conditions, are underpaid, and have poor prospects of “career” advancement. Again, this is due, among other things, to the particular attention to which they are subjected by law-enforcement agencies. For example, when ethnic minorities are involved in drug economies, while their visibility makes them more exposed to arrest, they tend to occupy the lower levels and the least remunerative segments of such economies (Ruggiero 2000; Murji 2003). Competing indigenous criminal groups provide additional hurdles to their careers in illegality. In sum, prejudices and disadvantages prevailing in the official economy are also present in the criminal economy, where benefits for minorities are met with exorbitant human and social costs (Ruggiero and South 1995; Bourgois 1996; Ruggiero 2000; Murji 2007).

We have noted that stop-and-search practices are mainly aimed at illicit drug markets, and that ethnic minorities are more likely to be tackled in this specific market. We are faced, in other words, with what Murji (1999) terms the “racialisation” of drugs, carried out through the depiction of dangerous places identified with a mixture of illegal substances, crime, race, and violence. The author observes how such depictions contribute to the formation of stereotypes and reinforced prejudices, which are then perpetuated by the media. The representation of certain groups as the “others,” and the emotive responses elicited, are said to demonise certain urban areas. Examples of “racialisation” of drugs are provided by Miller (1996, 81), who suggests that the war on drugs is in reality a war declared against the ethnic minorities inhabiting the inner city areas of Western countries, and that racial discrimination is endemic to drug prohibition. “The fact that drug dealing in the city, unlike that in the suburbs, often goes on in public areas guarantees that law enforcement efforts [are] directed at young black men.” In this re-



spect, the spread of crack, a typically “racialised” drug, is said to have encouraged particularly harsh law enforcement against minorities. New techniques and cultures of tough law enforcement, it is suggested, have established a trend, whereby even if crack use declines, arrests of impoverished black youth are likely to continue to rise. In the United States, the crack scare of the late 1980s, for example, rushed new laws that, in hindsight, are seen as possessing political purposes and racist consequences (Reinarman and Levine 2004).

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In England and Wales, like elsewhere, ethnic minorities face costs of illegal choice that exceed those faced by indigenous populations, and when such choice is made it is difficult to distinguish clearly between offenders and victims.

## Conclusion

In a report published by the Home Affairs Select Committee in June 2007, it is remarked that the proportion of young people from ethnic minorities who enter the criminal justice system is unacceptable. “Their vast social, economic and cultural contribution to this country is being held back by the proportion of young people who are arrested, convicted, imprisoned and victimised by crime” (House of Commons 2007, 3). The report urges the government to review, revise, and redouble its efforts to address overrepresentation of minorities in the criminal justice system and its causes.

This contribution has provided a set of data that proves such overrepresentation, along with explanations offered by independent qualitative researchers. We have noted the prevalence of causation theories revolving around disadvantage, exclusion, and marginalisation as the core explanatory variables adopted in the study of crime and ethnic minorities. We have identified forms of self-victimisation, related to violent as well as nonviolent crime, that connotes illegal behaviour in marginalised and overpoliced areas. We have also suggested that social disadvantage turns into vulnerability even when minorities engage in illicit conduct and business. It should be noted that such a suggestion echoes some classical formulations found in the sociology of deviance. In their seminal work *Delinquency and Opportunity*, Cloward and Ohlin stress that successful criminal careers may only be achieved by delinquents who establish connections with the official world, its economy, and its institutional representatives. Criminals’ success, in these cases, protects them from detection and prosecution. Ethnic minorities and migrants in England and Wales, as elsewhere in Europe, are denied access to the higher layers of the official world, and their overrepresentation in the criminal justice system may be partly the result of this denial.

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