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Lambros Fatsis

Policing the Union's Black

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Policing the Union's Black

The Racial Politics of Law and Order in Contemporary Britain

Lambros Fatsis

Several decades have passed since the publication of *Policing the Crisis* and *There Ain't No Black in the Union Jack* by Stuart Hall *et al.* (1978) and Paul Gilroy (1987), respectively. Yet the arguments presented in both books resonate powerfully with the current political climate and law enforcement policy in the UK, while also speaking with much force to the themes that animate this edited collection of leading works in law and social justice. This book chapter revisits these two seminal works in order to reintroduce them as essential contributions to scholarship on legislative and governing practices that serve to impose social order and police citizenship by defining Black lives out of it. Drawing on Hall *et al.* and Gilroy's work, this chapter will demonstrate how current state priorities and policing practices continue to subjugate, monitor, control, and curtail the movement and expression of Black Britons; giving renewed impetus to law and order politics at the expense of racial and social justice.

Introducing the Two Works

Policing the Crisis, henceforth *PTC*, written by Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, emerged out of the intellectual ferment of the Centre for Contemporary Cultural Studies (CCCS) at the University of Birmingham. Fashioned as an 'intervention in the battleground of ideas' (Hall *et al.*, 1982: x), *PTC* exemplifies the spirit of the Birmingham School but also gives a flavour of Stuart Hall's directorship of the Centre as a rehearsal space for research that straddled, if not altogether erased, disciplinary divisions by pollinating academic work on a variety of subjects: ranging from media studies, youth subcultures, and the politics of crime to trenchant polemics against 'race' and racism. Drawing on exaggerated media representations of law and order policies against 'muggings' (robberies) by unruly youths of 'suspicious' ethnic heritage, Hall *et al.* interpret the state's response to such a manufactured 'epidemic' (Hall *et al.*, 1982: 9) as an attempt to contain an imploding political crisis, by disguising it as a problem of criminality to be solved by law and order policies.

PTC will be discussed here alongside Paul Gilroy's (1987) *There Ain't No Black in the Union Jack*, henceforth *ANB*, which echoes the kind of scholarship that CCCS championed but blazed its own trail as a classic text on nationhood, 'race', and the policing of Black British culture. Gilroy's book psychoanalyses Britain's obsessive attachment to its imperial past, by surgically dissecting the many ways in which imperialism survives in the collective unconscious of Britain's national imaginary, politics, and culture. It also paved the way, however, for postcolonial scholarship infused by the music(s), culture(s) and radical politics of the African diaspora in a similar vein to CCCS, but bearing the stamp of Gilroy's own authorial voice, previously evident in his contributions to another CCCS classic *The Empire Strikes Back* (CCCS, 1982). Like *PTC*, *ANB* offers a multidisciplinary investigation of racism, the state, and policing but makes its mark as a groundbreaking text which invites us to analyse such themes through Afro-diasporic (music) culture, especially hip-hop and sound system reggae, as both a tool for interpretation and an instrument of political resistance.

The links between the two texts, therefore, are not superficially biographical, or merely coincidental, but epistemologically substantive; offering complementing analyses of 'Black criminality' as a (by-)product of British racism. In so doing, both works continue to lead the way as invaluable resources to think crime *with* as a cultural artefact rather than a neutral legal category, in ways that challenge criminologists to abandon facile interpretations of crime that often mistake it as 'the *object*' rather than 'the *product*' of criminal justice policy (Hulsman, 1986: 71), thereby sharpening our critique of the state and its law enforcement agencies, while also interrogating our failure to acknowledge the discipline's ontological whiteness (Owusu-Bempah, 2017; Unnever, *et al.*, 2019; Agozino, 2019; Phillips, *et al.*, 2019) expressed through criminology's complicity in serving as the social scientific arm of a criminal justice system which 'over-polices', 'under-protects', and 'selectively criminalise[s]' its Black British citizens (Kushnick, 1999; Shiner *et al.*, 2018: 60, 2). Revisiting *PTC* and *ANB*, in order to relate them to each other and reintroduce them as leading works *for* rather than of legal scholarship not only brings their arresting insights into view and up to date, but also helps criminologists and other socio-legal academics sensitise ourselves to the subtle ways in which racial and social injustice is (re)produced through repeated calls for more policing and tougher sentencing as responses to waves of 'lawlessness' and violence that are attributed to Black cultural pathology rather than the exclusionary politics of the state.

Setting out the Context

PTC and *ANB* are separated by nearly a decade, but both respond to a strikingly similar historical, political, and sociocultural context; this being the prelude to and the subsequent reign of 'Thatcherism' to use Hall's (1979) neologism. In both books, the British state, 'stressed by crisis', moves 'in the direction of a "law and order" society' (Gilroy, 2002: 88) to manufacture a sense of national unity by staging a threat (Black criminality) and policing against it to restore control, during times when the authority and legitimacy of the state is on the wane in the face of a financial turmoil and its political aftershocks. The crisis that *PTC* concerned itself with was manifold, combining 'the political crisis, the economic crisis; the theatre of ideological struggle; and the interpellation of the race issue into the crisis of British civil and political life' (Hall *et al.*, 1982: 306). On the political and economic fronts, the fabled post-war consensus and relative affluence that was built on social welfare principles and Keynesian economics was replaced by cuts in public expenditure due to a 'deepening economic recession' (Hall *et al.*, 1982: 338) which resulted in the devaluation of the pound and a hefty loan from the International Monetary Fund in 1976. Such 'iron times', as Hall *et al.* (1982: 217) put it, did not just interrupt the smooth running of public affairs, but also prepared the ground for social discontent which had to be managed ideologically 'tilting the state away from consent towards the pole of coercion' (Hall *et al.*, 1982: 217). As Hall *et al.* (1982: 217) argue, 'the masks of liberal consent and popular consensus slip[ped] to reveal the reserves of coercion and force on which the cohesion of the state and its legal authority finally depends', the need for 'scapegoats' into which *all* the disturbing experiences are condensed' became desperate (Hall *et al.*, 1982: 157). Thus did the menacing figure of 'the Black mugger' emerge as an 'enem[y] of the state', if not an 'enemy within', who signalled the 'onset of social anarchy' and 'the dilution of British stock by alien black elements' (Hall, 1979: 16). The crisis that was policed against, therefore, was actually a war on many fronts to which the British state responded by showing force in order to assert its dominance, despite or rather because of its weakened position on the national and global stage. In such a context, a law and order agenda built on 'ideologies of crime and punishment' (Hall *et al.*, 1982: 83) was ushered in to distract attention from the crumbling economy and the ensuing political disaffection, confining 'the crisis' instead to matters of national security and public safety, thereby creating the impression that national decline was brought about by 'alien Others': 'the "archetypal deviant[s]" and "lazy layabout[s]", the "nigs" and "Pakis" that are "being kept by" and "live off the Welfare State"' (Hall *et al.*, 1982: 132).

ANB was written in the aftermath of this crisis, but the issues that caught the critical attention of the authors of *PTC* remained unresolved when Paul Gilroy published his own searing critique of state racism, its nationalist politics, and its criminalised outcasts. Although much of the social anxiety and discontent that plagued James Callaghan's Labour government in the late 1970s could be (mistakenly) forgotten as a thing of the past, this turbulent period paved the way for Margaret Thatcher's rise to power as Prime Minister, from the tail end of the 1970s to the entire span of the 1980s, as a safe pair of hands to oversee the government of a crisis-ridden country. Running on a strong right-wing, no-nonsense ticket, Thatcher railed against 'a crisis of an overextended, overloaded, and ungovernable state' (Hay, 1996: 255), seeing in that crisis an opportunity to impose 'law and order', 'social discipline and authority in the face of a conspiracy by the enemies of the state' (Hall, 1979: 16); be they striking workers, trade unionists, 'black youths', or anyone 'whose looks, bearing, demeanour could be construed as law-breaking' (Hall *et al.*, 1982: 81, 184). The crisis that fills the pages of *PTC*, therefore, became the norm which *ANB* did battle with. To make matters worse, the political and sociocultural context which serves as the backdrop to *ANB* makes Labour's Britain of the 1970s and Thatcher's 1980s difficult to tell apart as far as the state's commitment to law and order is concerned (Gilroy and Sim, 1987). Both Callaghan's and Thatcher's time in office was characterised by the quelling of strikes and riots, to say nothing of the iron-fisted policing against Black Britons, the racist politics of which *PTC* and *ANB* both laid bare without inhibitions or reservations.

[\(Why\) Do Policing the Crisis and There Ain't No Black in the Union Jack Matter Today](#)

Having hitherto discussed the relationship between and the context that (in)forms *PTC* and *ANB*, the remainder of this book chapter will explore in more detail why these two texts stand out as leading works in critical legal scholarship and why they should be thought about together. To do so, the discussion that follows will be organised around two key contributions that *PTC* and *ANB* both make to criminological and jurisprudential knowledge in ways that rejuvenate our scholarly and political imaginations when thinking, writing, and teaching about crime and 'race', as well as the relationship between and the politics of the so-called 'race-crime nexus' (Williams and Clarke, 2018). These include (a) an interpretation of crime as a fundamentally political phenomenon, rather than a pathological behavioural trait or the target of impartial judicial punishment, and (b) a rich conceptual reservoir which *PTC* and *ANB* provide for thinking about the racialisation of 'crime' and the criminalisation of 'race'. In tying

PTC and *ANB* together, they are brought into dialogue with each other so they can cast a vivid light together on law, order, the state, and ideologies that support political rule through systems of law enforcement. This is not to say that the two texts are inseparable from each other or inadequate on their own, but to argue that when they are brought and thought together, their combined wisdom furnishes us with an illuminating guide on how to make sense of how social and racial injustice is (re)produced by the state and its legal infrastructure. While *PTC* vividly illustrates how ‘race’ and class are policed *through* crime, by means of law and order rhetoric and policies that serve to punish socially excluded groups for the state’s failure to protect them, *ANB* goes a step further by demonstrating how long-standing, deep-seated prejudices, inherited from Britain’s imperial legacy, continue to define Black Britons as culturally alien and therefore dangerous to the unity and safety of ‘the nation’. Taken together, both works offer salutary lessons from the past that should be read as cautionary tales of how and why Black Britons continue to be both suspects and victims of state-administered racial injustice in an allegedly post-racial era.

1. Thinking Politically about Crime

Despite quotable descriptions of our political present as a moment where ‘governing through crime’ reigns supreme (Simon, 2007), mainstream thinking within criminology and legal scholarship more broadly treats crime as a matter of ‘technocratic evaluation’ rather than an issue of political contestation (Loader and Sparks, 2016: 318). Such a tendency to depoliticise crime, however, doesn’t just expose contemporary criminology’s complicity in and submission to managerial, administrative, or actuarial interpretations of and responses to lawbreaking (Feeley and Simon, 1992, 1994; Cohen, 1992, 1996; Ferrell, 2009). It also reduces our public understanding of politics and crime to a mere ‘contest’ between tactics and technique’ (Loader and Sparks, 2016: 316), thereby misleading us into thinking about crime and politics as an odd couple rather than as intimate bedfellows.

In such a climate where the criminological mainstream contents itself with approaching its object of study by divorcing it from its political context in the name of ‘effectiveness, evaluation, classification, [and] ‘what works’ (Cohen, 1992: 26), *PTC* and *ANB* stand out as urgent reminders of how crime is seized upon by the state as a resource for political rule through the regulation of moral and social order. The maintenance of law and order may nowadays depend on controlling crime ‘scientifically’ as a high-risk threat to be forecasted, evaluated, identified, and managed by criminal justice professionals and criminologists alike, but its function as a political programme of social control remains virtually unchanged. The process

of ‘identifying and managing dangerous or unruly groups’ (Feeley and Simon, 1992: 455) may have changed its *methodology* but it serves the same *political purpose* as ‘the government of the moral order’ in the name of crime control (Rose, 2000: 321). In fact, such advances in the science, policy, and practice of crime control awkwardly reveal their political motive as ‘techniques and procedures for directing human behaviour’ (Foucault, 1997: 81). The depoliticisation of criminology and the technicisation of crime control, therefore, are not incompatible with but rather inseparable from politics if politics is understood as a process of acquiring and exercising state power by regulating the activities of populations through the institution, establishment, and maintenance of order in the name of controlling crime and upholding the law.

As criminology poses as apolitical to retain its epistemic integrity as ‘crime science’ and honours its ontological commitment to crime control, treading in Laycock (2003), Clarke (2004), and Pease’s (2008) footsteps, *PTC* and *ANB* emerge as powerful antidotes with which to think politically about crime as a conflictual sociopolitical phenomenon. Hall *et al.* (1982: vii) openly declared their interpretation of crime as a ‘social phenomenon’ that is inseparable from the ‘legal and political order of the state’ (Hall *et al.*, 1982: 201–8), as did Gilroy (2002: 129) who sensitively analysed how the politics of law and order conspires with ‘the popular politics of race’ to ‘interven[e], contain and suppress black culture’ as a sign of ‘disorder’. Thinking politically about crime with *PTC* and *ANB* as our field guides, therefore, alerts us to how ‘ideas and social images of crime’ are ‘embodied in legal and political practices’ (Hall *et al.*, 1982: 171), while also demonstrating how ‘the law, embodied in the police, erects a barrier not just of respectability but of racial culture or ethnicity’ too (Gilroy, 2002: 129). In both works, crime is garbed in its political attire as the thread which holds law and order governance together as an approach to ‘doing’ politics by channelling it through criminal justice institutions. Instead of treating crime as a pathological element, *PTC* and *ANB* reintroduce it as the product of ‘political society’ which ‘define[s]’ certain ‘undesirable acts’ as crimes (Sutherland *et al.*, 1992: 3), singles them out for ‘censure’ (Sumner, 1990), and processes those who commit them through state-administered institutions of criminal justice. Refocusing our thinking on the political dimensions of crime, however, is not the only or the most important feature of these two texts. What *PTC* and *ANB* excelled at was not just insisting that crime is political but also demonstrating *how* crime is political and how it is exploited as a resource for a politics of exclusion facilitated by law enforcement agencies, like the police, which ‘uphol[d] the Government’ and serve the state rather than ‘the law’ to quote but reverse Margaret Thatcher’s notorious dictum which argued the opposite (Baxter, 1999: 111).

Crime in *PTC* appears in the form of ‘mugging’ which is treated at the outset as a term that should be ‘abolish[ed]’ but also studied analytically as the word reveals the ‘highly suspect’ ideological uses to which it was put by ‘politicians, judges, the police, criminal statisticians, the mass media and our moral guardians’ (Hall *et al.*, 1982: vii). Instead of a word that describes a rising number of robberies, mugging, in the pages of *PTC*, becomes a moral panic about lawlessness and ‘black criminality’, engineered by the media to represent a ‘general breakdown of ‘law and order’ (Hall *et al.*, 1982: 27), while also symbolising an ideological and political crisis of legitimacy as a result of state failure. In *PTC*, the crisis that the state policed, therefore, was not one of violence spiralling out of control but an opportunity to seize upon episodic events (muggings) and exaggerate their threat to display authority and moral rectitude in times when it is in short supply due to lack of public confidence in political leadership. As Hall *et al.* (1982: vii) put it, policing the crisis essentially amounted to ‘raising the wrong things into sensational focus, hiding and mystifying the deeper causes’. By moving our attention away from mugging itself, *PTC* successfully demonstrates how crime is used as an effective emotive tool with which to win over the public by staging a threat and drawing on policing as a resource with which the state can manage, ‘remed[y]’, ‘contro[l]’, and polic[e]’ the political crises it creates (Hall *et al.*, 1982: ix, 339). In the conceptual language of *PTC*, crime comes to signify *lack of political control* rather than *lack of public safety*, inviting us to think how heightened anxiety about crime is cynically manipulated to empower the state through a law and order agenda which does more to preserve political power than it does to protect the public. The response to muggings by the state, the media, and the criminal justice system in Britain was therefore seen by Hall *et al.* (1982: 194, 323) as creating a ‘control culture’ for the purpose of upholding a ‘law and order state’ built on fear of crime rather than public trust. Without denying or downplaying the harms inflicted by offences against the person, Hall *et al.* (1982: vii) were primarily concerned by what the social causes of ‘mugging’ were and why ‘British society reacts to mugging, in the extreme way it does’. In fact, Hall *et al.* (1982: vii) suspected that mugging emerged not as ‘a particular form of street crime’, but as a ‘social phenomenon’ that was ‘made’ in the context of a political crisis as a happy accident which could be exploited to cover the cracks in the political establishment, by turning isolated incidents into a media spectacle and an imminent threat to be policed away. Radical though such a proposition may be, it is supported even by the most unlikely ally of *PTC*, namely Sir Robert Mark (1978: 255), who, reflecting on his time as Commissioner of the London Metropolitan Police, confidently stated that ‘[s]een objectively against the background of problems of 50 million people, crime is not even among the more serious of our difficulties’. By exposing the fallacies behind

framing mugging as ‘Public Crime Enemy – No. 1’, ‘Britain’s ‘Biggest criminal headache’, and a true ‘epidemic’, Hall *et al.* (1982: 9, 184) succeeded in reorienting our thinking about crime as good examples with which to discuss ‘the nature of social control, the ideologies of crime, the role of the state and its apparatuses, [and] the historical and political conjuncture in which this cycle appears’.

Not unlike *PTC*, crime in *ANB* is also seen as the product of a ‘law-and-order society’ but not strictly as a result of a political ‘ideology of crisis’ (Hall *et al.*, 1982: 322). What Gilroy (2002: 87, 49) exposed, however, was the ‘ability of law and the ideology of legality to express and represent the nation state and national unity’ by identifying ‘crimes and criminals’ as a ‘racially distinct’ threat to the ‘homogeneous, white, national ‘we’. The crisis that is policed through ‘crime’ in *ANB* is not merely political or ideological, strictly speaking, but one of national belonging. Law and order in *ANB* refers not just to the maintenance of state power and public order through policing, or the criminal justice system more broadly. It is understood instead as the hierarchical ordering of national citizenship and belonging according to racial characteristics steeped in and inherited from the language and world view of Britain’s colonial past. ‘The law’, in Gilroy’s thought, is not just as a repository of rules which define and regulate the behaviour of citizens, but an artefact of nationalist ideology which orders, classifies, and manages people on the basis of and in relation to a national imaginary of belonging which is painted white. Crime, therefore, is not just a threat to state power, as it is in *PTC*, but an affront to national sovereignty, harmony, cohesion, and togetherness which is racially defined as white. In so doing, Gilroy (2002: 88) links *legality* to *national identity* where criminality becomes synonymous with ‘black externality and alienness’ and tests the limits of ‘the law’ and national belonging. The ‘black presence is thus constructed as a problem’ to be managed through ‘authoritarian state intervention in the fields of policing and criminal justice [invoking] an appeal to the British nation in terms of a common racial sensibility’ (Gilroy, 2002: 49, 90). By redefining law and order as a feature of ‘racial statecraft’ (Gilroy, 2009: 21) and crime as an attribute of ‘blackness’, Gilroy draws our attention to the intricate, subtle, yet no less crude or damaging ways in which ‘blackness’ enters the terrain of law and order politics, but also becomes a site for the study of crime. By demonstrating how the criminalisation of ‘blackness’ results from the racial ‘(b)ordering’ of national identity (El-Enany, 2019), *ANB* aids our understanding of how ‘the law’ is used as an instrument for maintaining state power and policing national belonging. The making of ‘black criminality’ by advertising and policing it as a threat, therefore, serves as a conduit for the exercise of state power against those who are

perceived as alien to a national culture that defines itself by its colonial legacy and imagines, or rather racialises, itself as white.

Thinking about crime with *ANB*, therefore, allows us to understand how criminal categories are politically manufactured not just as threats to public safety, but as signifiers of an unwanted presence. *ANB* helps us understand how Black Britons, seen as ‘culturally alien’, come to be suspected as ‘dangerous’ to the unity and safety of ‘the nation’, but also reveals how racial injustice is intrinsic to the political architecture and legal infrastructure of a country whose imperial past, and the racial order it was founded on, is reflected in enduring racial disparities within as well as outside the criminal justice system (OHCHR, 2018; Race Disparity Unit, 2019; EHRC, 2018). If *PTC* succeeds in attuning us to law and order politics as a way of managing a crisis of state legitimacy, *ANB* shines its beam at the criminalisation of Black British life as a way of resolving a crisis of national identity whose imperial glory may be history, but still informs the way ‘the nation’ is protected from its own citizens who are policed against as (post)colonial interlopers or ‘space invaders’ (Puwar, 2004). Thinking politically about crime, with *PTC* and *ANB* as our analytical compass, allows us to understand crime in its political context. Crime is therefore approached here as the active ingredient of doing politics through law and order to maintain a semblance of control in times of crisis. Such an unashamedly political interpretation of crime, also educates us into the historical roots and the cultural legacy of the colonial racial order of the past —as a logic which shapes present reality in the criminal justice system; pointing to an uneasy continuity between ‘colonial battlefields’, ‘plantations’, and current ‘legal regimes’ of ‘racialised governance’ (Gilroy, 2009: 24–5).

II. The Racialisation of ‘Crime’ and the Criminalisation of ‘Race’

In the current context of rising knife crime in London and Britain’s other major conurbations, ‘race’ takes pride of place as an explanation of such incidents, revealing a shameful insistence on racist tropes by which ‘criminality’ is understood, broadcast, and policed against (Fatsis, 2019a:450–2; 2019b: 1306–8, 1310–11). Drawing on *PTC* and *ANB* to make sense of the prejudicial and discriminatory logic, which twins race and crime by seeing crime as an attribute of race and making race a signifier of crime, offers new insights into an old problem that has gained a second wind in the present. Despite *PTC* and *ANB*’s old age in publishing terms, their longevity is demonstrated by the strength of their analyses on how crime is understood through the prism of race, how race is policed through crime, and how crime is used as a mode of governance through law and order politics. Although both texts organise their argument about the racialisation of crime and the criminalisation of race around different incidents, *PTC* and

ANB speak with one voice about how the state thinks of itself and what it thinks of those who it chooses to treat as suspicious, dangerous, and inadmissible to the national self-portrait. *PTC* uses 'a sordid little crime' (mugging) as its starting point for mounting a critique of how 'black street crime' suspects emerge as 'enemies of the state' (Hall and Jefferson, 2006: xxi), while *ANB* homes in on 'Britain's "race" politics', describing them as 'inconceivable away from the context of the inner-city which provides such firm foundations for the imagery of black criminality and lawlessness' (Gilroy, 2002: 311).

In *PTC*, the threat of 'mugging' and the 'panic' around it (Hall *et al.*, 1982: 181) emerges from an incident in 1972 in the Handsworth neighbourhood of Birmingham where three teenage boys attacked an elderly white man. Much of the media coverage of and the criminal justice system's response to this incident, as Hall *et al.* (1982: 15) argue, were inspired by the connections made between 'a horrific crime, the dramatic response in the court, and the new slum conditions which provided the venue of the crime and the background of the criminal'. Worse still, the connection between 'the *ghetto* or *new slum*' as the 'overarching public image which dominated the national papers' (Hall *et al.*, 1982: 118, 3) was reinforced through narratives of 'urban deprivation, shadowed by inner-city poverty, ethnicity and race' (Hall and Jefferson, 2006: xxi), given that the Handsworth teens were 'differentiated from the rest of society: through the index of race' (Hall *et al.*, 1982: 100) because of their immigrant background, family ties, and geographical connections. Paul Storey was the son of a 'West Indian father', Mustafa Fuat's family had 'Cypriot connections', and James Duignan lived on a street that was referred to as a 'Mini United Nations' (Hall *et al.*, 1982: 100). The mugging scare, therefore, was not simply a reaction to crime but the product of seeing crime through a racial lens where 'the initial 'problem' (mugging) was 'inserted into a more general 'social problem' (race) by linking 'the death of cities' to 'the problem of immigration' (Hall *et al.*, 1982: 118) as something to be solved by 'anti-mugging squads' through 'the targeting of black youth' (Jefferson, 2008: 115).

Unlike *PTC*'s focus on mugging as a specific example of the 'extreme tension, hostility and suspicion sustained by the relations between the police and the black communities' (Hall *et al.*, 1982: 181), *ANB* exposes the 'significance of black criminality in today's racial discourse' by offering 'an archaeology of representations of black law-breaking in post-war Britain' (Gilroy, 2002: 86). In so doing, Gilroy (2002: xxiii, 140) argues that 'racism and nationalism should not be artificially separated' but seen as 'densely interwoven in modern British history' through the 'imagery of black criminality'. Race in *ANB* is therefore seen as a 'powerful signifier' of criminality in 'the folk grammar of common-sense racism' and the 'ideology of legality', both

of which treat 'black law-breaking' as 'an integral element in black *culture*' as a whole (Gilroy, 2002: 87, 90). Such interpretations of Black culture as intrinsically criminogenic reduce crime to 'residual ethnic factors' promote images of 'crimes and criminals' as 'racially distinct', but also depict Black Britons as unrepresentative of 'the nation' too (Gilroy, 2002: 89, 87). Wary of the 'ability of law' and 'the ideology of legality' to 'express and represent the nation state and national unity', Gilroy (2002: 87, 140) is alarmed by how Black British culture is seen as colliding with national mores if it is understood as 'innately criminal' or 'lawless'. Using the imagery of 'lesser breeds without the law', borrowed from Rudyard Kipling's 1897 poem *Recessional*, Gilroy invests heavily on this metaphor in order to illustrate the inadmissibility of 'blackness' in Britain's national identity as being neither in accordance with the law nor consistent with the national lore.

Through demonstrating how the 'themes of *race*, *crime* and *youth* condensed into the image of mugging' (Hall *et al.*, 1982: viii) and highlighting the 'direct relationship' that is assumed 'between ethnicity, black culture and crime' (Gilroy, 2002: 89), *PTC* and *ANB* enrich our thinking about how 'crime' is racialised by treating race as an active ingredient of crime, while also showing how 'race' is criminalised by turning biological or cultural markers of difference into something that needs to be policed against. In the pages of both *PTC* and *ANB*, race becomes an 'index of the problem behind crime' (Hall *et al.*, 1982: 102) based on the assumption that 'blacks are a high crime group and the related notion that their criminality is an expression of their distinctive culture' (Gilroy, 2002: 140). What *PTC* and *ANB* teach us about the link between race and crime, therefore, is that it should be understood as the product of an outlook which sees crime as the property of race. In *PTC*, this is primarily expressed through the imagery of 'ghetto' or 'heavily 'immigrant areas' (Hall *et al.*, 1982: 289, 45) as places where 'heightened sensitivity to, and expectation of, black involvement in 'trouble' derives from perceptions of 'the black population as a potential threat to "law and order", potentially hostile, potential troublemakers potential "disturbers of the peace", and potential criminals' (Hall *et al.*, 1982: 45–6). Such racialisation of crime as a defining feature of a 'criminal population' is accompanied by the criminalisation of race as a visible manifestation of 'trouble' which justifies 'raids on black clubs and social centres' and 'the "search on suspicion" of any black person on the streets, alone, late at night' as 'a routine aspect of life' in what Hall *et al.* (1982: 289) likened to 'colony' areas' of the city. Relatedly, in *ANB*, race and crime are fastened together by a racist mythology which sees lawbreaking as an intrinsic feature of Black culture, represented by 'the black party' as an 'entrenched sign of disorder and criminality of a hedonistic and vicious black culture which was not recognisably British'

(Gilroy, 2002: 130). Crime is therefore racialised by placing Black forms of creativity and expressive culture in opposition to national-cultural norms, while race becomes criminalised by the discriminatory suppression of such ‘cultural and recreational rather than formally political’ activities through the policing of ‘the dance-halls and clubs where the bass-heavy beat of the soundsystems pumped righteous blood to the political heart of the community’ (Gilroy, 2002: 116).

The Legacy of *Policing the Crisis* and *There Ain't No Black in the Union Jack*

By reinserting politics into criminological thinking and exposing the racial politics of law and order in contemporary Britain, *PTC* and *ANB* compete with criminological classics, not simply as worthy contenders in the field but also as inspirational role models for socio-legal scholarship. What makes both texts unique is the breadth of their intellectual scope and their unwavering commitment to political scholarship and social justice. Not only do *PTC* and *ANB* bust our criminological imaginations open to make room for discussions of state power, nationalism, culture, and racism when we think about policing, violence, and crime. They also help us overcome politics of crime that does more to contain crises of hegemony than it does to abolish the conditions that create violent crime, be they social inequalities or political and criminal justice failures. *PTC* and *ANB* therefore urge us to rethink our existing political and legal cultures and structures, but they also make excellent guides for understanding current political and criminal justice crises.

PTC and *ANB*'s critique of law and order politics and the criminalisation of ‘blackness’ remains as relevant today as it did when both books were published. Last year alone, a resurgence of ‘authoritarian populism’ (Hall, 1979: 15) has shaped political rhetoric and criminal justice policy, be it as a response to violent crime through more and tougher policing, as a way of enforcing stricter immigration and border controls, or as an attempt to stifle political dissent through policing tactics, surveillance technologies, and counterterrorism operations that target, monitor, criminalise, and suppress the movement and activities of migrants, asylum seekers, political protesters, and even rappers (Bhatia, 2019; de Noronha, 2020; Dodd and Grierson, 2020; Fatsis, 2019b; Ilan, 2020). Against such a background of criminal justice responses to political problems, Hall *et al.*'s (1982: 323) description of how the ‘law-and-order state’ is rolled out to ‘stamp fast and hard, to listen in, discreetly survey, saturate and swamp, charge or hold without charge, act on suspicion, hustle and shoulder, to keep society on the straight and narrow’, remains unsettlingly accurate. As does Gilroy's (2002: 141, 142) analysis of how crime is policed as ‘expressive of black ethnicity’ in a manner that invokes Britain's colonial

history where the ‘thin red line’ of troops in the colonial front line standing between us and them, between black and white’ becomes the ‘thin blue line’ of police, personifying the law’. Reintroducing *PTC* and *ANB* as leading works in socio-legal scholarship, therefore, sharpens our understanding of crime as a feature of our sociocultural and political culture rather than as an attribute of certain individuals or social groups. Not only do *PTC* and *ANB* move our research forward by challenging us to see crime as the outcome of political crises that produce a surplus of fears and tough measures which displace the dangers that crises create by blaming them on vulnerable social groups. They also invite us to live up to their legacy by calling us to reshape our respective disciplines by making social justice a priority in our work through commitment to ‘vigor of thought’ and ‘thoughtful deed’ as W.E.B. Du Bois (2007: 178) inspiringly put it in a way that fittingly describes what *PTC* and *ANB* stand for, stand out as, and call on us to do.

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