

The Color and Content of Their Fears: A Short Analysis of Racial Profiling

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In *White Privilege and Black Rights*, Naomi Zack looks at comparative injustice in the US by analyzing the ways in which whites and blacks are treated by the criminal justice system. “Comparative injustice to American blacks has a very long history that includes the broadly recognized injustice of slavery and the oblivion of many American whites to the conditions under which American blacks now live” (64). In other words, blacks have historically been treated worse than whites, they have had less of a fair chance than whites, and whites have been privileged to be ignorant of the conditions experienced by blacks. The images that serve as examples and proof of comparative injustice for Zack are the police homicides of Oscar Grant, Trayvon Martin, Tamir Rice, and many others. Zack notes that between 2005 and 2011, a white police officer killed a black person twice a week. Racial profiling preceded 43 percent of 2012 killings of blacks by white police officers. The police do not treat all American citizens in this way. Instead, this is the way the police treat blacks. If applicative justice aims to bring the legal treatment of blacks on par with the legal treatment of whites, we have lots of work to do.

It is not only the killings of black boys and men that are viewed as unjust, but some view the decisions of juries to acquit and—in a large sum of cases—grand juries’ decisions not to indict the police and white vigilantes who kill blacks as unjust. In chapter 3, “Black Injustice and Black Homicide,” Zack examines what causes some members of the public to perceive so-called “unjust” acts as just. Zack attributes this “just perception” to a hunting schema. She claims “it is . . . the jury accepting a frame that identified the killers as a righteous hunter. . . . [I]f the police have a right to be a hunter, then they have a right to kill black suspects because skilled and righteous hunters kill their prey” (79). She describes the hunting schema and highlights how this schema played out not only in Trayvon Martin’s case but also in the cases involving Oscar Grant, Michael Brown, and Eric Garner. Zack gives us a descriptive analysis of racial profiling as well as an account of the psychology of the police who engage in it and the juries who judge it. I think this section is important for two reasons: (1) it allows us to see “the other perspective” in order

to provide us with an explanation for what some have considered unexplainable and (2) Zack's account of the psychological doesn't just leave us with the task to demand institutional justice. It provides space for us to challenge and criticize our own individual beliefs and framing. For like the laws that legitimize unjust activities; our beliefs and framing can also have a deadly effect on blacks.

I want to focus my comments on the emotional and psychological aspects of the hunting schema Zack describes in order to access her analysis of racial profiling. Then I will consider her account of the hunting schema in light of police violence against black women. I argue that although Zack provides us with a compelling account of racial profiling and police brutality, the emotional aspect she attributes to the hunting schema is too charitable. Furthermore, Zack's hunting schema fails to account for state violence against black women and in doing so only tells a partial story of comparative injustice as it relates to police brutality of blacks in general.

Zack defines a schema as "psychological combination of preexisting beliefs, contextual events or conditions, and actions, such that the existence of the beliefs in a relevant context predisposes an individual in a certain way" (79). The hunting schema begins when "racial profiling is kicked up from routine intrusive surveillance to a violent or potentially violent encounter" (79). The hunting schema consists of a three-part sequence: (1) legitimized criminal suspicion justifies the stop of a young black male; (2) this stopping or attempting to stop results in a physical altercation; and (3) the officer shoots to kill no matter how violent or non-violent the suspect behaves. In the three-part sequence, black men are picked out as dangerous prey that must be hunted and which white officers are permitted to hunt. Zack claims that this racial profiling has a two-part emotional aspect: fear and heroic personal identity. She notes that cultural stereotypes about young black males evoke fear and there is no reason to think that police are unlike the general public and thus immune to this fear. While I think that Zack is correct in not excluding police officers from sharing with the public a stereotypical view of black bodies, I think she is too charitable in claiming that the hunting schema involves fear. When white police officers engage in the hunting schema, are we supposed to view them as agents who are afraid and whose fear has come about through cultural stereotypes? If so, what implications does holding such a view have?

Hunting Schema and Fear

We can imagine the metaphor of hunting in two ways. In America, when people hunt, they go after defenseless animals (e.g., deer). It is hard to accept the claim that what these hunters feel is fear each time they chase down Rudolph the Red-Nosed Reindeer's ancestors. Feelings of adrenaline and adventure seem like more plausible components of the affective aspect. There is also another form of hunting. In hunter-gatherer communities, men for their own survival, go out to hunt animals that are not defenseless; but are known to be violent threats (e.g., lions). I do not think it is contentious to say that

these hunters feel fear when they chase down Simba's cousins. It appears that Zack's claim that fear simpliciter is an emotional aspect of the hunting schema works in the latter case (e.g., lions), but not in the former deer cases. The police should be fearful when, for their own and the community's safety, they go out to "hunt" criminals who pose an apparent threat and are indeed dangerous. But is this an adequate picture of what is occurring in the racial profiling cases Zack highlights? Are these deer cases or lion cases? Did Ray Tensing fear Samuel Dubose and that is why he shot him in the head as he sat in his car? Did Michael Slager fear for his life and that is why he shot Walter Scott in the back as he ran away? Did Zimmerman fear Trayvon and that is why he chased him down in the dark although an operator instructed him not to do so? Did a Chicago police officer fear Laquan McDonald and that is why he shot him seventeen times when Laquan posed no apparent threat? Oscar Grant, Eric Garner, Laquan McDonald, and others are not lion cases. They are deer cases. I fail to see, as a result, how fear (as we conceive of it) is an emotional part of a hunting schema that targets defenseless bodies.

I am also not arguing that police officers are without fear. Their job is very difficult and can be very dangerous. They are not super heroes with super powers that make them immune to fear. However, when police engage in racial profiling that leads to the hunting schema involving "deer," I do not think fear—as we traditionally imagine it—plays the role they claim. I am also not claiming that any of us (at this juncture at least) can provide a precise psychological and emotional account of what takes place in the minds of police officers involved in the hunting schema. I am only arguing that Zack's claim that fear simpliciter is integral to the hunting schema is questionable. Instead, I think we must open ourselves up to the possibility that police engage in Negrophobia. Negrophobia is a type of fear but it has much more content than just fear. Just as homophobia is not just the fear of gays and lesbians but encompasses a range of negative attitudes and feelings toward LGBTQ folks, Negrophobia is not just fear of blacks but includes the disliking of and prejudice toward blacks. What some define as fear may be more properly defined as a fear consisting of disrespect and dehumanization.

If there is fear simpliciter in the hunting schema, that fear lies in the rhetoric and politics of fear that the police force feeds to the public. To justify their actions and to rid themselves of blame, police engage in a politics of fear. Because police know that the public holds a fear of blacks, the police feed into this fear to justify their hunting practices. Zack highlights examples of this rhetoric as she describes the police accounts of those schema moments: Michael Brown was perceived as Hulk Hogan by the officer, a 12-year-old was viewed as an adult, and Trayvon Martin was reported as saying he was going to kill George Zimmerman. It is questionable if fear simpliciter is what officers actually felt or if it was fear that they wanted the public to buy into in order to excuse their actions. I am dubious of the former claim. If there is fear in the hunting schema, that fear lies in the hearts of blacks when a cop flashes his lights behind them. Fear simpliciter is present when blacks find themselves staring at the barrel of a gun, being held by a guy with a badge, whose side of the story will always be believed.

Why should we care about using fear to describe the emotional aspect of the hunting schema? Well, not only do I think it gets us further from obtaining an accurate account but it also has dangerous implications. If fear is what police feel in the hunting schema, then there is nothing but stereotypical evidence all around to support and justify this fear. The entertainment and advertising industries help to perpetuate the myth of the black criminal by its oversaturation of black criminal fictional images and its disproportionate coverage of black criminality in the news. If police are bombarded by these images, it seems justifiable—or at least understandable—for them to have a fear of blacks. But simply attributing fear to police is a distraction from addressing the hidden yet deeper emotional and cognitive content of these hunting schemas. Claiming fear simpliciter as an emotional aspect of officers in the hunting schema victimizes police officers. If emotions are something we cannot control, this use of and acceptance of fear gets us further away from viewing police as moral agents and viewing blacks as more than stereotypes.

Throughout *White Privilege and Black Rights*, Zack references the high profile cases of police brutality against black men and boys with little to no mention of police brutality against black women. The omission of women makes me question if we are talking about “black” rights in the book or only “black male” rights. More specifically, I wonder, given the omission, what exactly is the scope of Zack’s analysis of police brutality. If the hunting schema that Zack describes explains police brutality, does it also explain police brutality in which there are black female victims? It is hard to see how.

Hunting Schema and Black Women

Zack notes that white male officers are usually young. Their targets are those who have a comparable vulnerability—usually other young men. She paints the hunting schema as young men hunting other young men and claims that this is a staple of American culture. If police officers that participate in the schema already come with the emotional elements of fear and protectiveness, as Zack claims, it is hard to see how these emotional elements are present, as well as how the hunting schema she describes plays out, in cases of racial profiling and police brutality of black women.

Was Sandra Bland dangerous prey? Was the Texas officer afraid of Bland? What courage was needed in dealing with her stop? Oklahoma City police officer Daniel Holtzclaw raped thirteen black women over seven months. He targeted and preyed on those women not because he thought they were a danger to society but because he thought no one would believe them. Although his actions did not result in their physical deaths, he capitalized on their perceived social deaths. How do we describe the many lives of black women who have died in police custody, some dead before arriving to jail? If there was a hunting schema (I do not deny that there is), it would look different in cases that involve black women.

Nevertheless, can the schema Zack describes fit black women? One may argue that the police do not see black women as women, but rather as men. If so, the schema Zack describes can account for the brutality of both black men and women. However, even if black women are not seen as women and therefore are seen, like black men, as a threat to the police and part of the hunting schema, this is still a different kind of hunting schema with its own psychological and emotional elements than the one that involves black men. In this schema, there is less comparable vulnerability. The threatening nature of black women may not be perceived as a physically violent one but of another kind. The officer's maleness introduces different dimensions of power and can have and project different emotions and attitudes like superiority, pride, misogyny, and exaggerated masculinity. If the black prey is a transwoman, she is vulnerable in different ways, can be a target of extreme antagonism rooted in transphobia, and she can be targeted and humiliated in ways that are quite different from those who are cisgender. This schema is worth analyzing or at least mentioning. If Zack's attempt is to explain black men and women's encounters with police, I am not sure it succeeds. If the attempt is to explain only one, I think that would be a mistake.

The absence of any mention or analysis of police brutality against black women contributes to the lack of recognition of black female victimization and to the erasure of black women from the conversation of police brutality. One may object by suggesting that it is appropriate to split our analysis of injustices that disproportionately affect people of a certain gender so long as equal resources are devoted to combatting each of those injustices. However, I think that the amount of attention paid to these groups at the level of analysis has an effect on the amount of resources that are distributed to help solve their problems. As a result, I think that when seeking to bring attention to the injustices that exist in black communities, we must be careful to treat all members' lives equally.