

Good Faith, Bad Faith, Racism, and the Criminal Justice System

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I moved to Colorado Springs in 2003 (at age 38) and promptly got my first speeding ticket ever. To be fair, I was driving 40 mph on Uintah, which I noticed right after I drove past the 30-mph sign. Then I heard the siren.

The (white) police officer was very polite. He could see that I was nervous and apologized for having to write me a ticket at all. As he left, he waved at me and yelled, “Drive safe, now!” Throughout the interaction he was gentle and friendly. His final words felt more like a kindness than an instruction. I still remember how light his voice was throughout the whole interaction, how easy. He wasn’t worried or concerned or afraid. He did not see me as a problem.

To this day, that is the only speeding ticket I’ve ever received. Not that I haven’t driven above the speed limit. I do so regularly, probably every time I drive more than a mile. And not that I haven’t sped in sight of marked police cars. I have, on multiple occasions. But somehow, my speeding is never an issue. Police officers don’t see me as a problem.

About six years ago, a 12-year-old African American boy playing alone in a park and causing no harm to anybody was seen as a problem. On November 22, 2014, police officer Timothy Loehman (Ferrell 2014) shot Tamir Rice to death for the “crime” of playing with an Airsoft gun in a park while being 12 years old and not white. (Airsoft guns fire non-lethal plastic pellets (BBC editorial staff 2014; Fitzsimmons 2014).) The 911 responder appears to have asked twice whether Tamir was “black” or “white” before deciding whether to send police (Dearden 2014). Officer Timothy Loehman fired within two seconds of arriving on the scene (Izadi and Holley 2014). Loehmann, it turned out, had been deemed “an emotionally unstable recruit and unfit for duty” in a prior position as a police officer, but had not revealed this to the Cleveland police, who never reviewed his previous personnel file before hiring him (Mai-Duc 2014).

Had Tamir been white, the responder would not have dispatched police officers; white boys play with guns, even potentially lethal guns, regularly with no interference. Had the officers waited two minutes rather than two seconds before firing, they would have seen that Tamir did not pose a threat. Had the Cleveland PD checked Loehmann’s personnel file before hiring him, he would not (I hope) have been on the force there in the first place. But instead, Tamir joined the long list of African American people, before him and since, who were deemed a problem and murdered by police officers and vigilantes (Ifill 2020 on the latter).

What does sociology have to say about this odd juxtaposition of unproblematic white lawbreaker and problematic harmless African American child? Stories capture our attention and may get us out in the streets in protest, but a more systematic approach can help us understand how to remake society so that the next Tamir Rice can grow up to find a cure for cancer, play in a symphony orchestra, or cuddle his granddaughter instead of being a statistic of racism and a memory worthy of weeping every Thanksgiving.

We can think of sociology as the study of social patterns and the way those patterns play out in our lives, or as the study of the connections between people, perspectives, and practices. How we see the world informs how we act in the world; the opportunities available to us are based substantially on what other people think of us. Sociology's passion and genius is in teasing apart the strands of our lives to better understand what our various "ideologies, institutions, interests, identities, and interactions" (Hughey 2015) have to do with each other, how they make us who we are, and what we would need to do to change them in order to build a society where everyone has a genuine chance to flourish. The point of studying social inequality, after all, is to figure out how to get rid of it.

I never met Tamir Rice but our stories are intertwined in a way. My apparent harmlessness and Rice's apparent dangerousness are of a piece, two sides of one coin. Sociologists use a variety of terms to describe this coin: power and powerlessness, privilege and disadvantage, status and stigma, white supremacy and racism. I prefer the terms "good faith" and "bad faith."

Members of valued social groups are met with good faith, over and over again, and the good faith translates into good treatment. That police officer, years ago, treated me with good faith. He did not raise his voice or talk disrespectfully to me (Voigt et al 2017) or pull a gun or signal in any way that he thought I was suspicious or dangerous (or unintelligent or unworthy). And I've sped past several dozen police officers in the years since then; were they all looking the other way? If not, why not pull me over? Good-faith treatment – the benefit of the doubt. Every single time.

Tamir Rice's murder represents bad-faith treatment at its most extreme. The person who called the police dispatcher did not give Rice the benefit of the doubt. The dispatcher asked about Rice's race in order to decide whether to give him the benefit of the doubt or not. Officer Loehmann fired within two seconds of arriving on the scene; no benefit of the doubt there. It would not be statistically accurate to say that there's a Tamir Rice getting shot for every Amanda Udis-Kessler getting courteous treatment. But, sociologically speaking, good faith and bad faith always inform each other, and they inform every kind of systematic social inequality – in internalized oppression; in acts of fear and violence, in cultural messages about who matters and who's worthy, in institutional discrimination, and in how all these aspects of inequality reproduce themselves across generations (Sharkey 2013).

Good faith and bad faith play out across society in complex and sometimes subtle ways. For example, perhaps you found the above phrase "murdered by police officers" troubling. Maybe it seemed awkward to you. Don't police officers "serve and protect" rather than "murdering?" Don't we reserve the term "murder" for bad people killing good people? Aren't police officers "good people?" Don't they only kill "bad people?" Such, at least, is what I was taught as a white child in a mixed-class, mixed-race neighborhood in New York City.

I was taught to treat police officers with good faith and taught that they would treat me the same way. Of course, I was taught that; I'm white. African American parents don't have the same luxury in what they teach their children about how to interact with police officers. And with good reason, since African Americans can be killed by police for, among other things, walking, running, driving, turning their backs to officers, facing police officers, not complying with a

police order, complying with a police order, standing up, lying down, carrying a firearm, carrying anything that could possibly be misinterpreted to be a firearm, looking at a police officer, and breathing (Harriot 2018). That's bad faith. (As for the term "murder," one definition provided by dictionary.com reads "to kill or slaughter inhumanly or barbarously." If Tamir Rice wasn't murdered (by that definition of the term), I'm not sure how else to describe what happened to him.)

In the remainder of this essay, I first elaborate on the good faith/bad faith distinction central to inequality, covering a variety of forms of inequality. I then provide more concrete recent data on anti-African-American racism in the criminal justice system, briefly covering profiling and arrests, police shootings, drug-related distinctions and discrepancies, the death penalty, and (even more briefly) some other areas. I close with some comments on the false equivalence between the #BlackLivesMatter and "Blue Lives Matter" movements.

Good Faith, Bad Faith

As I've suggested, good faith and bad faith are ways of talking about social valuation, whether someone is worth something in the eyes of society or not, based on the social groups to which they belong. Some social groups are more highly valued than others, as we can see based on (for example) who gets higher salaries (men and white people), who gets raped (women), whose marriage is not controversial (heterosexuals), and who "fits the profile" of a criminal (members of BIPOC communities). It would be easy to multiply such examples, and I provide more of them in the area of racism and criminal justice below. But let's begin instead with the assumptions that underlie devaluing or valuing someone rather than with the forms that devaluation takes in daily life. In this way, we can provide some context for the example with which I started this essay.

If someone perceives me or thinks about me in the context of a socially valued group to which I belong, I will receive the benefit of the doubt in multiple ways across all aspects of my life. People will be inclined to view me positively and to support my gaining access to society's resources, opportunities, and valued experiences. People will not be inclined to view me with suspicion or to think poorly of me. If, on the other hand, someone perceives me in the context of a socially devalued group to which I belong, their good faith may become bad faith; they may be suspicious of me, not expect much from me, and ultimately not care whether I get to have a good life (or even whether I get to live).

Since all of us have multiple identities in terms of gender, race, sexuality, class, and so on, our real-life experiences of good or bad faith will depend on which of our identities is most germane in the moment. I may receive good-faith treatment as a white person or bad-faith treatment as a woman or queer person, depending on the context, or I may receive both at the same time but will likely be more aware of the bad-faith treatment.

A good-faith approach to someone might involve assuming that the person is trustworthy, while a bad-faith approach might involve finding them suspicious, not based on anything that they have done but rather due to perceptions of their social group.

Similarly, good faith presumes that people are competent, hardworking, harmless, intelligent, morally upright, financially stable, positive contributors to society, presumptively successful, unproblematic, reasonable, worthy of respect, rational, appropriately self-interested, and within the bounds of normality. Bad faith, in contrast, presumes that people are incompetent, lazy, dangerous, unintelligent, morally problematic, financially unstable or insecure, detriments to society, presumptive failures, problematic, unreasonable, unworthy of respect, irrational (including overly emotional or hysterical in the case of women), militant, or extreme. Again, these assumptions are based not on evidence but on stereotypes.

Underlying the good faith-bad faith distinction is a tendency to either see people as individuals or as representing and standing for a devalued social group, and to treat them accordingly. I once saw a cartoon that demonstrates this point beautifully. It had two panels; each panel featured two people solving a math problem at a blackboard. In the first panel, both people were men and one of them said to the other, “Wow, you’re terrible at math” (or something to that effect). In the second panel, the same man said to the other person, a woman, “Wow, girls are terrible at math.” In this cartoon, the individual failing of a specific person is taken to demonstrate the stereotyped failing of a member of a social group – but only when the specific person is a member of a devalued group. Otherwise, it’s just the one individual (“you”) who is “terrible at math.”

In an individualistic society, getting to be seen as an individual is a good thing. If I am seen as an individual, my bad habits, failings, and frailties are simply my own idiosyncrasies, while my strengths and successes are understood to be genuinely earned rather than “given” to me by someone else (for example, because “affirmative action” made them do it). We tend to grant individuals their full complexity while reducing members of devalued groups to their group memberships. This reductionism forces members of devalued groups to represent or stand in for or speak for their group, and means that their group membership (“master status”) is seen as the most important thing about them.

If something bad happens to someone who belongs to a socially valued group, we are likely to treat them with compassion, in part because it would not occur to us that they are to blame for someone else’s poor treatment of them. In contrast, if something bad happens to a member of a socially devalued group, we may not be sympathetic and may even blame them for bringing the harm on themselves; rape is a classic example of this victim-blaming. In terms of racism, we see victim-blaming in virtually every case of an unarmed African American person being killed by a police officer or vigilante (see, for example, Harris-Gershon 2014, Smiley and Fakunle 2016, Williams 2014, Wing 2014).

Similarly, whether we treat someone with good faith or bad faith will determine whether we see them as an expert on their own lives or think others have a more authoritative account of their lives than they do. To give a personal example: I would say that my lifelong religious search, seminary degree, multiple leadership roles at churches, spiritual practices, attempts to live a morally good life, activism and justice education work, and creation of original sacred music should demonstrate that I am a decent human being who wishes to contribute spiritually and ethically to the world around me. Some people, however, would call me a sinner, an abomination, hell-bound, and an affront to God simply because of who I love. If someone approaches me in this kind of bad faith, they will believe religious conservatives, reduce me to

my sexuality, and see me as inherently immoral. If they believe my own account of my life, I have my faults but I am about as morally decent as most other people. Whose account of my life is trustworthy? That depends on whether my life is considered in good faith or in bad faith.

Are we more surprised when someone fails or when they succeed? Are we more surprised when someone commits a crime or when they try to stop a crime from being committed? Do we think that someone's interests are representative of people in general, or do we think of them as belonging to a "special interest" group that should not have "special rights?" Do we find their interest in having a sex life to be appropriate (he's a stud) or inappropriate (she's a slut)? Is their body unremarkable or disgusting, harmless or dangerous? Should we leave someone alone to go about their business or are they in need of policing (whether by commenting on that dessert they are eating or by pulling them over for "driving while Black")? All of these distinctions are examples of good faith or bad faith at work.

The faith with which we approach someone matters because it comes down to the question of how much we care about their well-being. Approaching someone in good faith means, at a minimum, that we don't want them to suffer and might even be happy to help them flourish. Approaching someone in bad faith means that we don't care whether they flourish and we might not even mind seeing them suffer since "they asked for it" or "they brought it on themselves" or "if they had only..."

Institutional Good Faith and Bad Faith

One of the many ways that social institutions shape our lives is by granting some people the legitimate authority to make decisions about other people's lives that will enhance the flourishing or suffering of those people. When someone has legitimate authority (or institutional decision-making power), society will largely accept the decisions they make as appropriate because they are acting on behalf of the institutions they represent. They get to make decisions that will cause others pain or joy because they wear a badge, run a company, are ordained, sit behind a bank desk, or otherwise have access to social, cultural, or economic resources that they can choose to share or not. Good faith, in the context of institutional decision-making power, means treating someone well, giving them the benefit of the doubt, and granting them access to the goods, experiences, and opportunities that will enrich their life. Bad faith in this context means treating someone poorly, denying them the benefit of the doubt, and blocking their access to those same goods, experiences, and opportunities. Here are some examples of institutional good faith; I have experienced most of these kinds of good faith by virtue of being white.

In the educational system, good-faith treatment means teachers call on you when you raise your hand in elementary school, encourage you when you are struggling in high school, and provide you the optimal mix of challenge and support as you write a senior thesis in college. Good-faith treatment grants you access to scholarships so that you can go to college or graduate school, and leads professors to offer you work-study or research opportunities with them.

Good-faith treatment in the healthcare system means that doctors and other healthcare providers will bring their best skills and compassion to your treatment and physical or psychological well-being, that insurance companies will insure you, that you will receive appropriate pain treatment,

and that you will not be turned away from medical care because of your social identities. Good-faith medical treatment also means that there are drugs available for your condition and that the proper dosage for such drugs is common knowledge because the research that led to the development of these drugs included members of your social group from the start.

Good-faith treatment by the government means that you will not experience difficulty voting, that laws protect your well-being and are not used against you, and that those with political power will use that power to assure your ability to have a good life.

Good-faith treatment in the economic system means that the bank officer will approve your loan, the store clerk will serve you promptly, correctly, and without suspicion, and you will be able to buy or rent in your desired neighborhood as long as you have the money.

Good-faith treatment in the workplace means that you will be hired for a job for which you are qualified, that you will be paid the highest appropriate wage for your position, and that your supervisor and co-workers will welcome you and engage with you respectfully.

Good-faith treatment by the criminal justice system means that whether you are the victim of a crime or you are accused of committing a crime, you will be treated respectfully by the police, lawyers, judges, and anyone else whom you encounter in the process. If you are the victim of a crime, your victimization will matter and be taken seriously. If you have been accused of committing a crime, you will be understood to be innocent until proven guilty and treated accordingly.

Because we interact with different institutions on a regular basis, the effects of the above kinds of good-faith treatment are cumulative, as are the (undiscussed above but equivalent) effects of bad-faith treatment. Our social value, or lack thereof, is confirmed multiple times a day as we move from our families to school or the workplace, as we move from an experience of worship to the store or the voting booth, and as we navigate public spaces freely or in danger of others finding us troublesome. Our flourishing or suffering is magnified with each new engagement with those who have institutional power to treat us well or badly.

Good Faith, Bad Faith, Racism, and the Criminal Justice System

Because all social institutions are interconnected in the daily flow of life, it should not surprise us that the racist criminal justice system does not stand alone and cannot be understood alone. It is tied to segregation, historically and still today, not least because segregated neighborhoods give police officers a place to go look for crime (Farbota 2015). The criminal justice system is shaped by how students are treated in schools and it shapes that treatment in turn; white misbehavior is medicalized (good-faith treatment) while misbehavior of students of color is criminalized (bad-faith treatment; Ramey 2015; see also Barnes and Motz 2018, Owens and McLanahan 2020). The criminal justice system is propped up by language that dehumanizes as it racializes (Williams 2014) and by media coverage that has harsher things to say about unarmed African Americans killed by police than it does about white mass murderers (Harris-Gershon 2014; Wing 2014; see also Dukes and Gaither 2017).

Moreover, a short essay cannot address the history and current reality of racialized mass incarceration, which can be understood as a white racist response to the successes of the civil rights movement (e.g., Alexander 2010). What I have done instead is to highlight briefly four aspects of the criminal justice system where there is recent empirical evidence of racial discrimination, a double standard built on racist bad faith: police profiling, police shootings, drugs, and the death penalty. (For each of these areas, Balko (2020) lists and provides links to many additional studies.) While reading these sections, keep in mind that according to the United States Census Bureau (2019), non-Hispanic/Latino whites made up 60.1% of the U.S. population and African Americans made up 13.4% of the U.S. population as of July 1, 2019, meaning that there are about 4.5 times as many whites as African Americans in the U.S.

I follow this section with mention of some other racist aspects of the criminal justice system.

Police Profiling

The odds of being pulled over by police are higher for African Americans than for whites. For example, the odds of an African American driver appearing in North Carolina police stop data between 1999 and 2016 were 60-70% higher than the odds of being an African American driver in the population in which the traffic stop occurred (Kovera 2019: 1141).

Police are more likely to search African Americans than whites during such a traffic stop, despite these searches rarely yielding much contraband (drugs, unlicensed guns, suspicious cash). If African Americans were more likely than whites to possess contraband, searching them should be disproportionately successful. In fact, searching African Americans produces less contraband than searching whites, suggesting that the disproportionate rates of African American searches are attributable to racism. This is true both of searches of stopped cars and searches following a stop-and-frisk where the suspect is on foot; in both cases, searching whites is more likely to lead to the discovery of a weapon or drugs. African American drivers appear to be searched on the basis of less evidence than would be required to search white drivers (Balko 2020; Kovera 2019: 1141-1142; Pierson et al 2020).

African American drivers are less likely to be stopped after sunset when it is harder for police to determine a driver's race (Pierson et al 2020).

Police Shootings

Police are more likely to use force (both lethal and nonlethal) against African Americans than against whites, including the potentially lethal force of drawing a gun. Police are more likely to shoot African American suspects than white suspects (Kovera 2019: 1142).

African American men and women face a higher lifetime risk of being killed by police than do white men and women. This risk is highest for African American men, who currently face about a one in 1000 chance of being killed by police over their life course, 2.5 times higher than the risk faced by white men and boys (Edwards, Lee, and Esposito 2019).

Bearing in mind that (as mentioned above) about 60% of U.S. Americans are white and a little over 13% are African American, statistics for fatal police shootings over the past few years are as follows (“Number of People Shot to Death...” 2020):

- 2017: 46.3% of fatal police shootings were of whites and 22.6% of African Americans
- 2018: 40.1% were of whites and 21% were of African Americans
- 2019: 36.9% were of whites and 23.4% were of African Americans
- 2020 (as of December 4): 42.8% were of whites and 22.2% were of African Americans

African Americans thus make up less than a sixth of the country but represent between and fifth and a fourth of fatal police shootings annually.

Drugs

African Americans are consistently arrested, charged and convicted of drug crimes at far higher rates than whites, despite both racial groups using and selling drugs at about the same rate (Balko 2020).

The racial discrepancy in drug-related criminal justice practices can be understood in part as driven by a particular form of good faith versus bad faith, namely the idea of “having a problem” versus “being a problem.” I have developed this language based on the differing responses to the 1980s crack cocaine epidemic and the current opioid epidemic. According to the government, the media, the criminal justice system, and the health care system, white opioid addicts have an addiction problem and should be treated with compassion, whereas African American crack addicts were understood to be the problem, “crackheads” and “super-predators” who posed a danger to others and should be locked up. As with responses to school discipline situations (Ramey 2015), the white situation was medicalized while the African American situation was criminalized (Netherland and Hansen 2016, 2017, Om 2018). As late as 2016, almost a third more African Americans were arrested for cocaine use than whites were for heroin and opioid use (Mullen et al 2020).

During the worst years of the crack epidemic, most crack users were white (52% of those who admitted using crack between 1990 and 1991 were white and 38% were African American), yet whites were much less likely to be sent to prison or to be the subject of media coverage; when whites were sent to prison for crack use, their sentences were shorter than those of African Americans. In 2017, 4.5% of African Americans and 3.9% of whites reported having ever used crack in their lives, making crack use rates slightly higher among African Americans, but given the percentage of whites and African Americans in the U.S. based on census data, far more whites than African Americans report having used crack (Mullen et al 2020). Yet the crack epidemic was framed publicly as an African American phenomenon and played an important role in the development of our current mass incarceration system (Alexander 2010).

Perhaps the clearest example of the bad-faith double standard involves the federal anti-Drug Abuse Act of 1986, which mandated the same five-year minimum sentence for possession of five grams of crack cocaine as it did for 500 grams of powder cocaine – literally a 100-to-one bad-faith ratio. (In 2010 the ratio was reduced to 18 to one – an improvement but still a bad-faith ratio when other aspects of the situation are taken into account.)

The Death Penalty

Of defendants actually executed since 1976, 55% were white and 34% were African American, meaning that whites were somewhat underrepresented among defendants who were executed compared to their percentage in society, while African Americans were substantially overrepresented (Death Penalty Information Center 2020).

Death penalty racial differences largely boil down to which victims' lives matter: killers of African Americans rarely get death sentences and white killers of African Americans are even less likely to receive a death sentence (Balko 2020).

While about 50% of murder victims overall are white, 76% of murder victims in cases resulting in an execution since 1976 were white. During this period, 21 white defendants who had killed African Americans were executed and 296 African American defendants who had killed whites were executed (Death Penalty Information Center 2020).

A separate study (Phillips and Marceau 2020) found that defendants who killed a white person were 17 times more likely to have been executed than defendants who killed an African American person.

Several researchers have sought to determine the role of racist bias in death penalty cases. In one experimental study, respondents who were told that life-without-parole was the maximum sentence for a triple murder were about as likely to convict white defendants as African American ones. When death was the maximum sentence, respondents were significantly more likely to convict African American defendants (80% of respondents) than white ones (55.1% of respondents; Glaser, Martin, and Kahn 2015).

Other Criminal Justice System Racism

This essay would not be complete without mention of the many examples of white people calling the police (or store security officers) on African Americans simply living their daily lives. Most of the below recent examples involved store security or police, though a few of the examples involve bad-faith treatment without the police having been called. To my knowledge, all of the below examples are from 2018 through 2020; I am happy to provide references upon request.

- Birdwatching
- Working out at a gym
- Eating at a restaurant (multiple examples)
- Doing one's job (multiple examples involving a variety of jobs)
- Napping in a common space in one's college dorm
- Calling one's mother from inside a lobby at a hotel where one has checked in and is a guest
- Trying to cash a paycheck
- Picking up trash in one's own yard
- Eating breakfast in the classroom where one teaches as a college professor
- Wearing a mask to Walmart during COVID-19
- Watching one's son play soccer

- Golfing too slowly
- Shopping for prom clothes
- Shopping for other clothing (multiple examples)
- Moving into one's own apartment
- Moving out of an AirBnB and not waving at the neighbors
- Shopping at a convenience store
- Listening to music on one's front porch
- Waiting for a friend at Starbucks
- Barbequing at a park
- Campaigning door to door
- Asking for directions
- Selling bottled water on a sidewalk
- Eating lunch on one's college campus
- Riding in a car with white people
- Babysitting white children
- Helping a homeless man
- Delivering newspapers
- Swimming in a pool
- Walking to work
- Getting change for the meter from one's own car
- Trying to use coupons in a discount store
- Selling lemonade from a gourmet stand on the street
- Playing pickup basketball
- Returning to a store to have a security tag removed from a piece of clothing that one had bought for which one had a receipt
- Trying to return something to the store where it had been purchased and from which one had a receipt

(I should note that I have done many of these things myself and have never had the police called on me.)

Balko (2020) has links to multiple studies demonstrating the existence of racism in:

- School discipline (particularly suspension and expulsion);
- Arrests for misdemeanors and petty crimes;
- Drivers' license suspensions;
- Plea bargains ending in serious charges being dismissed (whites) versus jail time (African Americans);
- Higher bail amounts for African Americans than for whites;
- Exclusion of African Americans from juries, especially when an African American is the defendant;
- Length of sentences (King (2017) also found that African Americans' sentences were about a fifth longer than whites for the same crime);
- Being placed in solitary isolation;
- Length of time to parole; and

- Appearance on a gang registry.

Whites are more likely than African Americans to be offered a bail option in the first place (Arnold, Dobbie, and Yang 2018).

Prosecutors are more likely to charge African American juveniles as adults than they are to charge white juveniles as adults (Kovera 2019: 1145).

A study examining killings between 1980 and 2014 found that 17 of every 100 white killings of African American men were found “justifiable” (the term used when someone kills someone committing a crime or in self-defense), meaning that those killers faced no legal consequence. In contrast, only two out of every 100 intra-racial killings (white-on-white; African American-on-African American) were found “justifiable,” and less than one percent of cases in which an African American killed a white man were considered “justifiable” (Lathrop and Flagg 2017).

One study found that the race of the victim was a significant predictor of whether a Florida stand your ground case resulted in a conviction or not. The defendant was two times more likely to be convicted in a case involving white victims as in a case involving African American victims (Ackermann et al 2015).

A study of wrongful convictions found that African Americans, though only 13.4% of the U.S. population, represented a majority of innocent defendants wrongfully convicted of crimes and later exonerated. Innocent African Americans were 3.5 times more likely than innocent whites to be convicted of sexual assault, seven times more likely to be convicted of murder, and 12 times more likely to be convicted of drug crimes (Gross, Possley, and Stephens 2017).

Blue Lives = Black Lives?

False equivalencies represent another form of cultural bad faith. For example, pitting same-sex couples against “Christians” who refuse them service in the marketplace, and treating the two groups as equivalent, misses the historical reality of Christianity’s cultural power and the devaluation of LGBTQ people (particularly at the hands of conservative Christians); it also misses the fact that many LGBTQ people identify as Christian (and that many heterosexual/cisgender Christians are fully LGBTQ-inclusive in their values and practices).

It’s instructive to consider the “Blue Lives Matter” movement in light of what we know about racism in the criminal justice system. Perhaps many people who support “Blue Lives Matter” are well-intentioned and simply want to be appreciated for the dangerous and important work they do as police officers, or want to be in solidarity with their loved ones who are police officers. That said, there are important reasons why the two movements are not in fact equivalent even beyond the information provided above:

- No one is forced to be a police officer; no one chooses to be African American
- An off-duty officer out of uniform is not identifiable as a police officer; most African Americans do not cease to be identifiable as African Americans as long as their skin color is visible to others

- A police officer may be many things other than a police officer, and they may not all be equally impacted by the person's police officer status; in a racist society where being African American is a master status, one's African American identity is made to be a core aspect of who one is, touching all aspects of one's life to some degree
- Police officers have never faced systematic discrimination based on their being police officers; they have never been enslaved, been the target of widespread, large-scale lynching campaigns, faced a Jim Crow system, been targeted for mass incarceration, been forced to live in segregated neighborhoods, or faced systematic bad-faith treatment in schools, employment discrimination, poor medical treatment, or in any other aspect of life based on their identity as police officers; in fact, police officers have long been enforcers of systematic racism over the course of U.S. history
- Police officers are invested with substantial institutional power, authorized to stop people and frisk them or to pull drivers over, to give tickets, and to make arrests; African Americans have no such authorization unless they themselves are police officers, in which case the authorization comes from being a police officer, not from being African American
- Police officers have the legal right to do their policing wherever they see fit (though in practice they tend not to look for crime in wealthy, gated communities for a variety of reasons). In contrast, historic and current practices of segregation and the racialization of poverty in urban areas means that African Americans are more likely to be in restricted, poorly served places that, as noted above, police officers can target for policing, while African Americans driving or walking in "white" areas may be targeted on the basis of being seen as "out of place."
- Until very recently, police officers could target, harass, and kill African Americans with impunity, paying no penalty for their actions; this is largely still true today. This impunity comes from the fact that others with decision-making authority tended, and tend, to believe the police officer's version of the story. In contrast, when African Americans target, harass, and kill police officers, they are made to pay the penalty if captured.
- Police officers are virtually never blamed for being killed by African Americans; African Americans are frequently blamed for being killed by police officers.
- To my understanding, the Blue Lives Matter movement developed in response to anger and frustration with police officers for mistreating and killing members of BIPOC communities, not in response to systematic oppression of police officers as police officers (which does not exist); if police officers did not systematically mistreat and kill members of BIPOC communities, they would not face the anger and frustration that they do.

A much longer and more elaborate consideration of this topic is possible but not appropriate here. However, the main point stands: if one asks whether police officers or African Americans are more likely to be treated in good faith, the answer is obvious: police officers are. If one asks whether police officers or African Americans are more likely to be treated in bad faith, the answer is also obvious: African Americans are. That point, beyond all of the other points above, is enough to dispute the claim that "Blue Lives Matter" is, as a movement, morally equivalent to #BlackLivesMatter.

The sheer complexity and extensiveness of racism in the criminal justice system is disheartening but being able to make sense of the interlocking ways in which this racism plays out has important benefits. Until we see clearly how our taken-for-granted assumptions and practices

around race actually work to harm people, we cannot be part of the solution. Once we understand the processes and mechanisms of racism or any form of inequality, in the criminal justice system or elsewhere, we have the opportunity – and the obligation – to work for a society of justice where every person can flourish, where I receive the speeding tickets that I deserve, and where every African American child can grow up safely and live in peace and joy.

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