

Psychoanalytic Perspectives on Racial Profiling

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Jeffrey Goldberg's comments in "The Color of Suspicion"¹ are comprehensive, factual, and an indictment of the racist practice of profiling. I found it fascinating and revealing to read that racial profiling had its genesis in practices by the Federal Bureau of Investigation's behavioral science unit and the Drug Enforcement Administration's encouragement of state officials to profile drug couriers. Such self-righteousness in white and black troopers who resort to profiling, when joined by the government's role in initiating profiling, leads to the uneasy sense that there is much more to profiling than meets the eye. "The Color of Suspicion" is simultaneously an indictment of the American criminal justice system and an invitation to examine that system more closely.

Oliver Wendell Holmes, Jr. described the law as "a magic mirror wherein we see reflected not only our own lives, but the lives of all men that have been." The law, as one of many important institutions

in our society, represents a persistent element in the culture that centers on fundamental human need, activity, or value; it occupies a cardinal position within society that is maintained and stabilized through human regulation. As one of the seminal institutions in our land, the law is tainted by the same racist practices that permeate all aspects of society.

Dr. Charles A. Pinderhughes,² an erudite black psychoanalyst, reflected on pro-white, anti-black paranoia (racism) and group-related paranoia. He pointed out how group members idealize themselves, bind to one another with affectionate bonds, and protect group members from their own hostility by forming aggressive bonds with outside targets. "Group members idealize and encourage in the group those body parts, products, and behaviors which are uniting, and they denigrate and discourage in the group those body parts, products, and behaviors which are disruptive."² In racist or discriminatory behavior, negative attributes are projected upon a group of individuals to reduce the aggression of group members toward one another. Pinderhughes continues: "By aggressively structuring the be-

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havior and life situations of group members and members of the target group, a contrived reality may be created which expresses and supports the delusion of evil in the target group and the delusion of purity in one's own."²

Racist practices that exist in several areas of the criminal justice system are motivated unconsciously by a false belief about evil and other negative attributes among black individuals. This trend leads to a variety of behaviors that result in a "contrived reality" that supports this false belief that whites are pure and blacks are evil. While the racial profiling referred to in the Goldberg article is one manifestation of group-related paranoia, the criminal justice system in America is replete with examples of the racist denigration of blacks.

The Honorable Bruce Wright noted in 1972 that there were 475 federal judges in America, of whom 31 were black.³ In New York State in 1987, there were 3,500 judges, of whom 80 were black. Judge Wright asked whether white judges ever consider why there are so many black defendants in criminal cases and why so few black lawyers appear before them; whether they ever inquire about the history of bar associations that used to exclude Jews and blacks or ever wonder why there are so few black judges.

The disproportionately low number of black jurists is more striking when one considers the numbers of black individuals appearing before the bench. The title of Wright's book, *Black Robes—White Justice*, is an appropriate descriptive term for a criminal justice system in which black jurists are grossly under-repre-

sented. Indeed a number of black judges have exposed many racist flaws in the justice system in the book entitled *Black Judges on Justice*.⁴ In this seminal work, the jurists discussed the inequities of race and class that have frequently stacked the deck of the justice system against blacks. For example, there are subtle but pervasive prejudices of judges and prosecutors that impact on decisions such as who receives probation and who goes to prison.

Although the number of black students graduating from law schools has increased significantly in recent decades, blacks still make up a very small minority of the lawyers working in large corporate law firms. Wilkins and Gulati⁵ show how the ways in which large corporate firms recruit and train lawyers tend both to shield discriminatory choices and to discourage black law students and lawyers from investing in skills that will enable them to succeed within corporate firms.

The tendency to define the qualifications of the expert witness vaguely and often inaccurately is not restricted to judges and attorneys. Experts themselves are equally culpable. Several years ago I was retained by a law firm as a psychiatric expert witness. The firm represented a 600-member plaintiff class of black individuals, who had brought a civil rights action in federal court, charging racial discrimination in hiring practices. The federal appellate court had found the defendant guilty of racial discrimination, and the case would ultimately be settled out of court. The experts for the defendant were all white psychiatrists, and a review of their *curricula vitae* raised

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questions as to their training and experience in the evaluation and treatment of black individuals. The experts seemed, for the most part, oblivious to the need for basic knowledge of the black experience in America. They had apparently received little formal training during psychiatric residency in matters related to ethnicity, race, and culture. Yet they described themselves as experts in the examination of black individuals.

As I noted elsewhere,⁶ "It is fascinating, but not surprising that psychiatric residents (and trained psychiatrists) assume that knowledge of psychopathology and psychodynamics of white individuals equips them to evaluate and treat black individuals; almost as if there was no difference between blacks and whites—or as if there was nothing to know about blacks. . . . Comprehensive, adequate psychiatric training should include: courses in ethnicity, culture, and race; opportunities for conducting psychotherapy with ethnically or racially diverse patients; opportunities for psychotherapy supervision with ethnically and racially diverse supervisors." This type of diverse training experience serves to produce psychiatrists who are better equipped to confront unconscious racist thoughts and feelings.

The operation of unconscious racism as well as other anti-black institutional practices are factors operative at several levels of the criminal justice system: arrest and arraignment, trial and sentencing, profes-

sional evaluation, and the appeals process. Law students, defense and prosecuting attorneys, and judges, by their ignorance of the black experience and by the intrusion of their racism into the legal process, contribute to a system of "double justice."

Racial profiling is one symptom of an intricate, widespread disease complex known as racism. Racism, regarded by many as one of the most significant public health problems in America, afflicts all institutions in our land and impacts on the criminal justice system in such a manner as to create a national preference for white skin and a denigration of black skin, leading to a series of racist institutional arrangements in which blacks are systematically excluded from the blessings and benefits of our society solely based on their race.

References

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