

# **RACIALIZED POLICING**

## **ABORIGINAL PEOPLE'S ENCOUNTERS WITH THE POLICE**

**ELIZABETH COMACK**

**FERNWOOD PUBLISHING ■ HALIFAX & WINNIPEG**

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Excerpt

# FOREWORD

Racism is a difficult concept to swallow in the twenty-first century in Canada. Racism is at the heart of everyday life for those who are victims of it, and yet it exists as a preposterous taboo from society's past to those who unwittingly perpetuate it. This book delves deep into the psyche of society's attitudes towards racism, towards the racialization of issues, social structures, and, importantly, of the police.

While exploring and analyzing interactions between the police and people of colour in Canada, Elizabeth Comack makes excellent use of statistical data to provide the reader with an insightful and informative backdrop for an understanding of racism. It is far too easy for the public, police, lawyers, prosecutors, and judges to place unmoving faith in the system of justice, particularly when we believe we have rights at our disposal, as guaranteed by the Canadian Charter of Rights and Freedoms. It is possible, on first glance, to believe that fairness and equality go hand in hand with justice and law enforcement, and it would be remarkable and wondrous if such a system did indeed exist. This book exposes the human element of justice, the attitudes and subconscious generalizations that culminate in differential justice, differential treatment, and the imbalance of socio-economic and criminal circumstances between peoples of Canada. The normalization of abuse leads to less tolerance, less recognition, and more scorn against those who try to assert any issue with the status quo.

Whether the abuse is racism, sexism, or discrimination on any other abhorrent ground, it takes a leap of faith to make the right connections between these and the behaviours of the police and, further still, courage to expose it. This is a task that we are all challenged with if we value the aspiration of a free and democratic society.

Donald E. Worme, Q.C., IPC  
November 2011, Saskatoon

# PREFACE AND ACKNOWLEDGEMENTS

The impetus for this book came from two sources. One was a study I conducted in 2008 and 2009 in collaboration with Nahanni Fontaine, justice director for the Southern Chiefs' Organization (SCO). The study was one of several I carried out as part of a larger project funded by a Social Sciences and Humanities/Community University Research Alliance (SSHRC/CURA) grant entitled "Transforming Aboriginal and Inner-city Communities," undertaken by the Manitoba Research Alliance <[manitobaresearchalliance-tiac.ca/](http://manitobaresearchalliance-tiac.ca/)>. My previous research on social justice issues, in combination with the work that Nahanni was doing as the SCO Justice Director, led us to see a pressing need to document Aboriginal people's encounters with the police with the aim of producing a collective narrative about those experiences. By publicizing the study through posters at Aboriginal organizations and an announcement on an Aboriginal radio station, we hoped to secure twenty-four interviews. Phone calls came quickly to the SCO office and my university number, and we began scheduling interviews. As it happened, the first interview occurred in June 2008 on the opening day of the Matthew Dumas inquest, which became the second impetus for the book.

Nahanni had been actively involved in supporting Matthew's family after he was tragically shot and killed by a Winnipeg police officer in January 2005. She continued that support through the course of the two-week-long inquest. I also sat through most of the proceedings, and it became evident that the inquest would not address fundamental issues relating to the impact of race and racism on policing. Indeed, in his opening statement inquest counsel Robert Tapper said that "race had nothing to do with this." As with most legal proceedings, the focus of the Dumas inquest was on individual actions and behaviours, with the result that Matthew was held responsible for his own death. That was just not good enough — the institutional and organizational nature of the policing of Winnipeg's inner-city communities, home to so many Aboriginal people, had to be brought into view.

When the Dumas inquest came to a close, Nahanni and I proceeded with our study. The interest of people in telling about their experiences with the police was beyond our expectations. We ended up with seventy-eight



interviews — and could have done even more but decided we had ample information for the study. The issue then became how best to honour the participants and their stories. We debated whether to follow our initial plan of writing up a research report, but decided on a book instead. A book would give us the space to present our findings in detail and would enable us to locate the experiences relayed to us by participants — as well as the death of Matthew Dumas — in their broader context, including the historical role of policing in the colonial project and how relations between racialized groups and the police have played out in other parts of Canada. Although our plan was to write a co-authored book, Nahanni ended up taking on a new job with the Manitoba government as a Special Advisor on Aboriginal Women's Issues for the cabinet's Aboriginal Issues Committee. So her time was limited. Fortunately, I was given an administrative leave in January 2011 from my position at the University of Manitoba, which afforded me the time to spend on the book.

Writing a book can be a solitary enterprise, with countless hours spent in front of a computer, researching and writing. That was certainly the case for this book. But the final product would not have been possible without the support, guidance, insights, and talents of a number of people.

My friend and study collaborator, Nahanni Fontaine, has taught me much about standing up for social justice and having the courage to speak out when others are so quick to judge and disparage you for your convictions.

Jessica Dumas, Matthew's sister, graciously allowed me access to the documents and other materials that had been gathered in relation to her brother's death and to interview her about Matthew's life. I recognize that reading the chapter about Matthew was not an easy experience for Jessica, and appreciate her readiness to do so and provide me with feedback.

Donald Worme has spent the better part of his life working as a legal warrior for his people. I am truly honoured that he took the time from his other commitments to write the foreword for the book.

My friend Jackie Traverse put her talents to work (once again) and produced an amazing piece of artwork for the book's cover.

Several people also took the time to read the manuscript and to provide thoughtful feedback. They include my mother and biggest supporter, Agnes Bardal Comack; my dear friend, Kirk Baldwin; my University of Manitoba colleagues Steve Brickey and Rick Linden; and Joyce Green, Professor of Political Science at the University of Regina. Special thanks are due to my friend and colleague, Jim Silver, Professor of Politics and Co-Director of the

Urban and Inner-City Studies Program at the University of Winnipeg. Jim and I have worked together on various projects now for over eight years. I have come to rely heavily on his keen insights and political sensibilities and to marvel at his energy and tenacity in working for social justice.

As a university professor I have the privilege of working with some incredibly talented students. One in particular is Evan Bowness. As my Research Assistant, Evan not only helped me with the literature review for this project, but also had the tedious tasks of making sure all the sources were in the bibliography and cleaning up my formatting mistakes.

Once again, I have the pleasure of acknowledging the folks at Fernwood Publishing: Errol Sharpe, Wayne Antony, Beverley Rach, Jessica Antony, Curran Faris, Candida Hadley, Nancy Malek, Debbie Mathers, and Brenda Conroy. This is the ninth time that I have worked with Fernwood on a book project. It is the seventh time that I have worked with Wayne Antony as my publisher. As always, I have relied on Wayne's critical thinking skills to provide me with invaluable feedback on my writing. I have also relied on the skills of Robert Clarke, who I have taken to calling "my" copy editor. Robert continues to teach me about the intricacies of the writing process and how to go about making my words more accessible.

While writing on the topic of racialized policing has been a challenging endeavour, I am ever mindful that ours is a social order in which poverty and social exclusion are all too prominent features, and that race and racism play a key role in reproducing that order. Breaking the silence on the issue of racialized policing takes great courage, and so my biggest thank you goes to the individuals who have taken the risk to tell about their encounters with the police.

## Chapter One

# RACE AND RACISM

On the early afternoon of January 31, 2005, Winnipeg 911 operators received a call about a robbery that had just occurred at a residence in East Kildonan, an older suburb of the city. The perpetrators were reported to have left the scene in a taxicab. After the police determined that the cab was headed towards Winnipeg's North End, one of the city's inner-city communities, they quickly flooded the area with officers and began doing spot checks of likely suspects. An eighteen-year-old Aboriginal man named Matthew Dumas was walking down a North End street when a police cruiser with a lone officer in it pulled up. When the officer called to him, Matthew took off and ran down a back lane. The officer followed in pursuit. Less than fifteen minutes after this first encounter, Dumas lay dying on a sidewalk. A bullet from a police-issue revolver was lodged in his abdomen.

Following normal protocol for cases in which police officers take the life of a civilian, the Winnipeg Police Service (WPS) Homicide Unit conducted an investigation into the shooting death. The investigation found no basis for criminal negligence or liability on the part of the officers involved. Some three years later an inquest was held into the death. Held over a two-week period in June 2008, the inquest proceeded in typical fashion. Civilian and police witnesses were called to testify before a provincial court judge. Several lawyers were also present — an attorney appointed to represent the Crown, counsel for the Dumas family, and counsel representing the Winnipeg Police Service. The focus of the inquest rested squarely on individual actions and the application of standard police operating procedures. The net result was that members of the Winnipeg Police Service were exonerated. Instead, Matthew Dumas was the one held responsible for his own death. The presiding judge concluded, “Mr. Dumas’ behavior and choices drove the events that led to his death on January 31, 2005.” In her report the judge also wrote that she “found nothing in the evidence to support the claim that Mr. Dumas’ death was a result of racism” (Curtis 2008: 67).

This book is premised on a counterclaim: that the death of Matthew Dumas had *everything* to do with “race” and racism. Race and racism are what brought Dumas and the police officer who shot him together in

that deadly encounter. Race and racism not only pervade the everyday lives of Aboriginal people, but also inform the wider public discourse and institutional processes — including the practices of law enforcement officers charged with policing Winnipeg’s inner-city communities. Until we acknowledge and address this reality, more Aboriginal people are at risk of encountering a fate similar to that of Matthew Dumas.\*

I do want to make clear at the outset, however, that this book is not about police bashing. Quite the opposite. Policing is an incredibly difficult and challenging job, and for the most part police officers carry out their duties with care and professionalism. Because police are one of the few state agencies that can be counted on to make house calls and are available on a 24/7 basis, the duties of patrol officers are “of a mind boggling variety” (Bittner 2005: 116). Police officers are not only called upon to attend to all manner of social problems and issues, but, as William Westley (2005: 139) observes, their job includes doing the “dirty work” of society. Officers deal with people who are in crisis, intoxicated, emotionally disturbed, injured, sick, dying, or dead — and sometimes just plain angry.

Nevertheless, policing is a controversial subject these days. It generates considerable public debate. One issue in this debate is whether or not police officers engage in *racial profiling* — that is, whether they rely on racial stereotypes to single out certain individuals and groups in society as being more suspect and therefore subject them to increased scrutiny and harsher treatment. On one side of this debate are those who argue that a person’s race is an important signifier of his or her propensity for criminal involvement, and thus the police are justified in basing their decisions and actions on racial criteria. Those on the other side of the debate suggest that the question of race should have no part to play in policing because all citizens should be treated equally by law enforcement officers. Another version of this debate is over the matter of whether individual police officers hold racist beliefs or attitudes that inform their interactions with the public. While some would contest this notion, arguing that police officers are highly trained professionals who carry out their role in an objective and neutral fashion, others point out that any racist beliefs or attitudes on

\* The critical race literature tends to place “race” in quotation marks each time the word is used as a way of drawing attention to its contested meaning. After careful consideration I have chosen to not follow this convention, but would nonetheless encourage readers to be mindful that race is a socially constructed concept with variable meanings.

the part of members of a police force are simply a reflection of the racism that prevails in the wider society and should therefore not be treated as a special area of concern.

How are we to make sense of these issues? My response is to suggest that to fully appreciate the ways in which race and racism invade the practice of policing — in other words, to understand policing as *racialized* — we need to go beyond the individual or interpersonal level and adopt a more macro or systemic perspective. While racial profiling and individual racism are significant issues and must receive attention, we need to broaden our gaze to include the ways in which race and racism play out in institutional practices and systemic processes. My aim, therefore, is to locate the death of Matthew Dumas — and Aboriginal people's encounters with the police more generally — in their broader, racialized milieu. More specifically, I utilize the notion of *racialized policing* to capture this wider context in which police carry out their work as “reproducers of order” in society.

Criminologists have paid considerable attention to police encounters with people of colour, especially in urban centres such as Toronto (Smith 2007; Tanovich 2006; Tator and Henry 2006; Wortley and Tanner 2004, 2005; Mosher 1998; James 1998, 2008; Henry 1994). Police encounters with Aboriginal people have not received the same level of scrutiny. This book represents an effort to rectify this omission. While I do necessarily consider the issue of racial profiling, my discussion focuses on Aboriginal people's encounters with the police by drawing on both the historical record of Aboriginal-police relations and contemporary cases — specifically, the shooting of J.J. Harper by a Winnipeg police officer in 1988 and the revelation of a practice known as “Starlight Tours” in the city of Saskatoon in the 2000s. In addition I draw upon interviews conducted with Aboriginal people in Winnipeg's inner-city communities. These interviews have produced a collective narrative of Aboriginal people's encounters with police that illustrates the wider context of racialized policing — and this context is crucial to a full understanding of the circumstances that led to the death of Matthew Dumas.

To undertake this investigation, though, we need first to map out the particular understandings of race and racism — and related terms such as racialization, everyday racism, and racial formation — that inform the analysis.

## UNDERSTANDING RACE AND RACIALIZATION

The notion of race is not as straightforward as it might first seem. Its meaning has changed over time. When the term first appeared in the English language in the early sixteenth century, it was used primarily to distinguish between different nation-states, such as England and France. In the English case, for instance, Anglo-Saxons were described as a “race” of people (Miles 1989: 31; Banton 1987). With the growth of scientific inquiry in the nineteenth century, race came to be understood as a means of demarcating different groups on the basis of their phenotypic characteristics (especially their skin colour). Science was used to demonstrate “not only the number and characteristics of each ‘race,’ but also a hierarchical relationship between them” (Miles 1989: 32). These biologically based categorizations soon extended to include a range of intellectual, physical, and social capabilities of each group (such as intelligence, industriousness, and criminality). As one example, social Darwinism, in conjunction with its claims of an evolutionary process of “survival of the fittest,” conceived of original races as pure and biologically determined. These supposed innate or essential “differences” between groups of people provided the basis for establishing a hierarchy of races, each having a variable capacity for “civilization” (Miles 1993: 2). Typically, white Europeans were positioned at the top of this racial hierarchy, thereby providing a justification for their supposed racial superiority and the corresponding racial inequality experienced by other racialized groups.

This view of race as a biological category or an ascribed characteristic on which difference is based informed the emerging social science disciplines, including criminology. Nineteenth-century criminologists Cesare Lombroso and William Ferrero, for instance, adopted social Darwinism to argue that criminals were primitive, “atavistic” throwbacks to an earlier stage of evolution. Atavism was associated with moral inferiority; atavists were “innately driven to act as a normal ape or savage would but such behaviour is deemed criminal in our civilized society” (Gould 1981 cited in Linden 2000: 187). In Lombroso and Ferrero’s view, Black people constituted an “inferior race.” Because they supposedly had not advanced as far along the evolutionary continuum, Black people were considered to be more prone to the “savagery” represented by criminal activity.

During the first half of the twentieth century, advances in scientific knowledge demonstrated conclusively that the world’s population could not legitimately be categorized into distinct, biologically based racial groups (Miles 1989; Miles and Torres 2007). Nonetheless, the idea of race con-

tinued to hold strong purchase in public discourse. The term became part of common-sense understandings, as both a way of demarcating groups of people on the basis of features such as skin colour, culture, religion, and language, and a way of indicating corresponding ways of acting on these distinctions.

Several writers argue that because the concept of race has been so soundly disproven to be a distinct, biologically based entity — that is, that there are no “races” per se — then our focus should be on the meanings that are attached to it. In other words, race is not a biological category but a *social construction*. Viewing race as socially constructed — in effect, as a discourse or way of making sense — draws attention to its variable social meanings and to the social relations reproduced in the process. As Robert Miles (2000: 137) notes, race is “an idea created by human beings in certain historical and material conditions and is used to represent the world in certain ways.” The idea of “race,” then, is one of the ways (gender is another) in which individuals are differentiated from each other.

In Miles’s (1989: 75) terms, differentiating between people on the basis of race is to engage in a process of *racialization*: “those instances where social relations between people have been structured by the signification of human biological characteristics in such a way as to define and construct differentiated social collectivities.” Racialization, therefore, involves the production of difference; it is the process of constructing racial categories, identities, and meanings. With its root in a verb as opposed to a noun, racialization has the advantage of shifting the focus from the people being racialized to those *doing* the racializing. As George Dei (2009: 237) explains, “The process of racializing is thus external and strategic, and it is not the responsibility of the person who is targeted.” Emphasis is on the doing or making of difference rather than the categories of difference in and of themselves. Attending to this process of racializing leads to yet another set of questions. Why do particular meanings of race become socially significant, and what are the historical and contextual processes and practices through which individuals, groups, and nations become racially differentiated?

Engaging in racialization, recognizing difference between people, does not in and of itself constitute a problem. Difference can be acknowledged and celebrated without imposing hierarchy. Rather, it is the attachment of negative meanings to this difference that is problematic. In these terms, the idea of race becomes *ideological* when it is used as a rationalization for the dominance of one racial group over another (Miles 2000: 137); in other words, when it is used to promote racism.

*Racism and Othering*

Miles (1989) defines *racism* as “ideas that delineate group boundaries by reference to race or to real or alleged biological characteristics, and which attribute groups so racialized with other negatively evaluated characteristics.” But more than this, racism is a social practice connected to *power*; it is the use of racial categories to define an Other. The idea of race, in this sense, is an effect of power. This effect is evidenced when the process of racialization becomes a “representational process of defining an Other” (Miles 1989: 75).

It is when racialization involves “Othering,” then, that racism occurs. At its core, this process of Othering entails establishing a binary between Us and Them. As Stuart Hall (1997: 258) elaborates, the practice “facilitates the ‘binding’ or bonding together of all of Us who are ‘normal’ into one ‘imagined community’; and it sends into symbolic exile all of Them — ‘the Others’ — who are in some way different — ‘beyond the pale.’” Othering, therefore, is the exercise of a particular form of power by those who are racially privileged. Allan Johnson (2005: 103) explains “privilege” as a position that “grants the cultural authority to make judgments about others and to have those judgments stick. It allows people to define reality and to have prevailing definitions of reality fit their experience. Privilege means being able to decide who gets taken seriously, who receives attention, who is accountable to whom and for what.”

Drawing attention to racial privilege — to the ability to make judgments about Others “stick” — showcases how those on the privileged side of the “Us versus Them” dualism are able to avoid such markings. In other words, in societies in which white people are the dominant group, whiteness goes unmarked. Whiteness becomes the unacknowledged norm or standard by which all Others are measured. As Richard Dyer notes:

Research... repeatedly shows that in Western representation whites are overwhelmingly and disproportionately predominant, have the central and elaborated roles, and above all are placed as the norm, the ordinary, the standard. Whites are everywhere in representation. Yet precisely because of this and their placing as norm they seem not to be represented to themselves as whites but as people who are variously gendered, classed, sexualized and abled. At the level of racial representation, in other words, *whites are not of a certain race, they're just the human race.* (Dyer 1997: 3; emphasis added)



According to this viewpoint, racism comes to be understood as a particular discourse or ideology that offers an explanation of how the world works. Racism organizes, preserves, and perpetuates the power structures of a society (Henry et al. 2009); it rationalizes, legitimizes, and sustains patterns of inequality (Barrett 1987: 7). Hall explains, racist ideas are “not a set of false pleas which swim around in the head. They’re not a set of mistaken perceptions. They have their basis in real material conditions of existence. They arise because of concrete problems of different classes and groups in society. Racism represents the attempt ideologically to construct those conditions, contradictions, and problems in such a way that they can be dealt with and deflected in the same moment” (Hall 1978: 35).

Racism, therefore, involves more than just holding particular negative beliefs or attitudes about certain groups in society or acting towards individuals on the basis of racial stereotypes. Racism has a systemic basis. Racist discourse not only has its basis in material conditions but is also supported by — and reinforces — institutional and social practices in society that privilege certain racialized groups over the Others.

Racism does not exist in isolation from other social relations; specifically, those based on gender and class. In combination, race, gender, and class provide the basis for our location in society; they are also factors that mediate our experiences. Speaking about the connections between race and gender, for instance, Patricia Monture-Angus (1995: 177–78) comments, “It is very difficult for me to separate what happens to me because of my gender and what happens to me because of my race and culture. My world is not experienced in a linear and compartmentalized way. I experience the world simultaneously as Mohawk and as woman . . . . To artificially separate my gender from my race and culture forces me to deny the way I experience the world.”

Rather than as compartmentalized or additive factors, then, race, gender, and class need to be understood as interlocking features of our social existence; they operate in relation to each other and inform people’s perceptions, interactions, and experiences.

### *Everyday Racism*

Racism occurs at the level of everyday experience — that is, as people go about their daily lives. While individuals vary in their situations and the conditions they face (for instance, according to their race, gender, and class positioning in society) and over their life spans (the experiences of young people may well be different from those of adults), one defining feature of