

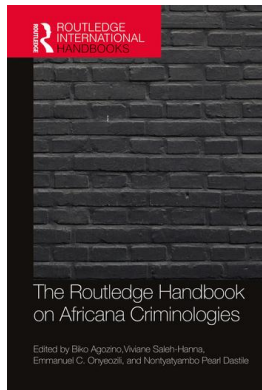
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THE CRIMINOLOGY OF W.E.B. DU BOIS

O. Oko Elechi

Introduction

W.E.B. Du Bois's body of work, particularly *The Philadelphia Negro*, was one of the first criminological studies undertaken that gave insight into the relationship between culture, social and economic environment, and criminal behavior. It also highlighted how race and power intersect with societal responses to deviant behavior. Moreover, his research findings, which were strongly supported by relevant empirical evidence, challenged the prevalent thinking of the time that peoples of African descent were culturally and intellectually inferior to other races and therefore accounted for their overrepresentation in criminal behavior. His work is also important to the understanding of how race and racism shape the experiences of people of African descent and their relationship with others, especially how their self-perception impacts their social and economic performance. The purpose of this chapter is, therefore, the review of the seminal works of Du Bois, especially his contribution to the science of criminology, his African perspectives on crime and justice, and his pioneer role as a scholar-activist.

Du Bois's contribution to the understanding of crime and criminality cannot be overstated. He used his platform as an academic, politician, and civil rights activist to bring attention to the role politics and social and economic conditions play in deviant behavior and the individual's perception of self. A major focus of Du Bois's study was how racism negatively impacted the life and culture of the African American community. He observed through his research that racism made it difficult for African Americans to fully integrate and actively participate in the political, social, and economic activities of America. He was the first scholar to bring to light the discriminatory policing in America, especially the over-policing and under-policing of African American communities. His research and public enlightenment campaigns transformed the way African American peoples' lives and economic performance were understood. His civil rights activism and writings contributed in no small

measure to the emancipation of the African people and their decolonization; hence, many regard him as the Father of Pan Africanism. In addition to his contributions to the study of race and crime in America, he was also the first to lay the foundation for the study of conflict and socio-ecological criminology.

A brief introduction to the life and history of this intellectual and civil rights powerhouse is imperative. William Edward Burghardt Du Bois was born over 150 years ago, on February 23, 1868. His birth coincided with the fifth anniversary of the abolition of slavery. His birthplace was Great Barrington, Massachusetts. His parentage was mixed: namely African, French, and Dutch ancestry. His father left when he was two years old. He was therefore raised alone by his mother in Barrington, a small town that was predominantly White. There was racial harmony in this town such that Du Bois grew up relatively sheltered from racism. However, racism did rear its ugly head early in Du Bois's life in his grade school when one of his classmates openly showed prejudice towards him. This experience was a rude awakening to who he was as a Black person in America experiencing oppression and being treated differently. Du Bois described the incident as follows:

In a wee wooden schoolhouse, something put it into the boys' and girls' heads to buy gorgeous visiting-cards – ten cents a package – and exchange. The exchange was merry, till one girl, a tall newcomer, refused my card – refused it peremptorily, with a glance. Then it dawned upon me with a certain suddenness that I was different from the others; or like, mayhap, in heart and life and longing, but shut out from their world by a vast veil.

(Du Bois 2003: 4)

This, according to him, thrust him into the “negro” question and his devotion to the study of the

struggles of the massed millions of the black peasantry, and in another have sought to make clear the present relations of the sons of master and man. Leaving, then, the white world, I have stepped within the Veil, raising it that you may view faintly its deeper recess – the meaning of its religion, the passion of human sorrow, and the struggle of its greater souls.

(Du Bois 1903: xli-xlii)

His study of the African American lived experience was from two standpoints – from the perspective of a social scientist and lived experience. Du Bois sought to bring attention to the psycho-social effects of structural racism and “the veil” and “double-consciousness” it generates on African Americans. It is worth reiterating that the generally peaceful relationship that existed between the dominant White residents of the city of Great Barrington and its minority African Americans made it possible for Du Bois's mom to have ample opportunities for employment through the support of the White elites of the city.

Du Bois was a brilliant student and was the first person in his extended family to go to high school, upon the insistence of his mother. By 1883, Du Bois was already

writing articles for major newspapers such as the *New York Globe* and the *Freeman*. Despite his brilliance, he lacked the resources to attend Harvard and therefore sought admission to Fisk University in Nashville, Tennessee, a historically Black college, in 1885. He started as a sophomore, through the financial support of the members of some of the churches in Great Barrington. In 1888, Du Bois graduated with a BA from Fisk University. He delivered the commencement address at the university that year. His speech focused on the life and political philosophy of Otto von Bismarck, chancellor of the German Empire from 1871 to 1890. He was also the editor of the Fisk University student magazine, the *Herald*.

Du Bois was admitted into Harvard University in 1888 as a junior. He graduated cum laude with a BA in philosophy in 1890. He also delivered the commencement address, which centered on the life and politics of Jefferson Davis, the president of the Confederate States from 1861 to 1865. By 1892, Du Bois had received a grant from the Slater Fund to undertake a doctoral study at Friedrich Wilhelm University, Berlin. He returned to the United States when his grant ran out and took a job teaching classics at Wilberforce University in Ohio. He also continued his doctoral study at Harvard University and was awarded a PhD in history in 1895. He was the first African American to receive a PhD from Harvard University. Du Bois's doctoral dissertation was titled "The Suppression of the African Slave Trade to the United States of America, 1638–1870." His doctoral thesis was later published as a book in 1896 as the foundational text of the Harvard University Press Historical Studies series.

Du Bois's criminological studies

The Philadelphia Negro: A Social Study

Following Du Bois's appointment as temporary assistant instructor in sociology at the University of Pennsylvania in 1897, he embarked on a study to discover the social conditions that accounted for the poor performance of the "Negros" at the time and also their overrepresentation in crime statistics. His study challenged the widely held beliefs at the time that African Americans' culture and inferior race were responsible for their poor social and economic performance. His findings, which were empirically supported by his study, unequivocally argued that historical and present oppression of African Americans was responsible for their performance and that lack of conventional opportunity can explain their involvement in deviant behavior. "The Philadelphia Negro" was a major criminological study that focused on African Americans undertaken by Du Bois. The study was carried out between August 1896 and December 1897. The book *The Philadelphia Negro: A Social Study* was published in 1899 by the University of Pennsylvania Press.

To undertake the study, Du Bois and his wife relocated to the Seventh Ward of Philadelphia. He hired a research assistant, Isabel Eaton. The study entailed mapping out the areas where African Americans lived, including their churches, schools, and businesses. Going from door to door, they were able to conduct over 5,000 personal interviews. He also carried out archival research, including census data of African Americans in the city, which included the occupations, ages, genders, and places of

birth of the respondents. The neighborhood study covered the areas from Spruce to South Street and from Seventh Street to the Schuylkill River. The neighborhood under study was quite diverse, with some of the subdivisions occupied by affluent Whites. Affluent African Americans resided in one section of the city. One section of the city was occupied by both poor Whites and African Americans. The ghetto at the eastern side of the city was dominated by very poor African Americans.

Findings from the study showed a neighborhood with considerable diversity. It also revealed economic and educational advancement but subsisting illiteracy, abject poverty, and crime. Above all, the study findings revealed extensive racial prejudice against African Americans, especially the form of the prejudice. The study research findings revealed that African Americans in the city were denied the opportunity to work, notwithstanding their education, skills, and work experience. The only jobs available to them were menial work and work as a servant. African American teachers were limited to teaching only in the very few Black schools that were available. African American artisans could not get jobs from the White residents and were also denied the opportunity to join trade unions. African American women fared even worse as they could only find jobs as domestic servants, seamstresses, or stay-at-home moms. White supremacist theories like eugenics were often the basis for denying African Americans jobs and social inclusion. Du Bois's research findings in the "Philadelphia Negro" study challenges these views. As Hanson has rightly observed, "Countering the pseudo-scientific racism of eugenics, Du Bois insisted that the problem of crime within the Black community was the by-product of the discriminatory social conditions that were the legacy of slavery and racial prejudice" (2010: 55). The research findings from this study, according to Hanson, anticipated the conflict and social disorganization theories. Moreover, Hanson observed that "his sociological observations about the gaping disparity between white and Black groups in American society created a platform for future discussions surrounding equality and social inclusion for the Black community" (*ibid.*).

Du Bois's doctoral dissertation, titled "The Suppression of the African Slave-Trade to the United States of America, 1638–1870," which was published as a book in 1896, was another major contribution to criminological thought. Du Bois's study was the first sociological work to draw attention to the impact that slavery had on the economic performance of African Americans and their involvement in criminal behavior. He illustrated through his data the relationship between social injustice and oppression and their impact on the self-perception and moral lassitude on society, especially for African Americans. He observed that oppression bred deviance among African Americans. For example, discriminatory and harsh punishment, lynching, and the convict-lease system were responsible for some of the rebellions he observed among African Americans accused of crime. As was to be expected, these rebellious acts only produced harsher punishments from the criminal justice system. Du Bois's doctoral dissertation further highlighted the relationship between slavery, capitalism, global inequity, and oppression. His findings further made him understand the struggles of Africans and Asians under European colonialism and how that compromised

the international moral order for financial gains. Hanson rightly observed that Du Bois, through his doctoral dissertation,

formulated a hypothesis concerning the illicit trafficking of people as goods, exposing the connection between global markets and the crimes of the powerful. Additionally, this corrosive situation sowed the seeds for a critical theory of race, in America and beyond, by extending the platform for the discussion of racial identity and discrimination.

(2010: 54)

Du Bois started laying the foundation for the role he played later in his political and academic careers from a very young age. As a highly perceptive youth, he could see the relationship between the socio-economic conditions of his community and deviant behavior. Du Bois, according to Gabbidon (2001, 2007), through his letter to the *New York Globe* newspaper as a fifteen-year-old, showed remarkable understanding of the effect of alcohol abuse on human behavior. He also recognized that the exclusion of African Americans in the organizations that regulated alcohol production and distribution was harmful to his community of Great Barrington, Massachusetts. Du Bois (1883/1996), as cited in Gabbidon (2001: 582), stated:

the Citizens of the town are forming a Law and Order Society to enforce the laws against liquor selling which have been sadly neglected for the past year or two. It would be a good plan if some of the colored men should join it." Gabbidon further highlighted another incident that may have exposed the youthful Du Bois to the unequal application of justice in America. As a boy, he and other boys his age were caught stealing grapes from the orchards of one of the elites of the city. But for the intervention of his principal, the judge had remanded him in the state reform school, which may have altered his life outcome. He observed rightly that the only reason that the judge took such a harsh action against him was because the victim of the fruit theft was a prominent member of the community. He noted that it was common for boys of the community to pluck or pick fruits for personal consumption from the orchards in the community without the intervention of the criminal justice system. A cursory reading of punishment in America shows that when the victim of a crime is white or upper class, the perpetrator is more likely to get the book thrown at him or her. Du Bois probably was one of the first to reveal this discrepancy and unequal application of the law in America. This sociological fact was one of his findings in his study of "The Suppression of the African Slave Trade to the United States of America: 1638–1870" which was later published by Harvard University. This study revealed the laxity in the enforcement of the international law against the slave trade. As he demonstrated through his study, despite the fact that there was an international law against the slave trade, there were few people arrested for violating the law. This shows that those entrusted with the

authority to enforce this law lacked the interest and commitment required to effectively enforce the law, because the state agencies shared the interests and aspirations of the corporations who were engaged in the slave trade.

Gabbidon (2001, 2007), who has undertaken an extensive review of Du Bois's contributions to the study of crime, identified Du Bois's two major approaches to understanding crime in America: "first, those crime-related publications either exclusively devoted to crime or those writings found in publications devoted to broader topics but providing insights into crime" (2001: 584). Gabbidon further categorized Du Bois's study of crime into that focusing on crime and criminality in the Northern parts of America and, later, that focusing on the Southern part of America. It would seem that Du Bois recognized that, through his study of crime and criminality, he would bring attention to the condition of the African American. As he rightly observed, "that the appearance of crime among Southern Negroes is a symptom of wrong social conditions – of a stress of life greater than a large part of the community can bear" (Du Bois 1901, as cited in Gabbidon et al. 2002: 88). It could also be argued that Du Bois was partly motivated to challenge the prevailing view of the African American at the time by the promoters of the eugenics movement, which raised questions about the full humanity of the African American and related that to their overrepresentation in criminal behavior. Furthermore, he sought to fill the gap in the literature on crime in America. As he noted in one of his writings, "it is extremely doubtful if any satisfactory study of Negro crime and lynching can be made for a generation or more, in the present condition of public mind, which renders it almost impossible to get at facts and real conditions" (Du Bois 1898/1982: 49). Du Bois therefore undertook the study of crime and criminality to provide context to why some African Americans might be involved in criminal behavior.

In *The Philadelphia Negro* (1899/1973), Du Bois described how the African Americans escaping the Jim Crow laws in the South migrated to the Northern states in search of a better life. Unfortunately, in some cases, the conditions they met were worse than the ones they were running away from in the South. Some of them lacked the education and skills required to secure jobs in the new industries in the North. In addition, the new immigrants were not familiar with the new environment and the culture. Racism and discrimination further compounded their conditions such that some of them had no choice but to resort to deviant behaviors for survival. The social disorganization theories that explained criminal behavior in Chicago at the turn of the century would further underscore this sociological phenomenon. Du Bois was also concerned with the disparities in the enforcement of the law. For example, African Americans were "arrested for less cause and given longer sentences than whites. Great numbers of those arrested and committed for trial were never brought to trial so that their guilt could be proven or disproven" (Du Bois 1899b/1973: 239).

The disproportionate number of African Americans in the prisons, according to Du Bois, also has more to do with the discriminatory treatment they received in the courts. Lenient treatments were often meted to wealthy and White suspects in the courts. On the other hand, African American suspects were rarely given fair treatment. In American courts, according Du Bois, "the rich are always favored somewhat

at the expense of the poor, the upper classes at the expense of the unfortunate classes, and whites at the expense of Negroes” (1899b/1973: 249). Du Bois was also one of the first to draw attention to a type of crime that received little or no interest from either the criminal justice system or the public: white-collar crime. Du Bois identified forgery, embezzlement, fraud, and other types of white-collar crime as crime problems that are rarely addressed. On the other hand, according to Du Bois, street crimes often committed by the poor and minorities were more likely to attract harsh punishments, while white-collar crime perpetrators were treated leniently by the criminal justice system. The public, according to him, also perceived white-collar criminals as less harmful.

In *The Philadelphia Negro*, Du Bois also addressed the issue of political corruption. This organized crime, according to Du Bois, was how the political power brokers traded jobs and other valuables for African American votes. The perpetrators of this form of organized crime included law enforcement officials, politicians, and other political and social elites who employed intimidation and bribery to deny African Americans their right to vote for the candidate of their choice.

The convict-lease system in the South

The convict-lease system was another ploy by the political and economic elites to replace slavery with free labor. This system of punishment was mostly prevalent in the Southern states that sought ways to replace the free labor of slavery. As Du Bois rightly observed in *The Spawn of Slavery: The Convict-Lease System in the South* (1901), African Americans were generally controlled by their masters on the plantations during the slave era. When a slave was involved in a deviant or criminal behavior, it was up to the master and owner what punishment he chose to mete out to the offender. However, with the end of slavery and the loss of free labor for the plantation owners, they quickly enacted laws to enhance their control of the African American and also extort their labor freely. The state, it seemed, was a willing participant and so enacted laws that stripped convicted African Americans of their freedom. As Du Bois (1901: 84–85) stated:

The result of this was a sudden large increase in the apparent criminal population of the Southern states – an increase so large that there was no way for the state to house it or watch it even had the state wished to. And the state did not wish to. Throughout the South laws were immediately passed authorizing public officials to lease the labor of convicts to the highest bidder. The lessee then took charge of the convicts – worked them as he wishes under the nominal control of the state. Thus a new slavery and slave-trade was established.

Gabbidon (2001, 2007) described how the courts applied the Black Codes to subjugate African Americans to labor without pay after slavery was abolished. He also described how the White mobs used lynching during the post-reconstruction era to control and retaliate against African Americans suspected of a crime. Lynching

was not only wrong, according to Du Bois. It was not an effective strategy for social control. It also produced an unintended effect – that of sympathy for suspects rather than the loathing that heinous crimes typically generated amongst the populace. Du Bois (1899a/1982: 50) described this power abuse and another form of barbaric social control often used with the tacit approval of the state as follows:

Let a Negro be simply accused of any crime from barn-burning to rape and he is liable to be seized by a mob, given no chance to defend himself, given neither trial, judge nor jury, and killed. Passing over the acknowledged fact that many innocent Negroes have thus been murdered, the point that is of greater gravity is that lawlessness is a direct encouragement to crime. It shatters the faith of the mass of Negroes in justice; it makes race hatred fiercer; it discourages honest effort; it transforms horror at crime into sympathy for the tortured victim; and it binds the hands and lessens the influence of those race leaders who are striving to preach forbearance and patience and honest endeavor to their people. It teaches eight million wronged people to despise a civilization which is not civilized.

(cited in Gabbidon 2001: 587–588)

Lynching and the segregation laws, according to Du Bois, further undermined community bonds and integration. The practices promoted racial hatred and friction. One other consequence of the lynching practices and segregation laws was that they drove African Americans to criminal behavior. They generated anger and hopelessness within the African American community. It made it harder for them to trust the legal system and have respect for the dominant White population.

Another noteworthy study undertaken by Du Bois of criminological importance was the surveys he carried out as the editor of and major contributor to the *Atlanta Journal* as a professor at Atlanta University. Du Bois (1904) surveyed some of the residents of Atlanta, including police chiefs, government officials, and Black and White residents. The focus of the study was understanding people's perception of crime – whether it was increasing or decreasing – and their opinion of the justice system – whether it was fair and equitably applied to every citizen. Moreover, it sought the opinion of police chiefs and the White community regarding whether African Americans were more involved in criminal activity or not and also the perception of African Americans regarding the fairness of the justice system.

Du Bois's (1896) doctoral thesis at Harvard University, titled "The Suppression of the African Slave Trade to the United States of America, 1638–1870," which was later published as a book by the Harvard Historical Studies Series in 1896, drew attention to the international crime of slavery. Again, Du Bois, through his activism as a member of the NAACP, drew attention to the suffering of the African people under colonialism. As the editor of the NAACP publication *The Crisis*, he wrote extensively, highlighting the human rights violations and oppression of the African people. His work on the decolonization of Africa laid the foundation for the future studies and understanding of the criminogenic nature of colonialism. As Biko Agozino (2019: 6) has rightly observed, colonization deserves more focus by criminologists uncover the

crime and inhumanity inherent in colonization. Agozino captured the phenomena rather succinctly:

[D]ecolonization is a matter of social justice under the assumption that the invasion, kidnapping, enslavement, and mass murder of Indigenous peoples represent organized crimes against humanity and so, decolonization should be at the core of criminological theory rather than be ignored, excluded or relegated to the margins. I argue that it is in the interest of humanity and of criminologists to decolonize the entire world and the discipline of criminology because it is dangerous for any discipline to evade major developments that are relevant to the core subjects of the discipline.

Du Bois was an extraordinary pioneer civil rights activist, politician, sociologist, and academic. His writings from the foregoing laid the foundation for criminological studies, especially from the African American perspective. From a very young age, through his writings as a youth to national newspapers and accounts of his experiences growing up in America, he drew attention to the problem of crime in his community, especially as it reflected the prevailing social, economic, and political conditions of America. His study *The Philadelphia Negro* (1899), for example, was a detailed empirical study of crime and criminality in Philadelphia. Through interviews and analysis of census data, he examined the problem of crime in the Black neighborhoods of Philadelphia.

Du Bois's other writings of general interest, including *The Souls of Black Folk*, which was a collection of essays, examined the experiences of being Black in America. In exploring the concept of double-consciousness, Du Bois explained how the average Black person in America views themselves, how the White world perceives them, how that impacts their involvement in crime, and the differential treatment they get from the criminal justice system. Realizing the relationship between structural racism and criminality, he spearheaded the struggle for equal rights and economic justice for African Americans. Du Bois's body of work – academic, political, and social activism – examined the problem of slavery, colonialism, structural racism, an oppressive criminal justice system, impact on the behavior of African Americans, and how the general public and the criminal justice system respond to that. Du Bois's work could be said to have laid the foundation for the understanding of the relationship between environment and criminal behavior: how the societal and criminal justice response could exacerbate the problem of crime and criminality.

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